

THE  
AMERICAN LEGION  
DEPARTMENT OF OHIO



Constitution & By-Laws

Revised 2017

**Constitution**  
THE AMERICAN LEGION,  
DEPARTMENT OF OHIO, INC.  
(Including all Amendments)

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 per cent 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

The name of this Department of The American Legion shall be "The American Legion, Department of Ohio, Inc." (*Amended 46<sup>th</sup> Department Convention 1964*).

ARTICLE II  
OBJECTS

Section 1. The objects and purposes of this Department shall be to promote the principles and policies set forth in the foregoing Preamble and the National Constitution of The American Legion.

ARTICLE III  
MEMBERSHIP

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, 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 January 31, 1990; August 2, 1990 to the 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 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. (*Amended 73<sup>d</sup> National Convention 1991*).

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, 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.

#### ARTICLE IV 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 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. (*Amended 58<sup>th</sup> National Convention 1976*).

#### ARTICLE V ADMINISTRATIVE

Section 1. The Legislative body of the Organization shall be a Department Convention to be held annually. The Department Convention shall select the site for the Convention in at least two subsequent years provided prior Conventions have not set sites for these Conventions. The said Convention may also set the site for Conventions more than two years in advance if the delegates to the Convention deem this advisable.

The action of a Department Convention in setting future Conventions shall be binding and may not be changed by intervening Department Conventions. The time of each Convention shall be fixed by the Department Executive Committee. In the event that the preceding Convention does not select a place for either of the next two Conventions, the same shall be selected by the Department Executive Committee. In the event it becomes impossible or impracticable to hold a Department Convention in a city selected by previous Conventions the Department Executive Committee may change the site and time of any Convention by a three-fourths vote of the said Department Executive Committee. If conditions necessitate said vote may be taken by electronic communication (telephone, e-mail, fax). *(Amended 95<sup>th</sup> Department Convention 2013)*

Section 2. The annual Convention shall be composed of delegates and alternates from each Post. Each Post shall be entitled to one delegate and one alternate for the first twenty-five (25) members, two delegates and alternates for sixty-six (66) members and an additional delegate and alternate for each additional one hundred (100) members, paid up thirty (30) days prior to the date of the Department Convention. The vote of each Post shall be equal to the total number of delegates to which the Post is entitled. The Rules and Order of Business of the last preceding Convention shall be the Rules and Order of Business of the next succeeding Convention until such time as the Rules and Order of Business Committee reports to the Convention then in session. *(Amended 69<sup>th</sup> Department Convention 1987).*

Section 2-a. All resolutions, other than resolutions (recommendations) proposing to amend the Department Constitution or the Department By-Laws, may originate at any regular official meeting of a Post, County, District, Department Executive Committee or duly constituted committee meeting of the Department Convention. All resolutions, other than those originating in the Convention committees must be received by the Department Headquarters at least ten (10) days prior to the opening of the Convention. Provided, however, that the ten (10) day requirement may be waived by a two-thirds (2/3) vote of the delegates to the Convention. Said two-thirds (2/3) vote is also required for all resolutions originating in the Convention committees.

Section 2-b. Upon receipt of resolutions originating in Post, Counties, Districts or the Department Executive Committee, it shall be the duty of the Department Adjutant to edit all such resolutions so as to bring them into the proper form for the Department Convention and make other corrections, additions, and deletions as he/she sees fit so long as said corrections, additions, and deletions do not change the intent or purpose of the resolution. It shall be the duty of the Department Adjutant to assign these resolutions to the proper Convention committees. *(Amended 42<sup>nd</sup> Department Convention 1960).*

Section 3. All members of the Department Executive Committee shall be delegates to all Department Conventions during their term of office, with vote, to be exercised with their respective Posts. All Past Department Commanders, while in good standing with their respective Posts, shall be life delegates to all Department Conventions, with vote, to be exercised with their respective Posts.

Section 4. Written notice thereof shall be sent to each Post not less than thirty (30) days before each Department Convention and not less than ten (10) days before each District Convention. The duly qualified representatives of the Posts present at such Department Convention shall constitute a quorum for the transaction of business. Districts may determine the quorum necessary for their conventions. *(Amended 42<sup>nd</sup> Department Convention 1960).*

Section 5. The fiscal year of the Department shall be from August 1 to July 31 inclusive next following. *(Amended 67<sup>th</sup> Department Convention 1985).*

## ARTICLE VI DEPARTMENT OFFICERS

Section 1. The Department Convention shall elect a Department Commander, a Department First Vice Commander and a Second Vice Commander and a Department Treasurer. *(Amended 56<sup>th</sup> Department Convention 1974).*

Section 2. Such officers shall take office and be installed immediately before the adjournment of that session of the Convention at which they are elected and shall serve until the next Convention or until their successors are elected and qualified.

