

# **THE AMERICAN LEGION DEPARTMENT OF NORTH DAKOTA CONSTITUTION, BY-LAWS, AND CONVENTION UNIFORM CODE OF PROCEDURE**



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# CONSTITUTION

Believing in the principles as set forth in the Preamble of the Constitution of The American Legion adopted by the National Convention held at Minneapolis, Minnesota, on November 10, 11, and 12, 1919, and believing there should be a unity of aims and purposes between the National and Department organizations of The American Legion, we hereby adopt the same to wit:

## PREAMBLE

For God and Country we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America;

To maintain law and order;

To foster and perpetuate a one hundred percent Americanism;

To preserve the memories and incidents of our associations in all wars;

To inculcate a sense of individual obligation to the community, state and nation;

To combat the autocracy of both the classes and the masses;

To make right the master of might;

To promote peace and goodwill on earth;

To safeguard and transmit to posterity the principles of justice, freedom and democracy;

To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

## ARTICLE I: NAME

**Section 1.** The name of this organization shall be **THE AMERICAN LEGION DEPARTMENT OF NORTH DAKOTA.**

## ARTICLE II: ELIGIBILITY

**Section 1. Eligibility** As provided in the National Constitution, Article IV, Section 1: Any person shall be eligible for membership in The American Legion who was a member of the Armed Forces 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, and December 7, 1941, to the date of cessation of hostilities as determined by the government of the United States; all dates inclusive, or who, being a citizen of the United States at the time of his entry therein, served on active duty in the armed forces of any 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 during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service. Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life. Section 3. No person may be a member at any one 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, he may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

**National Guard, reserve eligibility** Members of the National Guard and reserves are required to meet the same eligibility requirements as federal active-duty veterans. To be eligible, the National Guard member or reservist must have served at least one day on federal active duty (including basic training) during any of the delimiting periods as set forth in Article IV, Section 1 of the American Legion Constitution. The person must either have an honorable discharge or currently be serving either in the Guard, reserve or on federal active duty. **Note:** A DD 214 is issued for the time on federal active duty only if the reserve component member has been on Title 10 status for 180 days. A DA-1059 is issued for completion of a school with a character type of discharge. All reserve components send their members to basic training using Title 10, Subsection 672/12301 orders.

**National Guard (example)** If a traditional National Guard soldier or airman (i.e., one never stationed with an active-duty unit) performed basic training during The American Legion's eligibility period, he or she would qualify for membership because that time on active duty was federal Title 10 duty..

**Section 2.** There shall be no form or class of membership in any Post in this Department except an active membership as herein above provided.

**Section 3.** The qualifications for membership in any Post of this Department shall at all times conform to and be identical with the qualifications for membership prescribed by the duly adopted and authorized Constitution of the National Organization of The American Legion and duly adopted and authorized amendments thereto; anything in this Article to the contrary notwithstanding.

## **ARTICLE III: LIMITATIONS**

**Section 1.** This Department and Posts thereof shall be politically non-partisan and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment. Nothing contained in this provision, however, shall restrict the Department, Posts, or individual members from appearing before legislative bodies in order to promote, wherever practical, military or veteran's affairs. Such appearance shall be in accordance with the applicable laws of the State of North Dakota regulating such activity.

**Section 2.** This is a civilian organization; rank does not exist herein and no member shall be addressed by his military or naval title in any convention or meeting of this organization or the Posts thereof.

## **ARTICLE IV: ORGANIZATION**

**Section 1.** This organization shall be composed of local units called "Posts." Each Post shall have a minimum membership of five. A Post desiring a charter shall apply to the Department Executive Committee of this Department for its recommendation in accordance with the provisions of the Constitution of the National Organization. No Post shall be received into this organization until it has received a charter.

**Section 2.** The officers of each Post shall consist of a Post Commander, one or more Post Vice Commanders, Post Adjutant, Post Finance Officer, Post Historian, Post Chaplain, Post Sergeant-at-Arms, Post Service Officer, and such other officers as any individual Post may deem necessary for the proper conduct of its business.

