

# **THE AMERICAN LEGION, DEPARTMENT OF WYOMING**

## **CONSTITUTION**

### **PREAMBLE**

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

### **ARTICLE I**

#### **NAME**

Section 1. The name of this organization shall be The American Legion, Department of Wyoming, with its principle offices located in the City of Cheyenne, State of Wyoming.

### **ARTICLE II**

#### **NATURE**

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

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

Section 3. Each member shall perform his/her full duty as a citizen according to his/her own conscience and understanding.

### **ARTICLE III**

#### **ORGANIZATION**

Section 1. **COMPONENTS.** The American Legion, Department of Wyoming shall be organized as a Department of The American Legion (a corporation organized under an Act of Congress) and be divided into districts and posts, and such intermediate bodies between the districts and posts as may be deemed advisable by the Department Executive Committee.

Section 2. **DEPARTMENT.** The American Legion, Department of Wyoming shall be composed of the districts and posts within the State of Wyoming provided or permitted by this constitution.

Section 3. **DISTRICT 1.** District 1 shall consist of the counties of Lincoln, Teton, Sublette, Uinta and Sweetwater.

Section 4. **DISTRICT 2.** District 2 shall consist of the counties of Converse, Niobrara, Platte and Goshen.

Section 5. **DISTRICT 3.** District 3 shall consist of the counties of Natrona and Fremont.

Section 6. **DISTRICT 4.** District 4 shall consist of the counties of Big Horn, Park, Washakie and Hot Springs.

Section 7. **DISTRICT 5.** District 5 shall consist of the counties of Sheridan, Johnson, Campbell, Crook and Weston.

Section 8. **DISTRICT 6.** District 6 shall consist of the counties of Laramie, Albany and Carbon.

## **ARTICLE IV ELIGIBILITY**

Section 1. Any person shall be eligible for membership in The American Legion who was a member of the Army, Navy, Marine Corps, Coast Guard, Merchant Marine, or Air Force of the United States and assigned to active duty at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; February 28, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to Jan 31, 1990; August 2, 1990, to the date of cessation of hostilities as determined by the Government of the United States, all dates being inclusive, or being a citizen of the United States at the time of his/her entry therein, served on active duty in the armed forces of any of the Governments associated with the United States during any of said periods; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any of said periods; provided further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

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

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

Section 4. No person, who has been expelled by a post, shall be admitted to membership in another post, without the consent of the expelling post, except that where such consent has been asked for and denied by such post, they may then appeal to the Executive Committee of the department of the expelling post for permission to be admitted to membership in another post, and shall be ineligible for membership until such permission is granted.

Section 5. (A) **ELIGIBILITY TO HOLD OFFICE.** Any paid-up member in good standing of a Post in the Department of Wyoming may be elected or appointed to any office in the Department of Wyoming, except as otherwise provided herein.

(B) **Documentation of Honorable Service**

No person shall be eligible for any office in The American Legion, Department of Wyoming, or any District thereof as enumerated in Article IV, Section 1, Article IV Section 4, or, Article VIII Section 2 (A) of this Constitution, nor if elected or appointed shall such person continue to hold such office, unless within thirty (30) days after such election or appointment such person shall have furnished proper and satisfactory evidence of honorable service, complying with Article IV, Section 1 of this Constitution, to the Department Adjutant. No person shall be eligible for any office in any Post in The American Legion, Department of Wyoming, nor if elected or appointed shall such person continue to hold such office, unless within thirty (30) days after such election or appointment such person shall have furnished proper and satisfactory evidence of honorable service, complying with Article IV, Section 1 of this Constitution, to the Post Adjutant.

## **ARTICLE V DEPARTMENT CONVENTION**

Section 1. The legislative body of The American Legion, Department of Wyoming, shall be the Department Convention, to meet annually at such time and place as the preceding Department Convention shall fix and determine; provided, if said Department Convention shall not fix the time and place, the same shall be fixed and determined by the Department Executive Committee; and, provided further, in case of emergency (declared by the Department Commander or the Department Executive Committee to exist), the time and place of a Department Convention fixed and determined by a Department Convention may be changed by the Department Executive Committee.

Section 2. The Department Convention shall be composed of two delegates and two alternates from each Post, and each Post shall be entitled in addition to one delegate and one alternate for each fifteen (15) members, or fraction thereof. For the purpose of determining the membership of each Post with respect to this section, its membership shall be considered to be the number of members whose dues have been paid and received by the Department Adjutant thirty (30) days prior to the date of the Department Convention. Each delegate shall be entitled to one vote. Voting by proxy will not be permitted, and the vote of any delegate absent and not represented by an alternate shall be cast by the majority of delegates present from their Post. Alternates shall have all the privileges of delegates, except the right to vote when the delegates for whom they are alternates

are present at the Department Convention.

Section 3. Each Post shall elect its delegates and alternates in such manner as its constitution or by-laws prescribe, and the names and addresses of the delegates and alternates shall be furnished to the Department Adjutant prior to the seating of the delegates at the Department Convention.

Section 4. If any Post shall fail to furnish the Department Adjutant with such names and addresses as herein required, or shall fail to furnish the Department Adjutant with the certification of its officers, as required by Article IX, Section 7, of this constitution, its delegates shall not be seated at the Department Convention.

Section 5. Each past Department Commander of the American Legion, Department of Wyoming, provided he/she is a member in good standing of a Post in the Department, shall be a delegate to each Department Convention, and the names of each past Department Commander entitled to vote shall be called upon individually at such conventions.

Section 6. A quorum of the Department Conventions shall consist of a minimum of one delegate or alternate from the majority of the Posts present with valid Credentials submitted.

Section 7. Unless otherwise provided for within the resolution or convention mandate, all resolutions and convention mandates adopted by the Department Convention shall remain in effect until properly carried out or disposed of by action of a Department Convention.

Section 8. All resolutions requiring action by the Department Convention must be submitted as provided for in Article IV of the By-Laws of the Department of Wyoming.

Section 9. Any proposal for the direct allocation of expenditure of funds by the Department Convention must be submitted in writing, and read to the Convention at least twenty-four (24) hours before the vote thereon.

Section 10. Except as may be otherwise provided for by the Department Convention, the conduct of the Department Convention shall be governed by Robert's Revised Rules of Order.

## **ARTICLE VI DEPARTMENT OFFICERS**

Section 1. The officers of the American Legion, Department of Wyoming, shall be a Department Commander, a Department Vice Commander, a Department 2<sup>nd</sup> Vice Commander, a Department Finance Officer, a Department Chaplain (appointive), a Department Adjutant (appointive), an Assistant Department Adjutant (appointive), a Department Judge Advocate (appointive), a Department Service Officer (appointive), an Assistant Department Service Officer (appointive), a Department Historian (appointive) and a Department Public Relations Officer (appointive); provided that the offices of Department Adjutant and/or Assistant Department Adjutant and Department Service Officer and/or Assistant Department Service Officer may be combined and held by one person or persons whenever ordered or directed by a majority vote of either the Department Convention or of the Department Executive Committee; provided further that the offices of Assistant Department Adjutant and Assistant Department Service Officer need only be filled upon the determination of the need thereof by the Department Commander with the advice and consent of the Department Executive Committee.

Section 2. The Department Convention shall elect a Department Commander, a Department Vice Commander, a Department 2<sup>nd</sup> Vice Commander, and a Department Finance Officer. They shall hold office and serve until the adjournment of the succeeding Department Convention following their election and until their successors are duly elected and qualified; provided, that no person shall be eligible for re-election to the office of Department Commander, Department Vice Commander or Department 2<sup>nd</sup> Vice Commander.

Section 3. The above enumerated elective officers must be regular members of a Post within the Department of Wyoming, in good standing, and must have been residents of the State of Wyoming for at least one year next preceding the date on which said candidates are placed in nomination.

Section 4. At the 1958 Department Convention, and at the Department Convention in each alternate year thereafter, the Department Convention shall elect one National Executive Committeeman and one Alternate National Executive

Committeeman, each to serve for a term of two years, and until their successor has been elected and qualified.