The retiring Department Commander shall be the chairman of the Department delegation to the National Convention occurring in the year in which his/her term expires. Vacancies in these offices occurring between Department Conventions shall be filled by the Department Executive Committee, except in the case of vacancy in the office of the Department Commander, the First Vice Commander shall succeed to that office.

Section 3. The Department Commander shall, with the approval of the Department Executive Committee, appoint a Department Judge Advocate, Department Historian, and a Department Chaplain, who shall be an ordained Minister, Priest, or Rabbi, whenever possible, and may appoint a Department Assistant Adjutant, a Department Assistant Chaplain, a Department Assistant Historian, a Department Assistant Judge Advocate, a Department Parliamentarian, a Department Sergeant-At-Arms, and several Assistant Sergeant's-At-Arms not to

exceed six. (*Amended 95<sup>th</sup> Department Convention 2013*) (*Amended 97<sup>th</sup> Department Convention 2015*)

Section 4. The Department Convention held in the even-numbered years, starting with 1938 shall elect a National Executive Committeeman and an Alternate National Executive Committeeman, each to hold office for a term of two years. They shall take office immediately upon adjournment of the National Convention next succeeding the Department Convention at which they are elected.

Vacancies in these offices occurring between Department Conventions shall be filled by the Department Executive Committee, but 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 Department Convention, which Convention shall elect a National Executive Committeeman or Alternate National Executive Committeeman to serve for the remainder of the two-year term. The officer or officers thus elected shall take office immediately upon adjournment of such Department Convention.

## ARTICLE VII DEPARTMENT EXECUTIVE COMMITTEE

Section 1. Between Department Conventions, the Administrative power shall be vested in a Department Executive Committee which shall consist of the Department Commander, Department Vice Commanders, Department Treasurer, Department Chaplain, immediate Past Department Commander, National Executive Committeeman, Alternate National Executive Committeeman, and District Commanders and District First Vice Commanders. (*Amended 68<sup>th</sup> Department Convention 1986*).

Section 2. The Department Commander shall be the chairman of the Department Executive Committee, and in his/her absence, the Department First Vice Commander shall serve in the capacity.

## ARTICLE VIII THE DISTRICTS

Section 1. The Department shall be divided into fourteen (14) Districts, with the following counties:

District No. 1-Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, Putnam, Williams, Wood.

District No. 2-Allen, Auglaize, Hardin, Logan, Mercer, Shelby, Van Wert.

District No. 3-Champaign, Clark, Darke, Greene, Miami, Montgomery, Preble. District No. 4-Brown, Butler, Clermont, Clinton, Hamilton, Warren.

District No. 5-Ashland, Crawford, Erie, Huron, Lorain, Medina, Richland, Sandusky, Seneca, Wyandot.

District No. 6-Delaware, Knox, Licking, Madison, Marion, Morrow, Union.

District No. 7-Adams, Fayette, Highland, Lawrence, Pickaway, Pike, Ross, Scioto.

District No. 8-Athens, Fairfield, Gallia, Hocking, Jackson, Meigs, Perry, Vinton.

District No. 9-Ashtabula, Geauga, Lake, Mahoning, Trumbull.

District No. 10-Carroll, Columbiana, Coshocton, Harrison, Holmes, Jefferson, Stark, Tuscarawas, Wayne.

District No. 11-Belmont, Guernsey, Monroe, Morgan, Muskingum, Noble, Washington.

District No. 12-Franklin.

District No. 13-Cuyahoga.

District No. 14-Summit, Portage.

Section 2. There shall be held in each District, at least thirty (30) days prior to the date of the Department Convention, a District Convention, at a time and place to be designated by the District Commander, or in such manner as the District Constitution, if any, may provide. The District Commander shall be presiding officer of such District Convention. *(Amended 95<sup>th</sup> Department Convention 2013).*

Section 3. The annual District Convention shall be composed of delegates and alternates from each Post in the District. An alternate shall not be entitled to vote in such Convention except in the absence or disability of the delegate for whom he/she is an alternate.