**Section 3.** The Department shall be divided into Districts, the boundaries of which shall be determined and fixed by the Department Executive Committee. There shall also be regions, which shall consist of those districts as designated by the Department Executive Committee.

## **ARTICLE V: ADMINISTRATION**

**Section 1.** The legislative body of this organization shall be the Department Convention to be held annually at a place and time determined by the Department Executive Committee.

**Section 2.** The Department Convention shall be composed of Elected Department Officers, Past Department Commanders, and Post Delegates from each Post within this Department. Each Post shall automatically be entitled to one delegate. Posts will receive one additional delegate for each fifty memberships or major portion thereof paid for and received by Department no less than thirty days prior to the date Department Convention convenes. Each Elected Department Officer, Past Department Commander, and Post Delegate, or alternate in case of the absence of the Delegate, shall be entitled to one vote in the Convention. All Elected Officers and Past Department Commanders shall exercise their vote with their respective posts.

**Section 3.** The delegates to the Department Convention shall be chosen by each Post and the names of such delegates shall be certified to the Department Adjutant in care of the Chairman of the Host Convention Committee prior to the date of such Department Convention.

**Section 4.** For purposes of selecting delegates to the National Convention, there shall be a National Convention Delegate Selection Committee, which shall meet at the call of the Commander prior to the annual Department Convention. Committee membership, rules, and procedures shall be formulated by the

Commander. The Convention Delegate Selection Committee shall forward the National Delegate list to the Department Executive Committee for action prior to the annual Department Convention. The final list of delegates to the National Convention shall be approved by the Department Convention as described by the Constitution, By-Laws or Rules of the National Organization of The American Legion.

**Section 5.** The Department Executive Committee shall establish a Convention Uniform Code of Procedure for the orderly organization and operation of Department Conventions with continuing power of revision.

**Section 6.** The Officers of this Department shall consist of a Department Commander, Department Commander Elect, Department Vice Commanders, Department Adjutant, Department Veteran Service Officer, Department Finance Officer, Department Historian, Department Chaplain, Department Sergeant-at-Arms, Department Executive Committee Chairman, Regional Department Executive Committeemen, Department Judge Advocate, and Department Membership Chairman. The Department Commander Elect shall become the Department Commander upon confirmatory vote at the next Department Convention. The immediate Past Department Commander shall become Chairman of the Department Executive Committee. The Department Finance Officer and Department Sergeant-at-Arms shall each be elected for a two year term at every alternate Department Convention in the even numbered years. The Department Adjutant and Department Veteran Service Officer are paid employees and shall be appointed by the Department Executive Committee. The Department Historian, Department Chaplain, Department Judge Advocate, and Department Membership Chairman shall be appointed annually by the newly elected Department Commander. Department Vice Commanders shall be elected annually by their region and confirmed during convention. Regional Department Executive Committeemen shall be elected for a three year term by their region during Department Convention; elections shall be staggered so that the term of no more than two committee members shall expire each year. Elective officers will assume their respective offices immediately after the close of Convention; appointive officers will assume their respective offices immediately after their appointment. In the event a vacancy occurs in the office of Department Commander or should the Department Commander be unable to perform the duties of his office, the Department Executive Committee has the power to appoint either the Department Commander Elect or one of the Department Vice Commanders to serve as Department Commander. Any Department Office that may become vacant due to the death, absence, or disability may be filled by appointment by the Department Commander, subject to approval by the Department Executive Committee.

**Section 7.** The Executive power shall be vested in a Department Executive Committee. The Department Executive Committee shall consist of seven voting members: the Department Commander, Department Commander Elect, Department Finance Officer, the immediate Past Department Commander and the Regional Executive Committeemen. Regional Department Executive Committeemen shall be limited to serving two consecutive elected three year terms in office. Non-voting members of the Department Executive Committee shall include the Department Judge Advocate, the Department Membership Chairman, the National Executive Committeeman, the Department Adjutant, and the Department Vice Commanders.