Section 5. In the event of the death, resignation, or the disability of the National Executive Committeeman, (declared by the Department Executive Committee), the Alternate National Executive Committeeman shall become the National Executive Committeeman for the balance of the term then remaining, and the Department Executive Committee shall then elect an Alternate National Executive Committeeman to serve for the balance of the term then remaining, provided, that if the vacancy occurs before the Department Convention held in the first year of the two-year term, the election by the Department Executive Committee shall be for a term ending immediately upon adjournment of such Convention and the said Convention shall elect an Alternate National Executive Committeeman to serve for the balance of the term then remaining.

Section 6. Any qualified candidate receiving the majority of all votes cast for a particular office shall be declared elected to that office.

Section 7. The Department Adjutant and the Department Service Officer shall be employed by the Department Executive Committee and shall thereafter be titled administrative employees. The Department Commander shall accept applications for vacant positions and make recommendations for employment to the Department Executive Committee. Employment will be contingent upon a two-thirds (2/3) majority affirmative vote of the entire Department Executive Committee membership. After elections by the Department Executive Committee, employment will be on the basis of continuing tenure. Continuing tenure shall be defined as continuing in office until removal by the Department Executive Committee, by resignation, or termination by natural causes. No administrative employee shall be removed from his/her position, except by majority vote of the entire Department Executive Committee, after a hearing has been conducted by the Department Executive Committee wherein the administrative employee shall be given an opportunity to present his/her case.

Section 8. Effective June 19, 1976, compensated employees of The American Legion, Department of Wyoming, shall be granted annual leave (vacation) at the end of a full year's employment at the rate of two (2) weeks for employees with less than five (5) years service and one (1) additional week for each five (5) years service thereafter, with a maximum of four (4) weeks leave (vacation), provided, however, employees may not accumulate more than one (1) year's leave (vacation).

Section 9. Effective August 1, 1971, compensated employees shall accumulate sick leave at the rate of eight (8) hours per month to be credited upon the completion of a full month of employment, provided, however, employees may not accumulate more than ninety-six (96) hours of sick leave.

Section 10. The Department Judge Advocate, the Department Chaplain, the Department Historian and the Department Public Relations Officer shall be appointed by the Department Commander, and they shall hold office until their successors have been appointed and qualified.

Section 11. Unless otherwise provided for, the Department Commander shall have power to fill vacancies among the Department offices occurring between regular convention dates. The person selected shall serve the balance of the term of the officer he/she succeeds. If any Department officer shall cease to reside in the State of Wyoming, the Department Commander or the Department Executive Committee may declare that office vacant, and fill the same as herein provided.

## **ARTICLE VII**

### **DEPARTMENT EXECUTIVE COMMITTEE**

Section 1. The voting members of the Department Executive Committee shall be the Department Commander, the immediate Past Department Commander, the Department Vice Commander, the Department 2<sup>nd</sup> Vice Commander, the Department Finance Officer, the National Executive Committeeman, the six (6) District Commanders and the six (6) immediate Past District Commanders.

Section 2. In the event the immediate Past Department Commander shall be the National Executive Committeeman, or shall be deceased, or for any reason be ineligible to be a member of the Committee, or in the event the National Executive Committeeman shall fail for any reason to attend a meeting of the Committee, the Alternate National Executive Committeeman shall be a voting member of the Committee in his/her place; provided further, that in the event, a District Commander or immediate Past District Commander for any reason is unable to attend a meeting of the Committee, his/her District Vice Commander shall be a voting member of the Committee in his/her place.

Section 3. The term of office of all members of the Department Executive Committee shall be while they are serving the office to which they are elected.

Section 4. The Department Executive Committee shall, between sessions of the Department Convention, have and possess all of the administrative duties and powers as may be granted to or enjoined upon it by this constitution and by-laws.

Section 5. The Department Executive Committee shall meet immediately before and immediately after each Department Convention. The Committee shall meet on call of the Department Commander within forty-five (45) days after the adjournment of the Department Convention. The Committee shall meet during the month of September and during the month of January. Thereafter, a meeting shall be called at the discretion of the Department Commander or upon the written request of six or more members of the Department Executive Committee.

Section 6. Notice of all meetings shall be given by the Department Adjutant by mail to each member of the committee, at least six (6) days before the meeting, addressed to the last known address of each member. Service of such notice shall be complete upon mailing;

Section 7. Provided further, that the Department Commander may in lieu of the above notice and call for meeting, at his/her discretion, submit any matter properly to be passed upon, by mail or facsimile to each member of the Committee and if the majority of the members of the Committee shall, by mail or facsimile vote in favor of said proposal it shall be considered as though adopted in regular meeting.

Section 8. The Department of Wyoming shall pay the expenses for room rentals and refreshments if incurred for the meetings of the Department Executive Committee.

Section 9. All voting members with an expense account may receive reimbursement from their respective accounts after submission of a expense voucher, each immediate past Department and Past District Commander shall be reimbursed \$25.00 after submission of a expense voucher, provided the expense of any meeting occurring immediately preceding or immediately following the Department Convention shall not be paid.

Section 10. Six members of the Department Executive Committee shall constitute a quorum; and a number less than a quorum may adjourn a meeting to a later date.

## **ARTICLE VIII**

### **DISTRICT ORGANIZATION**

Section 1. The Districts shall be composed of the Posts within their respective areas as defined in Article III, Sections 3 to 8, of this Constitution.

Section 2. (A) **DISTRICT OFFICERS.** The officers of each District shall consist of a District Commander, a District Vice Commander, and a District Adjutant, and such other officers as the District shall determine.

(B) The District Commander and the District Vice Commander shall be elected at each annual District Convention for a term of one year, and shall hold office until their successors have been elected and qualified; provided, that the elections of such District Officers shall not become effective until confirmed at the Department Convention, and are certified to Department Headquarters.

(C) The nominations and elections of District Officers shall be done by a roll call of the Posts in the District and any qualified candidates receiving the majority of all votes cast for a particular office shall be declared elected to that office.

(D) The District Adjutant shall be appointed by the District Commander and shall hold office for a term of one year and until his/her successor is duly appointed and qualified.

(E) All District officers shall be bona fide members of a recognized Post in their District, and shall be a resident of the State of Wyoming and the District for at least one year next preceding their election.

(F) The District Commander shall have general supervision, subject to the direction of the Department Commander, over

all of the Posts in their District. They shall visit each Post in their District not less than once during their year, and shall endeavor in all ways to promote membership in and the programs of The American Legion. He/She shall preside at the District Convention and conferences of the District, and shall perform such duties as are enjoined upon him/her by this constitution or by-laws, or as may be required of them by the Department Commander or the Department Executive Committee. He/She shall also be required to submit a report of their Post visitations to the Department Adjutant within ten (10) days following each visitation, and in addition, they shall submit an annual report of the activities of their District at the Department Convention.

(G) The District Vice Commander, in the event of the death, resignation, or disability (declared by the Department Commander or Department Executive Committee), of the District Commander, shall succeed to the office and have and possess all the powers and duties of the District Commander; and shall perform such other duties as are required of him/her by the District Commander or Department Commander.

(H) The District Adjutant shall conduct the official correspondence of the District; shall keep an accurate record of the proceedings of the District Convention and the District Conference, and shall deliver a true copy of such proceedings to the District Commander and the Department Adjutant within ten (10) days following said meeting. In addition, he/she shall keep such other books and records as are necessary or proper in the performance of his/her duties.

(I) All vacancies in District offices, unless otherwise provided for, shall be filled by the District Commander. The person selected shall serve the balance of the term of the officer he/she succeeds. If any District officer shall cease to reside in their District, the Department Commander may declare the office vacant, and fill the same as herein provided.

Section 3. DISTRICT MEETINGS. Each District shall be encouraged to hold at least two District meetings each fiscal year, to be held at such time and place within the District as shall be determined by the District Commander. The first meeting shall be called the District Conference and shall be held in the fall of each year. Discussion of The American Legion programs and the District Commanders expectations shall be held. The second meeting shall be called the District Convention and shall be held in the spring of each year.