The number of delegates and alternates to which a Post shall be entitled shall be computed in the same manner prescribed for Department Conventions in Article V, Sections 2 and 3 of the Constitution, except that the representation of each Post shall be based on the paid-up membership at Department Headquarters fifteen (15) days prior to said District Convention. The names of said delegates and alternates shall be certified to the District Commander not later than five (5) days prior to said District Convention.

Section 4. At said District Convention there shall be elected a District Commander, District First Vice Commander and District Second Vice Commander who shall serve for the term of one year, and shall be installed immediately after their ratification by the Department Convention at such Department Convention following their election. (*Amended 69<sup>th</sup> Department Convention 1987*).

A District Adjutant shall be selected in such manner as the District Constitution, if any, may provide or in such manner as said District Convention may decide, if no District Constitution has been adopted. The District Adjutant shall record the proceedings of the District Conventions and Conferences and deliver such records to the District Commander in whose custody they shall remain.

The Constitution of each District shall provide for the election of delegates and alternates to the National Convention. Each District Commander shall select one person from his/her District to be a member of and serve on each of the Department Convention Committees, which said Committee members shall have all the privileges of the Department Convention except the right to vote in the Convention, unless however, such Committee members be also named and selected as an official Department Convention delegate by his/her local Post. If a person selected at the District Convention to serve on a Department Convention Committee fails to attend the Department Convention, a vacancy on the Convention Committee resulting thereby, shall be filled by the Commander of the District involved, by appointment of another member at the Convention. (*Amended 95<sup>th</sup> Department Convention 2013*)

There may be transacted such other and further business in such District Conventions as may be deemed proper.

The District Commander presiding at the District Convention shall within ten (10) days after the adjournment of such District Convention, certify and forward to the Department Adjutant at Department Headquarters a certified copy of the names of the District Commander, District Vice Commanders, delegates and alternates to the National Convention and Department Convention committeemen and other officers elected at such District Convention.



Section 5. The delegates to the National Convention shall be elected by the Districts as provided in Section 4 of this Article in the proportion designated by the National organization. Should the Districts not elect in the aggregate the total number of delegates to which the Department is entitled, for the reason that there does not exist in any of the Districts an exact multiple of the basis of registration, or for other cause, the required number of delegates to fill the quota or appointment of the Department of Ohio, as fixed by the National organization shall be selected by the Department Executive Committee. Said delegates shall be first appointed from the duly elected alternates properly elected within the various Districts, except the five (5) delegates at large who shall be appointed by the Department Commander with the approval of the Department Executive Committee. (*Amended 58<sup>th</sup> Department Convention 1976*).

Section 6. Within sixty (60) days following the National Convention each District Commander shall hold within the District a Conference of all Posts in his/her District.

Section 7. Each District Commander may divide his/her District into Divisions comprised of such number of Counties as he/she may determine and appoint a Commander for such Division who shall serve at the will of the District Commander. Provided that where such Division by a majority of the Posts therein has provided for the election of such Commander, such Commander shall be appointed by the District Commander as the Commander of said Division. Where the Division consists of one County only, the Commander thereof shall be designated as County Commander and in all other cases as Division Commander. Said Commanders except in Counties where a County Council has been or shall be formed shall have the authority to set up a County or Division organization. Said organization and all Commanders provided for herein shall be responsible to the District Commander.

Section 8. The District Commanders shall cause the annual inspection of every Post in their respective Districts, and shall make a report of said inspection to Department Headquarters on, or before, March 1st of each year.

Section 9. When a vacancy in the office of District Commander occurs in any District, the District First Vice Commander shall succeed to that office. If a vacancy in the office of District First Vice Commander occurs in any District after the Department Convention and before the next succeeding District Convention, the District Second Vice Commander shall succeed to that office. If a vacancy in the office of District Second Vice Commander occurs in any District after the Department Convention and before the next succeeding District Convention, the District Commander by and with the consent of the District Executive Committee shall appoint a member of a Post in that District to fill the vacancy. Such

appointment shall be for the remainder of the unexpired term only. (*Amended 69<sup>th</sup> Department Convention 1987*).

If the vacancy occurs after the District Convention and before the next succeeding Department Convention, an election shall be held at the Department Convention at a meeting of the official delegates from the Posts of the District concerned called for that purpose by the District Commander.