**Section 8.** The fiscal budget year of this Department shall be from 1 July to 30 June. The incoming Department Commander, with the advice of the Department Executive Committee Chairman and the Finance and Budget Committee, shall prepare a proposed budget for the ensuing fiscal budget year and submit the same to the Department Executive Committee for its approval and adoption at their Department Convention meeting. The Department taxes are filed on a calendar year, 1 January to 31 December.

## **ARTICLE VI: NATIONAL EXECUTIVE COMMITTEEMAN AND ALTERNATE**

**Section 1.** One National Executive Committeeman and one Alternate, as provided by the

Constitution of the National Organization of The American Legion and the rules and order duly issued by said National Organization and based thereon, shall be elected for a two-year term at every alternate Convention of this Department, being the even numbered years. The Alternate National Executive Committeeman shall be limited to one consecutive two-year terms in office.

**Section 2.** The National Executive Committeeman shall appear before and make reports to the Department Executive Committee whenever requested to do so by such committee, or the Department Commander thereof, and shall receive his necessary and proper expenses to and from his place of residence to such meeting upon filing a statement thereof with the Department Adjutant.

**Section 3.** If the National Executive Committeeman position becomes vacant, the Alternate National Executive Committeeman shall move into the National Executive Committeeman position to complete the term. The Department Commander shall have power to fill the Alternate National Executive Committeeman vacancy or National Executive Committeeman vacancy when no Alternate National Executive Committeeman is available. The DEC shall confirm by vote all appointments.

**Section 4.** Any Department Officer, Committee Chairman, or equivalent thereof, may be removed from office by a two-third affirmation vote of the Department Executive Committee. The member proposed for removal will be given notice and an opportunity to be present and to be heard at the meeting at which his or her removal is considered.

## **ARTICLE VII: AMENDMENT**

**Section 1.** This Constitution may be amended by a two-thirds vote of delegates and officers actually present and voting at any session of the Department Convention, provided such amendment shall first have been presented at least two hours prior to the time of taking such vote thereon.

**Section 2.** The Department Executive Committee shall have the power to make technical corrections to this Constitution. In exigent situations, the Department Executive Committee shall have the power to act as necessary to ensure the Department can function. Any action that requires them to go outside the boundaries of this Constitution will be brought to the floor for ratification at the next Department Convention.



# BY-LAWS

## ARTICLE I: DUTIES OF OFFICERS

**Section 1.** The Department Commander is the Chief Executive Officer of this Department and shall make such tours of investigations and inspection as he shall deem necessary and beneficial for said Department and the Posts thereof, and shall be paid his necessary and proper expenses on voucher duly presented to the Department Adjutant. The Department Commander shall be Chairman of the Department Convention presiding at such convention and shall give a State of the Department report. The Department Commander shall perform such other duties as are usually incident to such an office.

**Section 2.** The Department Vice Commanders shall work to support and encourage the District Commanders in their Region in furtherance of the Department's priorities and the promotion of membership. One of the Department Vice Commanders or the Department Commander Elect, shall be invested with all the duties and privileges of the Department Commander during the latter's absence or disability and shall act as such.

**Section 3.** The Department Executive Committee Chairman shall set the agenda and preside at all Department Executive Committee meetings.

**Section 4.** The Department Adjutant shall be the Administrative Officer with duties which are usually incident to such office and shall receive such salary as shall be determined by the Department Executive Committee to be fair and reasonable, together with such expenses, and office space and staff as the Department Executive Committee shall deem reasonable and necessary for the proper performance of all duties. The Department Adjutant shall be an employee of the Department. Upon appointment, the Department Adjutant shall answer to and be directly supervised by the Department Executive Committee, or sub-committee thereof, and shall serve until removed by the Department Executive Committee, or upon death, disability, retirement, termination, or resignation, whichever shall occur first.