Section 4. (A) DISTRICT CONVENTIONS. The District Convention is the legislative body of the District, and as such, may take any action not in conflict with an existing mandate, constitution or by-laws of The American Legion, Department of Wyoming.

(B) In all elections or matters coming before District Meetings, each Post in good standing in the District shall be entitled to two (2) votes plus one (1) vote for each fifty (50) members or fraction thereof.

(C) Each District shall, at its District Convention, elect one delegate and one alternate to the next ensuing National Convention, and shall promptly certify the names and addresses of the person elected to the Department Adjutant.

(D) ROBERT'S REVISED RULES. Except as may be otherwise provided for by the Department Convention, the conduct of the District Convention shall be governed by Robert's Revised Rules of Order.

Section 5. (A) REVENUE OF DISTRICTS. Subject to the approval of the Department Executive Committee, a District may raise funds for the conduct of its activities from dues imposed on Posts, from monies allocated to a District by the Department Convention, or Department Executive Committee, or from other sources.

(B) The District funds shall be retained in their respective accounts in the Department Headquarters and all District Commanders shall be reimbursed for actual legitimate expenses when a voucher is submitted.

(C) The amount from the per capita assessment of forty cents (40¢) per district member will be available to the District Commander to offset their actual legitimate expense during each one year tenure. Any excess of those funds shall revert to the Department General Fund at the close of the fiscal year.

Section 6. DISTRICT CONSTITUTION AND BY-LAWS. Each District may adopt a constitution and by-laws for the government of the affairs of the District, provided the same shall not conflict with this constitution and by-laws, or with the National constitution and by-laws of The American Legion.

**ARTICLE IX**  
**POST ORGANIZATION**

Section 1. (A) CHARTERS. Those who desire to form a Post shall make application for a temporary charter to Department Headquarters. The temporary charter shall be issued by the National Commander and National Adjutant upon receipt of the application properly executed by the charter members of the projected Post, but only when such application is approved by the Department Commander or by the Department Executive Committee. A temporary charter shall be granted and shall state that it is granted on the recommendation of the Department and on the following terms and conditions:

(B) All acts theretofore duly and properly taken for the formation of the above named Post are recognized and confirmed by the National Executive Committee.

(C) The above named Post shall uphold the declared principles of The American Legion and shall conform to and abide by the regulations and decisions of the Department and of the National Executive Committee, or other duly constituted national governing body of The American Legion.

(D) This charter is subject to revocation by the National Executive Committee on the recommendation of the Department, or by such authority that may hereafter be established by the National Convention. After a temporary charter has been in effect for a probationary period of at least ninety (90) days, application for a permanent charter may be made. Such probationary period shall not exceed one year upon the termination of which the Department shall determine whether or not a permanent charter shall be issued or denied and the action of the Department shall be final.

Section 2. The minimum membership of a Post within this Department shall be ten (10) members.

Section 3. No Post shall be named after any living person.

Section 4. Each Post shall be the judge of its own membership, subject to the restrictions of the constitution and by-laws of this Department and the National organization, 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.

Section 5. POST OFFICERS. Each Post shall have a Post Commander, one or more Post Vice Commander, a Post Adjutant, a Post Finance Officer, or a Post Adjutant-Finance Officer, whose duties are combined into one office, a Post Service Officer, a Post Chaplain, and may have a Post Public Relations Officer, and such other officers as the Post shall determine. Their duties shall correspond on the Post level, with the duties of the corresponding Department officers.

Section 6. ANNUAL ELECTION. The annual election of officers of each Post in this Department shall be held either during the months of March, April, or May of each year, and newly elected Post Officers shall be installed at least fifteen (15) days prior to the Department Convention, and shall hold office for a term of one year or until their successors have been duly elected and qualified.

Section 7. CERTIFICATION OF POST OFFICERS. The certification of the service record of the Post Officers elected, including full name, address, office, date of enlistment, date of discharge, rank and organization, and serial number shall be made to Department Headquarters on forms provided for that purpose at least fifteen (15) days prior to the convening of the Department Convention.

Section 8. POST CONSTITUTION AND BY-LAWS. Each Post shall have a constitution and by-laws, a copy of which together with any subsequent amendments thereto, shall be filed with the Department Adjutant's office, and must not be in conflict with the National or Department Constitution and By-Laws.

Section 9. INSPECTION OF POST RECORDS. The books, records, and accounts of each Post shall be made available at any time upon the written request of the Department Commander or the Department Executive Committee.

Section 10. ANNUAL REPORTS. On or before the first day of June of each year, each post shall submit to Department Headquarters, on forms provided for that purpose, an annual report of the programs and activities. In addition, each Post

Commander shall submit an annual report of the programs and activities of his/her Post at the District Convention of his/her District.

Section 11. MONIES AND COLLECTIONS. All Post officials handling American Legion monies shall be properly bonded with a good and solvent bonding and surety company, as surety, to cover double the average amount of money handled in a single year. In case of delinquencies in the payments of amounts due Department or National Headquarters, action shall be taken at once by the proper officials to bring about a speedy and complete settlement. The bonds provided by the Post officials shall be approved by the Department Judge Advocate and the Post Executive Committee, or such other official or officials as the Department may designate.

Section 12. The Department Commander, and or the Department Executive Committee, shall, should it be deemed advisable, detail special auditors to investigate the membership roll, financial statement, business and financial operations of any Post or a business, branch, subsidiary or activity that may be sponsored by or directly or indirectly connected with the Post, and take such steps as they may deem necessary to protect the name and prestige of The American Legion and to rectify any unsound situations that may exist or arise in any Post. The expense of such audit and or investigation shall be paid for by the Department of Wyoming only in the event the audit and or investigation is requested by the Department of Wyoming.

## **ARTICLE X FINANCE**

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

Section 2. The amount of the annual per capita dues shall be an amount determined by the Department Executive Committee in session or by resolution at the Department Convention. Of said amount, the Department shall pay to the Special Hospital Fund a per member fee as prescribed in the Department By-Laws. Of said amount, the Department shall pay to the district fund of the district in which the member's post is located, a per member fee as prescribed in this Department Constitution.

Section 3. The E. A. Blackmore Memorial Scholarship Fund shall be governed by a special committee, E.A. Blackmore Memorial Scholarship Foundation, established by the Department of Wyoming Executive Committee. At no time will the committee have the authority to spend more than twenty five percent (25%) of said fund without written authority of at least two-thirds (2/3) of the Department of Wyoming Executive Committee. The E.A. Blackmore Scholarship Fund shall be invested by the Department Finance Officer and Finance Committee to have a minimum balance of Ten Thousand Dollars (\$10,000.00). Should the balance of this fund fall below the minimum balance of ten thousand dollars (\$10,000), the DEC shall assess 10 cents (10¢) per member until the fund reaches the minimum balance. The Finance Officer shall be responsible for monitoring this account to ensure the minimum balance is maintained.

Section 4. Annual membership dues shall be payable upon the receipt of the first dues notice for each succeeding calendar year. A member shall be delinquent if dues for the succeeding calendar year are unpaid after December 31st.

Section 5. The fiscal year shall be from July 1<sup>st</sup> to June 30<sup>th</sup> of each year.

## **ARTICLE XI DISCIPLINE OF POST AND POST MEMBERS**

Section 1. The Department Executive Committee may suspend, cancel or revoke a Post Charter, and the same power shall be exercised by the Department Commander; provided that whenever the Department Commander revokes or suspends a Post Charter, such revocation or suspension shall not operate beyond the first meeting thereafter of the Department Executive Committee unless the Department Commander's action is at that time approved by said Committee. The action taken by the Department Executive Committee shall be final and conclusive unless an appeal is taken to the National Executive Committee within thirty (30) days from the date of said suspension, cancellation or revocation. The action taken by the National Executive Committee upon appeal shall be final.