Section 10. Districts may adopt Constitutions and By-Laws not inconsistent with the Department or National Constitutions and said Constitution and By-Laws shall be submitted to the Department Judge Advocate for approval before same shall be adopted by the District.

Section 11-a. Upon thirty (30) days written notice to all Posts in the District, any District shall be authorized and empowered to levy such per capita tax assessment as the membership thereof, through its authorized delegates, may deem necessary, and carry on its business and activities from the proceeds of such assessment. Approval of two-thirds (2/3) of the delegates present at a District Convention is necessary to pass such an assessment.

Section 11-b. When a District assessment is constitutionally provided, the District must elect a Finance Officer and provide proper bond. District Finance Officers must report the condition and usage of the fund at each District Conference, and/or Convention. An audit must be made at the end of each fiscal year. The result of such audit shall be presented at the next succeeding District Conference or meeting. A copy of any audit of the District fund must be provided the Department Finance Officer. (*Adopted 43<sup>rd</sup> Department Convention 1961*).

Section 11-c. All Posts within the District shall pay into the District Fund such per capita tax assessment as constitutionally provided. (*Amended 41<sup>st</sup> Department Convention 1959*).

## ARTICLE IX COUNTY ORGANIZATIONS

Section 1. In each County where there are two or more Posts, there may be constituted a County Council composed of delegates from each member Post thereof, elected in such manner as the Constitution and By-Laws of said County Council may provide.

Section 2. In Counties not governed by a regularly constituted County Council it shall be the duty of the District Commander to provide for an annual County Convention at a date no later than fifteen (15) days prior to the District

Convention. Each Post in said County shall be entitled to five (5) times the number of delegates and alternates to which they are entitled to the District Convention, which delegates and alternates shall be governed by the laws that govern delegates and alternates to Department and District Conventions. Said delegates and alternates shall be selected by all Posts in the County at their last regular Post meeting prior to the County Convention. A County Commander and such other county officers as the Constitution and By-Laws of the County organization may provide shall be elected at said Convention. All business relative to legislation, amendments, resolutions and any and all other business as may affect those Posts comprising said Counties shall be handled under the same rules of procedure as established by and for Department and District Conventions.

Section 3. All County officers except those elected to fill vacancies caused by death, resignation, or removal from office prior to the completion of their terms, shall be elected and installed before the first day of October of each year and the names and addresses of such officers shall be transmitted to Department headquarters and to the District Commander within ten (10) days after the installation thereof.

Section 4. It shall be the duty of County Councils and County organizations to assist in and coordinate all efforts and movements in their respective Counties in the interest of the American Legion. All County officers shall be responsible to the District Commander of their respective Districts.

Section 5. The Commanders of duly constituted County Councils and such other officers as may be provided for in their respective Constitutions shall be elected and installed prior to October 1st.

Section 6. Constitutions and By-Laws of County organizations shall be submitted to the Department Judge Advocate for approval before adoption.

Section 7. In Counties where the majority of the Posts therein are members of a duly constituted County Council no charter for a new Post shall be granted unless said Post shall first agree to be a member of the County Council.

Section 8. Where the District and County are territorially identical, the District organization and County organization may be consolidated by a two-thirds (2/3) vote of the delegates representing the County organization present at a regular County Council meeting and a two-thirds (2/3) vote of the delegates present at a District Convention, or a special Constitutional Convention called for that purpose by the District Commander. Notice of a resolution proposing to make such consolidation shall be given to each Post therein in writing at least thirty (30) days prior to

submission thereof. Such consolidation shall be termed as District Council bearing the number of the District designated by the Department Constitution, and may include the name of the County, when so designated by such District, but for Department purposes shall use the District number. Each Post in such Districts so constituted shall be a member thereof. Such District shall be authorized and empowered to levy such per capita tax assessment as the membership thereof, through its authorized delegates, may deem necessary, and carry on its business and activities from the proceeds of such assessment.

## ARTICLE X STANDING COMMITTEES

Section 1. There shall be a permanent Department Finance Committee which shall fix, budget and audit all expenditures and disbursements of the Department; its decision shall be final unless overruled by at least two-thirds (2/3) vote of the Department Executive Committee.