**Section 5.** The Department Historian shall assist Post historians in coordination and unification of their work, and shall have such other duties as the Department Executive Committee may prescribe.

**Section 6.** The Department Finance Officer shall be the Treasurer and shall perform such duties incident to such office and shall be bonded in such amount as shall be determined by the Department Executive Committee for the faithful performance of his duties. The Department Finance Officer shall report at each annual Convention setting forth in detail the financial status of the Department. Department Finance Officer presides as chairman of the standing committee on Finance &-Budget Committee.

**Section 7.** The Department Chaplain shall be the spiritual and moral advisor of this Department and shall invoke divine blessings upon the deliberations of the Convention and other Department functions.

**Section 8.** The Department Sergeant-at-Arms shall be custodian of the Department Colors and shall be in charge of the Color Guard during the presentation and retirement ceremonies of the colors at all Department functions. During Department Convention and Conference, the Department Sergeant-at Arms shall control ingress and egress into the hall and shall perform such other duties as may be required of him to insure that the Convention programs proceed free of any undue disturbances or disruptions.

**Section 9.** The Department Commander shall appoint annually, a District Commander and District vice Commander as recommended by each of the Districts. In each succeeding year, the District vice Commander upon recommendation of the District, shall be appointed District Commander by the Department Commander. It shall be their duty to keep in touch with the Posts in their respective Districts and to visit them in the furtherance and coordination of the work of The American Legion and in the promotion of membership. In the event, that the office of District Commander may become vacant due to his death, absence or disability, the vacancy may be filled by appointment by the Department Commander. District Commanders shall be Department Delegates to the National Convention of The American Legion.

**Section 10.** The Department Judge Advocate shall act as advisor to the Department and serve as parliamentarian. Department Judge Advocate presides as chairman of the Constitution, By-Laws, and Rules Committee.

**Section 11.** The Department Membership Chairman shall preside over the Department Membership and Post Activities Committee. Department Membership Chairman shall plan, organize, and coordinate Department membership meetings and recruitment activities, and carry out other duties and responsibilities as may be prescribed by the Commander or the Department Executive Committee.

**Section 12.** The Department Veteran Service Officer shall perform all duties which are usually incident to such office and shall receive a salary determined by the Department Executive Committee to be fair and reasonable, as well as such expenses needed for training and equipment. The Department Veteran Service Officer serves as a member of the committee on Veterans Affairs and Rehabilitation Committee. The Department Service Officer shall be an employee of the Department. Upon appointment, the Department Veteran Service Officer shall answer to and be directly supervised by the Department Executive Committee, or sub-committee thereof, and shall serve until removed by the Department Executive Committee, or upon death, disability, retirement, termination, or resignation, whichever shall occur first.

**Section 13.** It shall be the duty of all Department Officers to attend all Department Conventions, Conferences, and other meeting pertinent to their respective offices. Necessary and proper expenses shall be paid by the Department upon presenting a proper statement of expenses to the Department.

## **ARTICLE II: ANNUAL DUES**

**Section 1.** Annual dues of the Department shall be payable October 20 of each year, for the succeeding calendar year. The amount of department dues shall be determined by action of the Department Convention. National dues shall be as determined by the National Organization; Post dues shall be determined by each individual Post.

**Section 2.** Annual dues shall be collected by each post and transmitted promptly to the Department Adjutant at Department Headquarters. In no event shall the period transpiring between the receipt of such annual dues by a Post and the remittance thereof to Department Headquarters exceed thirty days.

## **ARTICLE III: DEPARTMENT HEADQUARTERS**

**Section 1.** The Headquarters of this Department shall be located at 405 West Main Avenue,

Suite 4-A, West Fargo, North Dakota 58078.