Section 2. Any Post failing to meet the obligations imposed upon it by this constitution and by-laws, or ceasing to function for six months as an American Legion Post, or voluntarily ceasing to function as a Post, or merging with one or more other



Posts, or refusing to pay the Department and National per capita dues, or under such other conditions as might make such action necessary shall upon order of the Department Commander or the Department Executive Committee, surrender its charter for cancellation. Upon failure to surrender such charter, immediate steps may be taken for its revocation, suspension or cancellation.

Section 3. Upon revocation, cancellation or suspension of the charter of a Post in the Department of Wyoming, said Post shall immediately cease operations and upon revocation or cancellation shall turn over its charter to the Department Commander or the Department Executive Committee, and the Department Executive Committee is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all the records, property and assets of said Post; provided, however, that nothing therein shall be construed as requiring the Department of Wyoming to take over or assume any financial responsibility as to such property. The Department Executive Committee may provide for the transfer of the members in said Post to other Posts of their choice, subject to the approval of such other Post.

Section 4. 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 in writing by the accusers, and no member in good standing shall lose his/her membership until given a fair trial by the Post or the Department in such manner and form as the Department Executive Committee shall prescribe.

Section 5. Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee, or to the Department Convention. The decision of the Department shall be final.

Section 6. A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If his/her dues are paid on or before February first, they shall be automatically reinstated. If he/she is still delinquent after February first, they shall be suspended from all privileges. If he/she is still under such suspension on June thirtieth of such year, their membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the post and payment of current dues for the year in which the reinstatement occurs. Provided, however, that the posts, Department and the National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

## **ARTICLE XII** **CHANGE OF RESIDENCE**

Section 1. Any member in good standing moving from his/her Post shall be entitled to a certificate from their Post stating their membership and the duration thereof.

## **ARTICLE XIII** **AUXILIARIES**

Section 1. The American Legion, Department of Wyoming recognizes an auxiliary organization known as "The American Legion Auxiliary, Department of Wyoming."

Section 2. Memberships in The American Legion Auxiliary shall be limited to the mothers, wives, daughters, sisters, granddaughters, great-granddaughters, and grandmothers of members of The American Legion, and to the mothers, wives, daughters, sisters, granddaughters, great-granddaughters, and grandmothers of all men and women who were in the Armed Forces of the United States during either of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; February 28, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to Jan 31, 1990; August 2, 1990, to the date of cessation of hostilities as determined by the Government of the United States, all dates being inclusive, or being a citizen of the United States at the time of their entry therein, served on active duty in the armed forces of any of the governments associated with the United States during any of said periods; and died in line of duty or after honorable discharge; and to those women who of their own right are eligible for membership in The American Legion.

Section 3. The Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive

Committee and approved by this Department of The American Legion.

#### **ARTICLE XIV HOME OR CLUBS**

Section 1. Any American Legion Post in the Department of Wyoming may establish and maintain a home or club, for the social enjoyment of its members, bearing the name, title, or emblem, and subject to control by the Department Executive Committee and such limitations and restrictions as may be provided by law; provided, however, that permission to establish said home or club must first be secured by the Department Executive Committee; and provided further, that all American Legion Posts in the Department of Wyoming who have established or are maintaining a club on June 29, 1963, shall receive automatic permission.

Section 2. Any club or home which is found to be operated in a manner which is inimical to and contrary to the established aims, concepts and purposes of The American Legion, or is in violation of any city ordinance, County, State or Federal Laws or The Department and National Constitution, or any of the provisions contained herein, may be cited to appear before the Department Executive Committee to show cause, if any, why the said home or club operation should not be suspended or closed for a period of time not to exceed one year.

Section 3. Written notice stating the time and place of said hearing shall be sent to the Commander or Adjutant of the Post in question by Registered Mail, addressee only, at least 20 days prior to the time of said hearing.

Section 4. Upon the hearing of the cause the Commander of the Post involved, together with any other authorized representative, may appear and be heard. Failure upon the Post representatives to appear, as herein provided, shall automatically result in suspension or closing of the operation in question. The decision of the Department Executive Committee shall be final and not subject to appeal therefrom.

Section 5. The home or club established in connection with a Post shall be managed, supervised and controlled by one of the following methods:

- A. By the Post Executive Committee
- B. By a Board of Trustees
- C. By a Home Committee

Section 6. The method of home or club government adopted by the Post, including the number on the House Committee or Board of Trustees, shall be specified in its by-laws and the by-laws further provide that the actions of the governing body provided therein shall at all times be subject to control and direction of the Post.

Section 7. The governing body of the home or club shall have the power to suspend a member from club privileges for a period not exceeding one year for violation of club rules, after notice to such member and a hearing before such a governing body.

Section 8. Every member in good standing in the Post shall be entitled to all the rights and privileges of the home or club connected therewith, whether such home or club be incorporated or not. The control of and membership in such home or club, whether incorporated or not, shall be limited exclusively to the members in good standing in the Post establishing same; provided, however, that the governing body of any such home or club may elect to permit members in good standing of other American Legion Posts to use the facilities of the club or home.

Section 9. All such homes, clubs, club rooms and social parlors shall be closed during the hours of all regular and special meetings of the Post and any Post violating this section, under any pretext whatever, shall be liable to a forfeiture of its charter.

#### **ARTICLE XV**

Section 1. That wherever the words, "Department", "the Legion", or "The American Legion", appear in this constitution or by-laws of this organization, it shall mean The American Legion, Department of Wyoming.

#### **ARTICLE XVI**

## AMENDMENT

Section 1. AMENDMENT. This Constitution may be amended at any Department Convention by a vote of two-thirds (2/3) of the total authorized representation thereat; provided, that the proposed amendment shall have been read at such Convention at least twenty-four (24) hours before the vote thereon; further provided, that no amendment shall in any way conflict with the constitution of the National Organization of The American Legion.

Section 2. REVISION OF CONSTITUTION. After each Department Convention, and at such other times as may be designated by the Department Commander, the Department Adjutant, in cooperation with the Department Judge Advocate, shall carefully examine the text of this constitution and by-laws, and of the amendments thereto made by the preceding Department Convention, and shall re-number the articles and sections, make appropriate changes in references made to other articles and sections, transfer sections to other articles, and supply, change titles of sections and catch lines as they deem proper; and shall cause the same to be printed for the use of the Posts, officers and members of the Department.

## ARTICLE XVII

Section 1. This Constitution supersedes any and all previous Constitutions, and shall be effective and in full force concurrently with its adoption.

## ARTICLE XVIII

Section 1. In the event the Congress of the United States shall amend the eligibility clause in the Act creating The American Legion, this constitution shall be deemed amended in conformance therewith, but subject to all consistent limitations and restrictions in this constitution contained.

PATTY L. LAWSON  
2014  
Department Commander  
Wyoming

21 July

## NOTES

# THE AMERICAN LEGION, DEPARTMENT OF WYOMING

## BY-LAWS

### ARTICLE I DUTIES OF OFFICERS

Section 1. DEPARTMENT COMMANDER. The Department Commander is the executive head of The American Legion, Department of Wyoming. He/She shall carry out and enforce the National constitution and by-laws of The American Legion, within his province; the provisions of this constitution and by-laws adopted pursuant thereto; and the mandates of National conventions of The American Legion and the National Executive Committee of The American Legion, within his province; and the mandates of the Department Convention and the Department Executive Committee. He/She shall, except as in this constitution or by-laws adopted pursuant thereto as otherwise provided, appoint all committees, and he/she shall be an ex-officio member of all committees. He/She shall preside at the Department Convention and all meetings of the Department Executive Committee. He/She may direct the Department Adjutant or other Department officers to any point in the State for any proper purpose, authorizing the necessary travel expense, and shall have and perform such other powers and duties as custom and parliamentary usage require or permit.

Section 2. DEPARTMENT VICE COMMANDER. The Department Vice Commander shall, in the event of the death, resignation or disability of the Department Commander, succeed to the office and have all the powers and duties of the Department Commander. He/She shall, upon request of the Department Commander, preside at sessions of the Department Convention, appear at Legion or other functions at the request of the Department Commander, and have and perform such other powers and duties as are usually incident to the office.