The Department Finance Committee shall consist of five (5) members of The American Legion, Department of Ohio. The Department Commander and Department Treasurer shall be members of the Committee during their tenure of office. The remaining three members of the Finance Committee, none of whom shall be members of the Department Executive Committee, shall be appointed by the Department Commander with the advice and consent of the Department Executive Committee. One of the three shall be appointed for a term of one year, another for a term of two (2) years and the other for a term of three (3) years. Their successors shall be appointed for a period of three (3) years. Each member of the Department Finance Committee shall hold office until his/her successor is duly appointed and qualified.

The Department Finance Committee shall meet within two weeks after the close of the Department Convention. It shall elect its Chairman and adopt such rules of procedure as it may deem necessary. The Department Adjutant shall act as Secretary of the Committee. (*Amended 67<sup>th</sup> Department Convention 1985*).

At its first meeting, the Committee shall prepare for the new year a budget for the operation of the Department during the current year. It is authorized and directed to meet at such times during the year as the chairman of the Committee deems essential or desirable and is empowered to modify or change the budget to meet such conditions as may develop. (*Amended 67<sup>th</sup> Department Convention 1985*).

Section 2. There is hereby created a Department Reserve Fund, the purpose of which shall be the accumulation of a reserve fund to aid the (ministration and) administration of the Department at such time in the future as an emergency or

emergencies may so reduce the Department income that is not sufficient to carry on the normal functions of the Department. This fund shall be invested and held under the direction of the Department Executive Committee then in office.

Section 2-a. There is hereby created a Department Reserve Fund for the purpose of aiding duly elected delegates, including the five (5) delegates at large under Article VIII, Section 5 of the Department Constitution, to attend the National Conventions of The American Legion.

The Finance Committee shall set aside annually thirty cents (30¢) of each member's dues for the purpose of establishing and maintaining this reserve fund and in addition said Finance Committee shall allocate to said fund such amounts as are determined by said Finance Committee to be needed to maintain said fund in a solvent condition from funds derived from any other activities which the Department may endorse, participate in, or promote which create surplus funds, all to be used in said Delegate Allowance Fund.

Each delegate to a National Convention, including the five (5) delegates at large, shall divide evenly an amount equal to the total membership multiplied by the thirty cents (30¢), the amount heretofore established for the purpose of aiding duly elected delegates to a National Convention.

For the purpose of obtaining the total number of authorized delegates as well as establishing the membership criteria for the delegate allowance to be paid from, a delegate allowance shall be based upon the Department's membership current dues paid to the National Treasurer thirty (30) days prior to said National Convention.

Rules for attendance to all National Convention business and caucus sessions shall be established by the Department Executive Committee. (*Amended 82<sup>nd</sup> Department Convention 2000*).

Section 2-b. There is hereby created a Life Membership Fund into which all life membership dues shall be accumulated. Annually, with the beginning of the Department Fiscal Year, the Department Finance Officer shall disburse such Post, Department and National per capita as the respective individual's membership may require, subject to the life membership regulations as adopted by the 37<sup>th</sup> Annual Department Convention. All monies accumulated in the Life Membership Fund in excess of the required annual disbursements shall be invested in a Life Membership Trust Fund to be expended only by approval of both the Department Finance and Executive Committees, under such rules and regulations as may be promulgated by said Committees. (*Adopted 48<sup>th</sup> Department Convention 1966*).

Section 3. The Department Finance Committee shall as soon as possible after the close of each fiscal year (July 31), put into this Department Reserve Fund such amount from the net surplus accruing to the Department during the past fiscal year as it shall deem feasible. *(Amended 67<sup>th</sup> Department Convention 1985).*

Section 4. There shall be a standing committee known as the Department Veterans Affairs and Rehabilitation Committee, which shall consist of fourteen (14) members, one of whom shall be designated as chairman for a term of one year. One of the members of this committee shall be chosen from each of the fourteen (14) Districts into which the Department of Ohio is divided. The members of this Committee shall be appointed and the chairman designated by the Department Commander, and approved of by the Department Executive Committee. The regular term of appointment shall be for a period of three (3) years but appointments of members shall be first made for such periods as will cause the expiration of the term of approximately one-third (1/3) of the members each year. The Department Commander shall also designate such technical and advisory members to serve in conjunction with and in addition to this committee, as may be requested by this committee and approved by the Department Executive Committee. *(Amended 56<sup>th</sup> Department Convention 1974).*