## **ARTICLE IV: DEPARTMENT EXECUTIVE COMMITTEE**

**Section 1.** The Department Executive Committee, after notice and a hearing, may recommend to the National Executive Committee the suspension or revocation of the charter of any Post in this Department when such Post violates the Constitution of the National Organization or this Department, or which fails adequately to discipline any of its members for any such violation and may provide for the government and administration of such Post during such suspension or upon such revocation.

**Section 2.** The meetings of the Department Executive Committee shall be held quarterly, one of which shall be held prior to Department Convention and one of which shall be held prior to Winter Conference. Additional meetings may be held upon the call of the Department Commander, Department Executive Committee Chairman, or upon written request of any three members of such committee and shall be held at the office of the Department Adjutant unless otherwise ordered.

**Section 3.** The Department Executive Committee shall establish an Investment and Fund Management Policy and a Personnel Policy, both of which shall be reviewed annually.

**Section 4.** The Department Executive Committee shall review and approve all nominations for National American Legion Awards prior to submission.

**Section 5.** Necessary and proper expenses of the Department Executive Committee members shall be paid by the Department upon presenting a proper statement of expenses to the Department.

## **ARTICLE V: DEPARTMENT CONVENTIONS**

**Section 1.** The Department Uniform Code of Procedure supplemented by Robert's Rules of Order shall govern all Conventions of this Department.

**Section 2.** The Department Commander shall appoint a Committee on Credentials consisting of no more than two members from each Region who will serve a four year term. The appointments shall be staggered so that no more than one-half of the committee is turning over in any one year. The Department Commander shall appoint a Committee Chairman.

**Section 3.** A simple majority of the delegates, past Department Commanders, and elected Department Officers duly recognized by the Committee on Credentials shall constitute a quorum for the transaction of business of this Department at its Convention.

**Section 4.** The Department Judge Advocate, as Chairman of the Constitution, By-Laws, and Rules Committee, shall receive from the Department Adjutant each year a transcript of the changes made in the National Constitution, and shall prepare such changes in the Department Constitution and By-Laws as may be necessary to conform thereto. This committee shall also take the necessary action to amend the Department Constitution to meet changed conditions.

## **ARTICLE VI: COMMITTEES**

**Section 1.** The Department Commander, upon assuming office, shall appoint the following

committees with the exception of the Audit Committee, subject to Department Executive Committee approval:

**(a) The Finance and Budget Committee.** This Committee shall be composed of the Department Commander, the Department Commander Elect, the Department Adjutant, the Department Finance Officer, and no less than three other members. Its duties shall consist of supporting the formulation of a budget for the succeeding year, the study and report of proposals for new ventures or expansion of old ventures requiring the expenditure of Department funds, and the supervision of all Department accounts to include the General Fund and the Reserve Fund. While Department Convention is in session, any proposal requiring an expenditure of money shall be referred to this Committee for its consideration and report, which report shall be made within 24 hours. Should the Convention adjourn prior to the lapse of this time, the Department Finance and Budget Committee will make its report to the Department Executive Committee at the next ensuing Department Executive Committee meeting. Any proposal for a new activity or for the expansion of an old activity which requires funds not provided for in the approved budget shall be submitted to the Department Executive Committee. No resolution calling for the expenditure of more than \$500.00 annually shall be acted upon by Department Convention until it shall have first been referred to the Finance and Budget Committee.

**(b) The Audit Committee.** This Committee shall be chaired by the National Executive Committeeman, unless a conflict exists, then by the Alternate NEC. This committee shall be comprised of four additional members consisting of at least two past Department Commanders and the remaining Members-at-Large appointed by Audit Committee Chairman. The purpose of this committee is to review the Department's financials. The committee shall prepare a written statement of findings and present it to the Department Executive Committee. The Finance Chairman, Department Adjutant, Department Executive Committee Chairman and Department Staff shall be available during the Audit Committee's review for the purpose of responding to inquiries.

**(c) The Boys State Committee.** This Committee shall be comprised of the Department Commander as Chairman and the Department Adjutant as Finance Officer both by virtue of office; an Executive Director and Director, both of which shall be appointed to a two year term by the DEC; and the Ten District Boys State Representatives.