Section 3. DEPARTMENT VICE 2<sup>nd</sup> COMMANDER. (Established 22 June 2001, Department Convention) The Department 2<sup>nd</sup> Vice Commander shall, in the event of the death, resignation or disability of the Department Vice Commander, succeed to the office and have all the powers and duties of the Department Vice Commander. He/She shall, upon request of the Department Commander, preside at sessions of the Department Convention, appear at The American Legion or other functions at the request of the Department Commander, and have and perform such other powers and duties as are usually incident to the office. The Department 2<sup>nd</sup> Vice Commander will serve as a full voting member or as an ex-officio member on those Department Committees designated in Article II.

Section 4. DEPARTMENT FINANCE OFFICER. The Department Finance Officer shall serve as Chairman of the Finance Committee; he/she shall preside at all meetings of the Finance Committee, and it shall be the duty of the Finance Officer to present the Committee's proposed budget and any amendments or revisions thereof to the Department Executive Committee for their approval. In addition he/she shall perform such other duties as may be incident to the office, or which may be prescribed by the Department Executive Committee.

Section 5. DEPARTMENT ADJUTANT. The Department Adjutant shall record the proceedings of the Department Convention and shall act as secretary of the Department Executive Committee. He/She shall receive all revenues from the Posts due the Department or National organization, and shall keep accurate books of accounts of the same and of all monies that come into his/her hands in his/her official capacity, and shall deposit same in the name of the Department in such banks or banks as may be designated by the Department Finance Committee. He/She shall pay out the funds of the Department only as authorized in the budget and shall keep accurate books of accounts of same. He/She shall have all financial reports on file and available for review. He/She shall conduct the official correspondence of the Department, and shall give notice of conventions of the Department and shall notify all officers and committees of their elections or selection. He/She shall act as field secretary to organize Posts, see that their officers are properly instructed in their duties and perform such other duties as are incident to the office or designated by the Department Commander. He/She shall be the chief administrative officer of the Department in respect to the performance of the duties of any employee of the Department of Wyoming, and shall employ and discharge any such employees except as provided otherwise in this constitution. It shall be the duty of the Department Adjutant, subject to the direction of the Department Commander or the Department Executive Committee, to supervise the employees herein above mentioned, to assign duties, functions, responsibilities and place of performance thereof, and to supervise the performance of such duties, responsibilities and functions by such employees.

Section 6. DEPARTMENT JUDGE ADVOCATE. The Department Judge Advocate is the legal officer of the Department, and shall advise the Department Commander and other Department, District and Post Officers and the Department Executive Committee upon all matters touching the proper performance of their duties and upon the interpretation and construction of this constitution and by-laws adopted pursuant thereto. He/She shall act as parliamentarian of the Department Convention and perform such other duties as are usually incident to the office.

Section 7. DEPARTMENT SERVICE OFFICER. The Department Service Officer shall assist and advise the Post Service Officers in their work; handle any difficult service case appealed to him/her by any Post Service Officer or any Department officer or committee, before any proper government office or agency, and do and perform such other duties incident to the office or which may be prescribed by the Department Executive Committee.

Section 8. DEPARTMENT CHAPLAIN. The Department Chaplain shall be the spiritual advisor of the Department; he/she shall offer prayer at the opening of each day's session of the Department Convention; and perform such other duties pertaining to the office as the Department Commander may request.

Section 9. DEPARTMENT HISTORIAN. The Department Historian shall collect, compile and deliver to his/her successor all matters bearing upon the history of the Department during their term of office, and deliver to the successor all papers received from their predecessor; he/she is enjoined to perform their duties capably and well to the end that posterity may have accurate knowledge of the transactions of the Department and of the men and women who were active in its affairs.

Section 10. DEPARTMENT PUBLIC RELATIONS OFFICER. The Department Public Relations Officer's responsibilities shall include, but not be limited to, writing Department news releases and feature articles from personal interviews, examination of correspondence, or observation of events; rewriting and "localizing" news releases received from National; taking (if qualified) and processing news photographs and writing captions; assisting in the coordination of special events; preparing material for radio and television use; and finally will assist in developing a publicity program in each Post in the Department of Wyoming.

Section 11. NATIONAL EXECUTIVE COMMITTEEMAN. The National Executive Committeeman and the Alternate National Executive Committeeman shall perform such duties as shall from time to time be prescribed by the National Constitution and By-Laws of The American Legion, and such other duties as are usually incident to the office.

Section 12. ANNUAL REPORTS. It shall be the duty of each of the above mentioned officers to prepare and submit an annual report to the Department Convention, concerning his/her program and activity, which report shall be forwarded to Department Headquarters at least fifteen (15) days prior to the convening of the said Department Convention.

## **ARTICLE II**

### **DEPARTMENT COMMITTEES**

Section 1. (A) ENUMERATION. There shall be the following standing Department Committees in The American Legion, Department of Wyoming: Americanism, Athletic, Boys' State; Jr. Shooting Sport, Oratorical Contest, Wyoming High School Rodeo, Children and Youth, E. A. Blackmore Memorial Scholarship Foundation, Homeland Security, Veterans Affairs and Rehabilitation, Economic and Employment, Hospital, Finance, Ways and Means, Legislative, Membership and Post Activities, Religious Emphasis, Public Relations, Newspaper, Sons of the American Legion, Convention, and Constitution and Bylaws.

(B) Additional Committees as may be deemed necessary may be established from time to time upon motion by the Department Convention or the Department Executive Committee.

Section 2 (A) MEMBERSHIP AND TENURE OF DEPARTMENT COMMITTEES. Each committee shall have a rotating membership consisting of three members each unless otherwise directed by the respective committee. The initial appointment will be three members for a term of one year, two years, and three years respectively. After such initial appointment, one member shall be appointed each year for a term of three years, provided, that those replacements necessitated by a person vacating his/her office shall serve the remaining unexpired term. The senior member of each of the above mentioned committees shall automatically serve as chairman of said committee, provided, that upon re-appointment, a member shall start over in the rotation schedule for committee chairmanship; and provided further, that when the office of chairman of the committee is vacated, it shall be filled by the next senior member of that committee and not by his replacement.

(B) For the purpose of defining the term of one year, two years or three years with respect to the tenure of the Committees in the Article, a year shall commence with the first day of September and end with the thirty-first of August, the succeeding year.

(C) THE ATHLETIC COMMITTEE shall have a membership of seven (7) members, which shall consist of the six (6) District Athletic Commissioners and the Department Athletic Officer who shall serve as Chairman. They shall serve for a term of one year, beginning September 1st and until their successors are appointed and qualified. The Department 2<sup>nd</sup> Vice Commander shall serve on the committee ex-officio without vote.

(D) THE BOY'S STATE COMMITTEE shall have a rotating membership of six members. The initial appointment will be six members, two for a term of one year, two for a term of two years, and two for a term of three years. After such initial appointment, two members shall be appointed each year for a term of three years, provided, that those replacements necessitated by a person vacating his office, shall serve the remaining unexpired term. At the first meeting following their appointment, the Department Boys' State Committee shall elect for a period of one year a Chairman, Vice Chairman, Secretary and Treasurer who shall serve until their successors shall be elected and qualified. The Constitution and By-laws of the Wonderful Wyoming Boys' State will govern the committee. The Department 2<sup>nd</sup> Vice Commander shall serve on the committee ex-officio without vote, except in the absence of the Department Commander, the Department 2<sup>nd</sup> Vice Commander will have all the powers and voting rights of the Department Commander.

(E) THE FINANCE COMMITTEE shall consist of the Department Finance Officer, who shall serve as chairman, the Department Commander, the Department Vice Commander, the Department 2<sup>nd</sup> Vice Commander, the National Executive Committeeman and the immediate past Department Commander and the Department Adjutant, who shall serve as an ex-officio member without vote, provided that in the event the National Executive Committeeman is also the immediate past Department Commander, the Alternate National Executive Committeeman shall serve as a member of this committee. They shall serve as members of the Department Finance Committee as long as they hold such office and until their successors are selected and qualified.