Section 5. There shall be a standing committee known as the Publication Board which shall be composed of five (5) members. The Department Commander shall be a member of this Board and chairman thereof. The Department Treasurer shall be a member thereof. The term of office for the remaining three (3) members shall be for a period of three (3) years, providing however, that with the adoption of this Constitution the Department Commander, with the approval of the Department Executive Committee, shall appoint one member for the term of one (1) year, one member for the term of two (2) years and the remaining member for the term of three (3) years. The Department Adjutant shall act as secretary of the Publication Board. It shall be the duty of the Publication Board to define the policy and to contract for the editing, publishing and distribution of the Ohio American Legion News, the official publication of the Department of Ohio, to every member. The Publication Board shall be required, however, to change or modify its news and/or editorial policies upon the direction of the Department Executive Committee.

Section 6. There is hereby created a Scholarship Screening Committee. The Scholarship Screening Committee shall consist of the following:

Commander Department of Ohio  
1st Vice Commander Department of Ohio  
2nd Vice Commander Department of Ohio  
Immediate Past Commander Department of Ohio  
Adjutant Department of Ohio

A Chairperson appointed by the Department Commander  
The Chairperson of the Americanism Committee  
The Chairperson of the Child Welfare Committee  
The Department Treasurer  
Three members appointed by the Department Commander

The Scholarship Screening Committee shall each year select and recommend to the Executive Committee a proposed list of scholarship recipients for approval by the Executive Committee.

In making its recommendations, the Scholarship Screening Committee shall apply the following criteria:

(A) The applicant shall be an active member of The American Legion, or a direct descendent of an active member of The American Legion, or a direct descendent of a deceased member of The American Legion, or the surviving spouse and children of deceased U.S. military personnel who died while on active duty in the service of the United States or who died of injuries received while on active military duty in the service of the United States.

(B) There shall be no discrimination in awarding scholarship grants based on sex, age, race, creed or national origin.

(C) In recommending applicants to be awarded scholarships, the Scholarship Screening Committee may consider the financial need of the applicant, the applicant's scholastic standing and prior academic achievements, the applicant's proposed courses of study, the applicant's potential for academic success, the applicant's personal character and such other criteria as the Committee may deem appropriate. The decision of the Scholarship Screening Committee and the award of the scholarship by the Executive Committee shall be final and conclusive.

(D) There is hereby created a special annual scholarship in the amount of not less than \$1,000 to be known as the "Durward I. Bernhard Scholarship". Recipients of the "Durward I. Bernhard Scholarship", in addition to meeting all the other criteria for eligibility set forth herein, shall be a bona fide resident of Belmont County, Ohio. If there is no qualified applicant for the "Durward I. Bernhard Scholarship" in any year, no "Durward I. Bernhard Scholarship" is awarded; the Scholarship Screening Committee may recommend use of the fund to award a scholarship grant to other qualified recipients.

(E) All funds transferred to or received by gift, bequest or otherwise received by The American Legion, Department of Ohio Scholarship Fund shall be held by The American Legion, Department of Ohio and invested by its proper officers and its Executive Committee and the net income there from shall be set aside to be expended by the proper officers of The American Legion, Department of Ohio and its Executive Committee in aiding qualified students in attending colleges, universities, vocational schools and other institutions of higher learning. Any income not disbursed in any year shall be set aside in an undisbursed income fund and shall be available for disbursement in future years when needed. Scholarship funds shall be used for payment of scholarship grants, and for necessary costs incurred in managing, investing and administering the fund and for no other purpose. No part of such funds shall be co-mingled with any other funds whatsoever and no part of such funds shall ever be transferred to or loaned to the Department of Ohio General fund or any other Department of Ohio activity, loaned to any individual or used for any purpose whatsoever other than the awarding of scholarships to eligible individuals.

(F) In the event that The American Legion, Department of Ohio should cease to exist, the Attorney General of the State of Ohio shall take possession of such funds and distribute them to the various scholarship funds of the trade schools, colleges, and universities operated by the State of Ohio, in such proportions as the Attorney General may deem equitable. *(Amended 99<sup>th</sup> Department Convention, 2017).*

## ARTICLE XI THE POST

Section 1. The local unit shall be the Post, which shall have a minimum membership of twenty-five (25). No Post shall be received into this Department until it shall have received a charter. A Post desiring a charter shall apply to the Department Executive Committee, through the proper County Council, where same exists, and through the proper District organization. When and if such application is approved by the Department Executive Committee, it shall be transmitted to National Headquarters for action, in accordance with the National Constitution. *(Amended 44<sup>th</sup> Department Convention 1962).*

Section 2. No Post shall be named after any living person.