**(d) The Program Committees:**

- 1) Veterans Affairs and Rehabilitation Committee
- 2) Americanism Committee
- 3) Children and Youth Committee
- 4) Athletic Committee
- 5) Oratorical Committee

The Department Commander shall recommend the committee chairman and present the names to the Department Executive Committee for confirmation. Once appointed, the Committee Chairman shall staff their respective committees as necessary to carry out the mission of their program and of The North Dakota Department of the American Legion.

**(e) The Legislative Committee.** This Committee shall be comprised of seven members; a chairman and six members (two from each of the West, East, and Central regions) serving for a period of two years. The Chairman shall not exceed three consecutive terms of office. The Chairman and all committee members shall be appointed by the Department Commander and presented to the Department Executive Committee at their post-convention meeting in the odd years commencing in 2015.

The purpose of this committee is to facilitate the creation and organization of legislative actions

for the upcoming legislative session by researching veteran issues and developing legislative bills to be proposed to the North Dakota Veterans' Legislative Council.

**(f) The Constitution, By-laws, and Rules Committee.** This committee shall be composed of the Department Judge Advocate and no less than four additional members.

**(g) The Membership and Post Activities Committee.** By virtue of office, this committee shall be comprised of the Membership Chairman, Commander-Elect, Department Vice Commanders, District Commanders, and District Vice Commanders.

**(h) The Resolution Committee.** This Committee shall be composed of no less than five members.

**(i) Other Committees.** Other Committees may be appointed as needs arise. These committees can be appointed by either the Department Commander or the Department Executive Committee Chairman and shall meet as necessary until the completion of their project or task.

## **ARTICLE VII: DELEGATES TO NATIONAL CONVENTION**

**Section 1.** The expense allowance for delegates to the National Convention in attendance at such Convention shall be paid by the Department in an amount set by the Department Executive Committee. Any delegate compensated by National Headquarters for attending the National Convention shall not receive any expense reimbursement from the Department as such delegate.

**Section 2.** The newly elected Department Commander, the Department Adjutant, the Immediate Past Department Commander and the newly elected Alternate National Executive Committeeman shall be ex-officio included as delegates at large to the National Convention, the National Executive Committeeman being a delegate by virtue of his office as per National By-Laws. The Immediate Past Department Commander shall serve as Chairman of the Department delegation at the National Convention.

## **ARTICLE VIII: POST ELECTIONS**

**Section 1.** An annual election in all Posts of the Department shall be held in April or May of each year prior to the Department Convention.

## **ARTICLE IX: AMENDMENT**

**Section 1.** These By-Laws may be amended by a two-thirds vote of the delegates and elected Department Officers actually present and voting at any session of the Department Convention provided such amendments shall first have been presented at least two hours prior to the time of taking such vote thereon.

**Section 2.** The Department Executive Committee shall have the power to make technical corrections to these By-Laws. In exigent situations, the Department Executive Committee shall have the power to act as necessary to ensure the Department can function. Any action that requires them to go outside the boundaries of these By-Laws will be brought to the floor for ratification at the next Department Convention.

# CONVENTION UNIFORM CODE OF PROCEDURE

## **RULE 1: PRESENTATION OF RESOLUTIONS**

1. Non Department Committee based resolutions to be considered by the Department Convention must be approved and sponsored by a Post and transmitted to and received by the Department Adjutant at Department Headquarters at least two weeks prior to the date Department Convention convenes. Resolutions received after the two-week cutoff, will be put before the Department Executive Committee.
2. The Department Adjutant, with the concurrence of the Department Commander, shall assign Resolutions properly received to appropriate Convention Committees. The Department Commander shall rule on any question concerning such assignment.
3. All non-housekeeping Resolutions shall be presented to the floor no less than twice prior to voting. A copy of all resolutions shall be made available for reading at the registration desk from the time of the first reading through the vote.