(F) THE HOSPITAL COMMITTEE shall have a membership of nine members appointed each year for a term of one year until their successors are duly qualified and selected. Three members shall be appointed from Cheyenne, three members shall be appointed from Buffalo and three members shall be appointed from Sheridan. At the time of such appointment one member from Cheyenne, one member from Buffalo and one member from Sheridan shall be designated as co-chairmen.

(G) THE MEMBERSHIP AND POST ACTIVITIES COMMITTEE shall consist of the Department Vice Commander, who shall serve as chairman and the six District Vice Commanders. They shall serve as members of this committee for a term of one year and until their successors are qualified and elected.

(H) THE RELIGIOUS EMPHASIS COMMITTEE shall have a membership of three members which shall consist of the Department Chaplain, who shall serve as chairman, and two other members appointed for a term of one year each, and until their successors are qualified and selected.

(I) THE NEWSPAPER COMMITTEE shall be responsible for the operation of the Department newspaper presently titled *Wyoming Legionnaire-Auxiliare*. The committee shall consist of the Department Commander, Department Vice Commander, Department 2<sup>nd</sup> Vice Commander, Department Adjutant, Department Finance Officer and Department Judge Advocate. This committee shall meet upon the call of the Chairman who shall be the Department Adjutant.

(J) THE E.A. BLACKMORE MEMORIAL SCHOLARSHIP FOUNDATION INC. COMMITTEE shall consist of six (6) members, two (2) of whom shall serve for one (1) year, two (2) of whom shall serve for two (2) years, and two (2) of whom shall serve for three (3) years. After initial appointment, two members will be appointed each year for a term of three years. The committee will be governed by the E. A. Blackmore Memorial Scholarship Foundation Inc. By-laws. The Department 2<sup>nd</sup> Vice Commander shall serve on the committee ex-officio without vote.

(K) THE HIGH SCHOOL RODEO COMMITTEE shall organize, supervise and manage the annual American Legion's State Championship High School Rodeo. This committee shall set the time and place for the Rodeo, arrange for all livestock, prizes, staff and other incidentals required to put on the Rodeo. This committee shall meet at the call of the chairman. The Constitution and By-laws of the Wyoming American Legion High School Championship Rodeo will govern the committee. The Department 2<sup>nd</sup> Vice Commander shall serve on the committee ex-officio without vote, except in the absence of the Department Commander, the Department 2<sup>nd</sup> Vice Commander will have all the powers and voting rights of the Department Commander.

(L) WAYS AND MEANS COMMITTEE shall consist of five members at large who upon the first meeting of the year will vote on a chairman, vice chairman, secretary and treasure. Initial appointment will be two (2) members for three (3) years, two (2) members for two (2) years and one (1) member for one (1) year. The committee will discuss and implement revenue enhancement projects for the Department. The committee shall maintain a separate operational account to cover implementation of the approved projects, which an accounting of the books will be made available with the annual reports. The committee will meet four (4) times a year, thereafter a meeting shall be called at the discretion of the chairman. The committee will forward their recommendations to the Finance Committee for their review and in turn the Finance Committee Chairman will forward the approved recommendations to the Department Executive Committee for their consideration. The Department 2<sup>nd</sup> Vice Commander shall serve on the committee ex-officio without vote.

(M) SONS OF AMERICAN LEGION - The American Legion, Department of Wyoming recognizes the Sons of American Legion, Detachment of Wyoming. A committee will be made up of Legionnaires who will serve as advisors to the Detachment. The Detachment Commander shall serve on the committee ex-officio.

(N) HOMELAND SECURITY COMMITTEE shall be responsible to coordinate with the equivalent state agency and the Military Department to inform the membership on their status and how it affects the community and state.

(O) ORATORICAL COMMITTEE shall be comprised of a chairman and the six District Vice-Commanders. The committee shall be responsible in planning and coordinating the individual District Contests and the Department Contest to insure the Department Contest is completed a minimum of 30 days prior to the National Contest. Members of this committee shall serve for a term of one year and until their successors are qualified and installed or appointed. The Department 2<sup>nd</sup> Vice-Commander shall serve on the committee ex-officio without vote.

(P) JUNIOR SHOOTING SPORTS COMMITTEE shall be comprised of a chairman and at least two members. The committee shall be responsible in coordinating education, gun safety and competitive shooting throughout the state. Members of this committee shall serve for a term of one year and until their successors are qualified and appointed. The Department 2<sup>nd</sup> Vice-Commander shall serve on the committee ex-officio without vote.

(Q) WYOMING AMERICAN LEGION RIDERS OF THE UNITED STATES (WALRUS) – The American Legion, Department of Wyoming recognizes the Wyoming American Legion Riders of the United States (WALRUS). A committee will be made up of members of The American Legion, Department of Wyoming, who will serve as advisors to WALRUS. The Director of WALRUS shall serve on the committee ex-officio without vote.

Section 3. MANNER OF APPOINTMENT. Unless otherwise provided for in this constitution and by-laws, all Department Committee members shall be appointed by the Department Commander, with and by the consent and approval of the Department Executive Committee within thirty days following the adjournment of the Department Convention: provided that replacements appointed by the Department Commander, between meetings of the Department Executive Committee, need not have the consent and approval of said committee. The Department Commander may call for and receive recommendations, for appointments to Department Committees, from the Post Commanders, District Commanders and Department Officers. These recommendations must be received on the prescribed forms sent out by Department Headquarters for that purpose.

Section 4. (A) DUTIES OF DEPARTMENT COMMITTEES. The duty of all Department Committees shall be determined at the time the committee or committees are established, provided, that the Department Executive Committee may from time to time assign duties and responsibilities to Department Committees.

(B1) FINANCE COMMITTEE. It shall be the duty of the Department Finance Committee to meet before the opening of the Department Convention to arrange for funds for the purpose of discharging the obligations of the Department and to set up a budget based on the financial needs for the ensuing year, to be submitted to and approved by the Department Executive Committee at its meeting immediately before the Department Convention provided, said committee may meet again at the time of later meetings of the Department Executive Committee during the year and amend or revise the budget.

(B2) No expenditure in any one year shall be made or authorized by the Finance Committee, or approved by the Executive Committee, in excess of current income for that year, except in case of urgent necessity, and in no event in excess of twenty percent (20%) of the reserve funds in addition to current income. Reserve funds is the cash on hand and in the bank or any securities on hand at the beginning of the current fiscal year.

(B3) The Finance Committee shall have the custody of and be responsible for all the securities and investments of the Department and shall keep full and accurate records and accounts of same. It shall also be the duty of the Department Finance Committee from time to time to propose the system to be followed by the Department Headquarters in accounting for the expenditures, and to arrange for and employ a qualified public accountant to make monthly reports, and to audit the books of the Department at least once a year.

Section 5. Each Department Committee Chairman shall submit at each annual Department Convention, a full report of the activities of his/her committee.

### **ARTICLE III DELEGATES TO NATIONAL CONVENTION**

Section 1. Each of the six Districts of the Department shall be entitled to one delegate and one alternate to the National Convention of The American Legion; provided, however, that in the event the number of delegates and alternates allocated to this Department shall be insufficient after providing for the delegates hereinafter in Section 2 mentioned, to allot one of each thereof to each of the Districts, then the Department Commander shall make equitable allocation of the remaining delegates and alternates among said Districts.

Section 2. Each District shall elect one delegate and one alternate as provided for in Article VIII, Section 3, Sub-section (D), of the Department Constitution.

Section 3. After the selection or election of the delegates and alternates above mentioned, and in the event any district shall fail to elect or shall fail to certify the names and addresses of the delegates and alternates elected by it, the remaining number of delegates and alternates to which the Department is entitled shall be selected by the Department Convention.