Section 3. Department Convention delegates and alternates and all elective Post Officers, except those elected to fill vacancies caused by death, resignation, or removal from office prior to the completion of their terms, shall be elected and their names submitted to Department Headquarters and to the District Commander at least fifteen (15) days prior to the Department Convention and such officers so elected shall be installed before October 1st following their election. *(Amended 72<sup>nd</sup> Department Convention 1990).*



Section 4. The Executive Committee shall cause the annual inspection of every Post in the state to be made under the direction of the Commander of each District, who will report to Department Headquarters on or before March 1st of each year.

Section 5. Constitutions and By-Laws of Posts shall be submitted to the Department Judge Advocate for approval prior to adoption. *(Adopted 95<sup>th</sup> Department Convention 2013)*

## ARTICLE XII

Section 1. Each post shall pay annually to the Treasurer of the Departmental organization Department and National Dues for each of its members.

The minimum annual dues to be charged by each Post shall be a sum of money equal to the following: Department dues, National dues, District per capita assessment (if such exists in the District in which the Post is situated), County per capita assessment (if such exists and the Post is obligated to pay in the County where the Post is located). *(Amended 45<sup>th</sup> Department Convention 1963)*.

Section 2. The amount of such annual Department dues beginning January 1, 2004, shall be nine dollars (\$9.00) per member, of which each year at least one dollar and twenty cents (\$1.20) shall be allocated to publish and mail to the entire membership a Department newspaper; at least fifteen cents (\$0.15) shall be allocated for Department Convention operations; and at least thirty cents (\$0.30) shall be allocated to aid Delegates to the National Convention. *(Amended 85<sup>th</sup> Department Convention 2003)*.

Posts shall transmit all dues monies mentioned herein to Department Headquarters and it shall establish accounts and disburse these funds according to regulations as may be promulgated by the Department Executive Committee.

Section 3. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If his/her dues are paid on or before February 1st, he/she shall be automatically reinstated. If he/she is still delinquent after February 1st, he/she shall be suspended from all privileges. If he/she is still under such suspension on June 30th of such year, his/her 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, and Department, 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. *(Amended 59<sup>th</sup> National Convention 1977).*

Section 4. Annual dues shall be payable October 20th for the succeeding calendar year. *(Amended 42<sup>nd</sup> Department Convention 1960).*

### ARTICLE XIII AUXILIARIES

Section 1. This Department recognizes an auxiliary organization to be known as The American Legion Auxiliary.

Section 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of The American Legion.

Section 3. This Department also recognizes the organization known as The Sons of The American Legion as programs of The American Legion Posts which sponsor them. *(Amended 95<sup>th</sup> Department Convention 2013).*

Section 4. Membership in The Sons of The American Legion shall be as prescribed by the National Constitution of The Sons of The American Legion.

Section 5. This Department also recognizes the organization known as The American Legion Riders as programs of The American Legion Posts which sponsor them. *(Adopted 95<sup>th</sup> Department Convention 2013).*

### ARTICLE XIV RULES

Section 1. The rules of procedures at the Department Convention and at the District Conventions shall be those set forth in "Roberts' Rules of Order, Newly Revised", except as modified by this Constitution, the By-Laws of the Department, and the Rules and Order of Business adopted at the annual Department and District Conventions. *(Amended 95<sup>th</sup> Department Convention 2013).*

### ARTICLE XV AMENDMENTS

Section 1. This Constitution may be amended by any Department Convention by a vote of two-thirds (2/3) of the total delegates registered at such Convention, provided that the proposed amendment or amendments shall have been submitted through Department Headquarters to the several Posts in the Department by

publication in the Department newspaper or by mailing at least two (2) copies to each Post at least thirty-five (35) days prior to the annual Department Convention; any such proposed amendment may be amended without further notice by a two-thirds (2/3) vote of the total delegates registered at such Convention, provided it does not increase the modification proposed by the amendment and it has received the approval of the Convention Committee on Constitutional Amendments and provided further, it may be amended by unanimous vote at any Convention without notice. Amendments may be proposed only by a Post or the Department Executive Committee.