## **RULE 2: GENERAL CONVENTION PROCEDURES**

1. Delegates desiring to make a motion or address the Convention shall rise, address the Chair as "Commander" and state their name and the name of their Post before proceeding.
2. Debate shall be limited to five minutes for each speaker.
3. The Floor shall be permitted but once to any individual delegate on any one question, except by at two-thirds vote of the Convention. Chairmen of Convention Committees may speak as frequently as may be necessary in connection with the reports of their committees. The presiding officer shall not entertain any motion which will curtail further debate without affording the Committee Chairman an opportunity for rebuttal.
4. No person, not duly accredited, shall participate directly or indirectly in debate on any subject before the Convention, but Past Department Commanders and members of the Department Executive Committee shall have the privilege of speaking from the floor.
5. The Credentials Committee shall verify all Credential Certificates presented by the Post delegations, shall adjust all dispute thereon, and will make one preliminary report and at least one additional amended report to the Convention prior to the Roll Call for election of officers. A delegation shall be entitled to cast Roll Call votes for election of officers only to the extent that registration fees have been paid for its authorized number of delegates. The Credentials Committee shall secure the necessary information from the Registration Committee to properly prepare its Convention Reports. A Credentials Committee Report shall also be announced in each Regional Caucus prior to the Roll Call vote for Department Vice-Commanders and Department Executive Committeemen.
6. Candidates for Department offices shall have the privilege of reviewing certified post

delegation credentials at the Credentials Committee desk during such hours that the Committee is open to receive credential certificates, provided that they do not disrupt the work of the Committee.

7. No elective political office seeker shall be permitted to speak during the Convention except the Chief Executive of the State of North Dakota and the Chief Executive of the Convention city, or such persons as are on the official printed and published program.

8. No Band, Drum Corps, or other musical organization shall be permitted in the Convention Hall without the invitation of the Department Commander.

9. No personalities or partisan politics shall be discussed or indulged in on the Convention Floor, and the Department Commander shall prohibit such indulgences.

10. Committee Chairmen shall inform the Department Commander when they are ready to present their reports, and the Commander shall recognize them as the next order of business.

11. Robert's Revised Rules of Order shall be the authority on parliamentary procedure except as modified by the Department Convention Rules. Any situation that cannot be resolved under Robert's Revised Rules of Order and the Department Convention Rules shall be settled by reference to the Uniform Code of Procedure for the Organization of National Conventions of The American Legion as amended.

### **RULE 3: VOTING AND ELECTION PROCEDURES**

1. Voting shall be by acclamation, except when a Roll Call is demanded by the Chairman or Acting Chairman of at least three Delegations and except in the election of Department Officers, which shall be by written ballot and/or Roll Call.

2. All ballots utilized, must be a ballot provided by the credentials committee. If not, it will be considered an invalid ballot and all of its votes will not be counted. To be considered valid, ballots must demonstrate the total number of authorized voting delegates cast, the Post's Name and Number, and the designated Post Delegate Chair's legible signature.

3. The Credentials Committee Chair shall review and verify if all submitted ballots are to be considered valid. Any discovered discrepancies shall be reviewed by the Credentials Committee as a whole, to determine if the ballot reviewed is to be considered valid or invalid. The committee decision of validity is final.

3. There shall be no joint post, district, or region block voting.

4. On Roll Call, the Chairman or Acting Chairman of each Delegation on the Floor shall announce the vote of their Delegation.

5. A Delegate may only request a poll of the Post Delegation of which he/she is a member. When such a request is made, a poll of the Delegation will be made from the names certified on that Post's credentials certificate. The votes of any absentee delegates in that Post's delegation will be credited to the prevailing side or in the event of multiple candidates to the candidate with the majority.