Section 4. The outgoing Department Commander, the incoming Department Commander and the Department Adjutant shall be a delegate to the National Convention. The outgoing Department Commander shall serve as the Delegation Chairman and the Department Adjutant shall serve as the Delegation Secretary.

Section 5. The National Executive Committeeman shall be a delegate to the National Convention per National Constitution Article VII Section 3 and does not factor in the department allocation.

### **ARTICLE IV RESOLUTIONS**

Section 1. Each resolution must emanate from and have the approval of any one or a combination of the following: a. Posts in good standing, b. District Conventions, c. Department Executive Committee, d. Convention Committees, and e. Convention.



Section 2. Resolutions qualifying for Convention action will be assigned to the proper Convention Committee by the Department Adjutant.

Section 3. Two copies of every resolution, excepting those originating on the floor of the Convention or in a Convention Committee, must be received by the Department Adjutant at least ten (10) days prior to the convening of the Department Convention. The remaining two copies will be retained by the Post and/or District Convention for record purposes.

Section 4. Each resolution must be prepared on the official form provided and each must cover one subject only. Not only must each subject be on a separate form, but each sub-division of a subject must be so separated.

Section 5. All local resolving clauses should be omitted, substituting therein a clause resolving Department action, i.e., the resolution submitted be worded for Department action, either Convention or Department Executive action.

Section 6. Each resolution will be submitted in full, including all whereas clauses, as well as the resolving clauses.

Section 7. Each of the four copies of each resolution is to be signed by the Post and/or District Adjutant, or the Department Adjutant when emanating from the Department Executive Committee.

Section 8. The Department Adjutant will give each resolution so submitted a registration number, identification, subject heading, and assignment to the proper Convention Committee. All resolutions are assigned for Convention action, however, if a resolution is of such an urgent nature as to qualify for National Executive Committee consideration, the Department Executive Committee may elect to process the resolution through National channels.

Section 9. Following either Convention or Department Executive Committee action, whether approved, referred, awarded or rejected, the Department Adjutant will notify the original sponsor or sponsors of action taken.

Section 10. All resolutions must be germane to the purpose for which The American Legion was organized and extreme care should be taken in proposing resolutions that place unnecessary burdens in the field of legislation on unrelated matters.

## **ARTICLE V**

### **RESIGNATIONS, VACANCIES AND REMOVAL**

Section 1. Any officer who shall find it impossible to perform the duties of their office shall be relieved of his/her office by submitting their written resignation to the Department Commander.

Section 2. Unless otherwise provided for, vacancies during the term of any office of the Department shall be filled by appointment by the Department Commander. Vacancies in any of the standing committees of the Department shall be filled by appointment made by the Department Commander.

Section 3. **REMOVAL OF DEPARTMENT COMMANDER.** The Department Commander shall be subject to removal for cause, inability, incapacity or failure to discharge the duties of his office, on a two-thirds (2/3) vote of the Executive Committee, duly called for that purpose. Written notice of the attachment or charges shall be mailed by registered mail to such Commander at least fifteen (15) days prior to the date of his/her discharge; provided, he/she shall have the right to appeal from the decision of the Department Executive Committee by filing his/her written appeal, with the proper National officers or committee, within thirty (30) days from receipt of notice of attachment or charges. The proper National officers or committee shall hear such appeal according to their rules and regulations, and make their decision thereon, which decision shall be conclusive and shall be binding upon all parties to the matter; provided further, that the adoption of a motion removing him/her from office shall be merely a suspension until such time as the appeal, if one be taken is heard.

Section 4. **REMOVAL OF OFFICERS AND COMMITTEEMEN BY EXECUTIVE COMMITTEE.** In the event of the failure, refusal or neglect on the part of the Department Commander to do so, the Department Executive Committee shall have the right or privilege, for cause, inefficiency, failure in the performance of duty, or for any other sufficient reason, to remove and discharge any Department Officer, Committeeman or employee, and to appoint another in his/her stead; provided, such officer or committeeman shall receive written notice by registered mail fifteen (15) days prior to their removal; provided, they shall have the right to appeal from the decision of the Executive Committee by filing a written appeal, with the proper

National officers or committee, within thirty (30) days from receipt of notice of attachment or charges. The proper National officers or committee shall hear such appeal, according to their rules and regulations, and make their decisions thereon, which decision shall be conclusive and shall be binding upon all parties to the matter.

## **ARTICLE VI APPEALS AND GRIEVANCES**

Section 1. The Department Executive Committee shall be the Committee on Appeals and Grievances for the purpose of hearing all matters, which may be placed before the Department organization, and the decision of that Committee shall be final, subject only to an appeal therefrom to the Department Convention.

## **ARTICLE VII MONIES AND COLLECTIONS**

Section 1. All Department and District officials handling American Legion monies shall be properly bonded with a good and solvent bonding and surety company. The bonds shall be approved by the Department Judge Advocate and the Department Executive Committee.

Section 2. The Department Commander or the Department Executive Committee, shall, should it be deemed advisable, detail special auditors to investigate the membership roll and financial statement of the Department and the financial statement of any of the Districts in the Department.

## **ARTICLE VIII MISCELLANEOUS**

Section 1. OATH OF OFFICE. Each Department, District, and Post Officer, the National Executive Committeeman and the Alternate National Executive Committeeman, shall, before entering upon the duties of his office, take the following oath of office:

“I, (insert name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States of America and bear true faith and allegiance to the same; that I will support and maintain the National constitution of The American Legion and the constitution of The American Legion, Department of Wyoming; and that I will, to the best of my ability, well and faithfully discharge the duties of the office of (insert office) upon which I am about to enter.”

Section 2. CAPS. Members of Posts shall wear the official American Legion blue uniform cap. Department officers shall wear white caps. District officers shall wear blue caps with white crowns. Appropriate lettering designating State, District, Post and office may be inscribed on such caps. No member shall wear a cap bearing lettering or of a color which he/she is not entitled to under the provisions of this section.

Section 3. DEFINITION OF YEAR. Wherever in this constitution a term of office is fixed at one (1) year or at two (2) years, a year or two years shall be defined as the period commencing with the election and qualification of the officer and ending with the election and qualification of his/her successor; provided, the term of an officer filling a vacancy shall expire when the term of office of the person whose place they have taken would have expired, unless otherwise provided for.

Section 4. CONVEYANCES AND ENCUMBRANCES: TRANSFER OF PROPERTY; SIGNATURES. The Department Commander and the Department Adjutant shall, when authorized to do so by the Department Convention or the Department Executive Committee, execute and deliver, in the name and behalf of The American Legion, Department of Wyoming, all deeds, deeds of trust, mortgages, assignments and transfers and such other writings as may be necessary or proper to convey, encumber, assign or transfer all or any part of the real or personal property of said corporation, and likewise, to execute and deliver promissory notes and other evidences of indebtedness; and all such instruments heretofore executed and delivered by the Department Commander and the Department Adjutant are hereby in all things ratified, approved and confirmed.

Section 5. PAST COMMANDERS' AND ADJUTANTS' CLUB. The American Legion, Department of Wyoming, recognizes a subsidiary organization known as the Past Commanders' and Adjutants' Club. Membership therein shall be limited to members of The American Legion, Department of Wyoming, in good standing.

Section 6. PAID EMPLOYEES. Commencing with the election to be held in 1958, paid employees of any Post, District, or Department shall not be eligible for election to the office of Commander of any Post in the Department of Wyoming. For the purpose of defining a paid employee with respect to this section, a paid employee shall be defined as any person who receives salary or other compensation equal to one hundred dollars (\$100.00) or more per month from any of the above named divisions.

Section 7. DRUM AND BUGLE CORPS CONTESTS. If a Drum and Bugle Corps Contest is held at the Department Convention, the host city shall be required to furnish a suitable site to hold such contest, and three hundred dollars (\$300.00) in prize monies. In addition, the host city shall be required to return to the participating Drum and Bugle Corps, fifty percent (50%) of all gate receipts from said contest. The distribution of the above mentioned monies shall be made under the direction of the Department Musical and Drill Activities Committee, in accordance with the rules and regulations governing such contests.