6. The Convention shall nominate and elect the following officers:

**ANNUALLY**

Department Commander  
Department Commander Elect

**EVEN NUMBERED YEARS**

Department Finance Officer  
National Executive Committeeman  
Alternate National Executive Committeeman  
Department Sergeant-at-Arms

***NOTE: The Department Commander and Commander Elect nomination and election will be held last and the sequence for all other elections will be established by the Commander.***

7. Nominating speeches for Department Officer candidates shall be limited to three minutes. Not more than one seconding speech shall be made for any candidate and said speech shall be limited to two minutes.

8. When more than two candidates are nominated for any office and one of the candidate's doesn't receive a simple majority of votes cast, the candidate receiving the lowest votes shall be removed from the run-off ballot, then a new ballot shall be cast. This process is repeated until there is a simple majority of votes cast for one candidate. A candidate may withdraw from an election at any time prior to call for vote.

9. All nominations for Department Officers shall be made from the Floor. Competing candidates shall determine among themselves, in a manner of their choice, the sequence in which their nominations are to be presented. Candidates shall inform the Department Commander in writing prior to the final session of the Convention of the name and post of the Legionnaire who will make their nominating and seconding speeches.

10. Upon close of nominations when more than one candidate is nominated, each post shall complete a written ballot and turn the completed ballot into the credentials desk during the allotted time. The Credentials Committee shall tally all the votes cast and provide the final count to the Department Commander who will announce the results. If a Roll Call is demanded by the Chairman or Acting Chairman of at least three Delegations, the Department Adjutant will proceed with an alphabetical roll call at which time the Chairman or Acting Chairman of the Post Delegation shall verbally announce their vote, which must match their written ballot. In the event that the delegation is not present on the floor during the roll call, their vote shall be announced by the Department Adjutant as recorded with the Credentials Committee.

11. No person or delegate shall act by proxy for any Post. No Post shall vote unless at least one registered and accredited delegate or alternate is present on the Convention Floor.

12. All posts PASSING their vote will be called ONE MORE TIME ONLY immediately upon conclusion of the regular Roll Call. Absent posts will not be recalled.

13. Regional caucus voting: At the first regional caucus meeting of convention, each region shall establish the voting rules and procedures to be followed for that convention only (by majority vote of



paid convention attendees from that region).

### RULE 4: COMPUTING POST DELEGATES

The following chart calculates Post Delegates for Department Convention. Delegates are determined by a Post's current year membership paid and received by Department Headquarters no less than 30 days prior to the date Department Convention convenes.

Members	Delegates	Members	Delegates	Members	Delegates
5 - 25	1	676 - 725	15	1376 - 1425	29
26 - 75	2	726 - 775	16	1426 - 1475	30
76 - 125	3	776 - 825	17	1476 - 1525	31
126 - 175	4	826 - 875	18	1526 - 1575	32
176 - 225	5	876 - 925	19	1576 - 1625	33
226 - 275	6	926 - 975	20	1626 - 1675	34
276 - 325	7	976 - 1025	21	1676 - 1725	35
326 - 375	8	1026 - 1075	22	1726 - 1775	36
376 - 425	9	1176 - 1125	23	1776 - 1825	37
426 - 475	10	1126 - 1175	24	1826 - 1875	38
476 - 525	11	1176 - 1225	25	1876 - 1925	39
526 - 575	12	1226 - 1275	26	1926 - 1975	40
576 - 625	13	1276 - 1325	27	1976 - 2025	41
626 - 675	14	1326 - 1375	28	2026 - 2075	42

One vote to be added for each Past Department Commander and each Elected Department Officer who is currently a member of your post and paid at the convention.

Post Paid Membership (30 days prior) \_\_\_\_\_ = \_\_\_\_\_ Delegates based on above chart  
 Current Elected Department Officers \_\_\_\_\_ = \_\_\_\_\_ Additional votes  
 Number Past Department Commanders \_\_\_\_\_ = \_\_\_\_\_ Additional votes  
**TOTAL VOTES AUTHORIZED** \_\_\_\_\_