Section 8. BASEBALL ENTRY FEES. Each Post shall be required to pay an entry fee as determined by the Department of Wyoming Baseball Committee, approved by the Department Executive Board, for each American Legion baseball team entered in Department competition. The entry fees collected by the Department office, shall be used by the Department Athletic Officer for expenses incurred by himself or members of his committee, not including the expenses of the Department tournaments as agreed to in the contract to host the Department tournament (tournaments).

Section 9. SPECIAL HOSPITAL FUNDS. The Department shall pay fifteen (15¢) per member into the Special Hospital Fund, to be used to provide personal services and entertainment to the Veterans hospitalized in the Veterans Administration Hospitals located in Cheyenne and Sheridan, and the State Veterans Home located in Buffalo, Wyoming. The Department Adjutant shall in January of each calendar year deposit in the Special Hospital Fund a per capita amount based on the final membership number of the preceding year. Those persons utilizing the monies from this fund shall give written accounting of the use of the Fund to the Department Finance Committee at all Department Conventions and Mid-Winter Conferences.

## **ARTICLE IX AMENDMENTS**

Section 1. These by-laws may be amended at any Department Convention by a vote of two-thirds (2/3) of the delegates present in the presence of a quorum; provided, that the amendment shall have been read at such Conventions at least twenty-four (24) hours before the vote thereon; provided further, that no amendment shall in any way conflict with the constitution of the National organization of The American Legion.

## **ARTICLE X**

Section 1. These by-laws supersede any and all previous by-laws and shall be effective and in full force concurrently with their adoption and approval.

THOMAS C. DEAN  
Department Commander  
Wyoming

25 July 2015

## **NOTES**

## Amendments

### Authorized changes - Constitution ..... Revised June 14, 1997

Article X, Section 2. - Update to coincide with contents of Section VIII, Article 9, fifteen cents (15¢) per member (instead of ten cents (10¢) per member).

### Authorized changes - By-Laws ..... Revised June 14, 1997

Article VIII, Section 9. SPECIAL HOSPITAL FUND. The Department shall pay fifteen (15¢) per member into the Special Hospital Fund, to be used to provide personal services and entertainment to the Veterans hospitalized in the Veterans Administration Hospitals located in Cheyenne and Sheridan, and the State Hospital located in Evanston, Wyoming. The Department Adjutant shall in January of each calendar year deposit in the Special Hospital Fund a per capita amount based on the final membership number of the preceding year. Those persons utilizing the monies from this fund shall give written accounting of the use of the Fund to the Department Finance Committee at all Department Conventions and Mid-Winter Conferences.

### Authorized changes - Constitution .....Revised June 16, 2000

Article 4, Section 1 & Article XIII, Section 2. ELIGIBILITY & AUXILIARIES. Change Membership eligibility dates for The American Legion and Auxiliaries from December 22, 1961 to February 26, 1961 - May 7, 1975 to coincide with dates provided by National Headquarters and the United State government.

### Authorized changes – Constitution and By-Laws Department Convention 22 June 2001

Resolution 2001-01 – Create the position of 2<sup>nd</sup> Vice Commander for The American Legion, Department of Wyoming. The Department Constitution and By-Laws committee made the necessary changes prescribed by the resolution and Article XVI of this Constitution.

Resolution 2001-04 – Change position of Chaplain for The American Legion, Department of Wyoming to appointive. The Department Constitution and By-Laws committee made the necessary changes prescribed by the resolution and Article XVI of this Constitution.

Resolution 2001-03 – Department Adjutant’s responsibility of reporting: The Department of Wyoming By-Laws Article I, Section 5 were changed to reflect that “all financial reports are on file and available for review.”

Resolution 2001-02 – E. A. Blackmore Memorial Scholarship Foundation Inc. Committee Structure. The Department of Wyoming Constitution Article X, Section 2 and By-Laws Article 11 Section 2 (I) were changed to reflect what the E. A. Blackmore Memorial Scholarship Foundation Inc By-Laws state.

Resolution 2001-06 – Establish a Department Ways and Means Committee. By-laws Article II was changed.

Format Changes made after revision per Constitution Article XVI Section 2.

### Authorized changes – Constitution and By-Laws Department Convention 26 June 2004

Resolution 2004-01 - Change the quorum for The American Legion, Department of Wyoming Convention. Constitution Article V Section 6

Resolution 2004-02 - Department Executive Committee meeting expenses. Constitution Article VII Section 8 & 9 replace Section 4

Resolution 2004-03 - Align the Department Committees using the National Organization concept of the four pillars of The American Legion and delete those committees that have been dormant for years. By-laws Article II

Resolution 2004-04 - Change the membership of the Membership and Post Activities Committee to the Department 1<sup>st</sup> Vice Commander and six District Vice Commanders. By-laws Article II

Resolution 2004-05 - Remove Evanston and add Buffalo to Department Hospital Committee and Special Hospital Fund. Bylaws Article II Section 6 and Article VIII Section 9

Section renumbering changes made after revision per Constitution Article XVI Section 2.

### Authorized changes – Constitution and By-Laws Department Convention 25 June 2005

Resolution 2005-1 - By-Laws Article I, Duties of Officers; Section 3, Department 2<sup>nd</sup> Vice Commander

By-Laws Article II, Department Committees; Section 2, subsection (D) Boys’ State Committee

By-Laws Article II, Department Committees; Section 2, subsection (L) The High School Rodeo Committee

By-Laws Article II, Department Committees re-lettering made after revision per Constitution Article XVI Section 2.

Resolution 2005-02 - Constitution Article VIII, District Organization; Section 5, Revenue of Districts; subsection (C)

### Authorized changes – Constitution and By-Laws Department Convention 25 June 2006

Resolution 2006-3 - By-Laws Article III, Delegates to National Convention; Section 4, add “incoming Department Commander”

### Authorized changes – Constitution and By-Laws Department Convention 23 June 2007

Resolution 2007-1 - Constitution Article VIII Section 5(C) & V Section 2, District per capita assessment increase to forty cents (40¢)

### Authorized changes – Constitution and By-Laws Department Convention 21 June 2008

Resolution 2008-01 – Constitution Article VII Section 5, add DEC “will meet in the month of September”

### Authorized changes – Constitution and By-Laws Department Convention 19 June 2010

Resolution 2010-03 – Constitution Article VII Section 5, chg to “forty-five days (45)...”

Resolution 2010-04 – Constitution Article VII Section 5, add “...and immediate Past District Commander”

Resolution 2010-05 – Constitution Article X Section 5, chg to “July 1<sup>st</sup> to June 30<sup>th</sup>”

### Authorized changes – Constitution and By-Laws Department Convention 18 June 2011

Resolution 2011-01 – By-Laws, Article II, Department Committees, Section 2 shall add Sub-section (O) Oratorical

Resolution 2011-02 – By-Laws, Article II, Department Committees, Section 2 shall add Sub-section (P) Jr. Shooting

Resolution 2011-03 – By-Laws, Article II, Department Committees, Section 2 shall add Sub-section (Q) WALRUS

### Authorized changes – Constitution and By-Laws Department Convention 18 June 2011

Resolution 2012-03 – Constitution Article IV Section 5, add Eligibility to Hold Office

### Authorized changes – Constitution and By-Laws, Department Convention 29 June 2014:

Constitution, Article VI, Section 2, Remove exception following Department Finance Officer referring to By-Laws, Article 1, Section 6.

By-Laws, Article 1, Section 6, DEPARTMENT ADJUTANT/FINANCE OFFICER. The offices of Department Adjutant and Department Finance Officer may be combined and held by one person whenever ordered or directed by a majority vote of either the Department Convention or the Department Executive Committee. Is removed and the remaining Sections have been renumbered to reflect this change.

Resolution 2015-01- Constitution Article X, Section 3, changes wording to restrict spending above 25%, clarifies the minimum balance and establishes responsibility of funds.