Section 2. This Constitution is adopted subject to the provisions of The National Constitution of The American Legion. Any amendments to said National Constitution which are in conflict with the provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

**BY-LAWS**  
THE AMERICAN LEGION  
DEPARTMENT OF OHIO, INC.

ARTICLE I  
EXECUTIVE COMMITTEE

Section 1. The Department Executive Committee, in addition to the duties prescribed and defined in the Constitution, shall with the Department Commander exercise general supervision over the Department and shall meet at the call of the Department Commander. The Department Commander shall call a meeting of the Department Executive Committee upon the written request of five (5) or more members of said Executive Committee.

Section 2. The Department Commander immediately after taking office each year shall appoint, subject to ratification by the Executive Committee, members of the following committees: Child Welfare, Membership and Organization, and Americanism, which Committees shall be composed of one member from each District of the Department. He/she shall name such other Committees as he/she shall deem advisable subject to ratification by the Executive Committee. *(Amended 82<sup>nd</sup> Department Convention 2000).*

Section 3. The Executive Committee shall provide for the appointment or employment of a Department Adjutant, Finance Officer, and such other subordinate officers and employees as may be needed for administering the affairs of the Department and prescribe their duties and fix their emoluments within the Department budget. *(Amended 99<sup>th</sup> Department Convention, 2017)*

ARTICLE II  
DUTIES OF OFFICERS

Section 1. The Department Commander shall be the executive head of The American Legion, Department of Ohio, Inc. with full power to enforce the provisions of the National Constitution and National By-Laws, in so far as the same may apply to the Department and also to carry out the will of the Department Convention. He/she shall make an annual report covering the business and activities of the Department for the year, a copy whereof shall be made a part of the record of said Convention. He/she shall perform such other duties as directed by the Department Executive Committee. *(Amended 95<sup>th</sup> Department Convention 2013)*

Section 2. The Department First Vice Commander shall assume and discharge the duties of the office of Department Commander in the absence or disability of the Commander or when called upon by the Department Commander. The Department Second Vice Commander shall assume and discharge the duties of the office of Department First Vice Commander in the absence or disability of the First Vice Commander. *(Amended 69<sup>th</sup> Department Convention 1987).*

Section 2-a. The Department Second Vice Commander shall be Chairman of the Post Activities Committee and shall be responsible for Post Activities within the Department during his/her term of office. *(Amended 69<sup>th</sup> Department Convention 1987).*

Section 3. The Department Adjutant shall be charged with administering the policies and mandates of the Department Convention, the Department Executive Committee and the Department Commander. He/she shall perform such other duties as are usually incident to the office.

He/she shall have supervision of the paid personnel at Department headquarters and shall be responsible for the efficient performance of their respective duties.

Section 3-a. The Department Adjutant shall be the custodian of the Department of Ohio books and records, general access to which shall be limited to Department Officers, the Department Executive Committee and Department Employees under the direction of the Adjutant. Requests by individual Legionnaires (for books and records) shall be by resolution of their Post to the District in which their Post is a member. Upon adoption by the District of said resolution, it shall be presented to the Department Adjutant who, after consultation with the Department Executive Committee, shall act according to its decision. Any expenses involved in said procedure, as well as those of the Department reasonably necessary to comply with the request, shall be paid by the Legionnaire requesting such information. *(Amended 76<sup>th</sup> Department Convention 1994).*

Section 4. Within forty-five (45) days after a Department Executive Committee meeting, subcommittee meeting or any other Department Committee meeting, the Department Adjutant shall cause to be published in the Department newspaper (Ohio Legion News) a complete resume of the meeting.

Section 5. The Department Treasurer shall be the custodian of the funds of the Department organization. All checks disbursing the funds of the Department organization shall bear the signature of the Department Treasurer, and either that of the Department Adjutant or Department Finance Officer. The Department Treasurer, the Department Adjutant, and the Department Finance Officer shall furnish surety bond in an amount fixed by the Department Executive Committee. The Department

Treasurer shall make reports upon the condition of the Department Treasury to the Executive Committee, or when called for by either the Department Commander or the Department Executive Committee. The Department Treasurer shall perform such other duties as are usually incident to the office. *(Amended 69<sup>th</sup> Department Convention 1987).*

The Department Finance Officer shall invest excess or reserve funds of the Department and sell securities owned and held by the Department, only upon authority of the Department Executive Committee then in office. *(Amended 69<sup>th</sup> Department Convention 1987).*

Section 6. The Department Judge Advocate shall advise the Department officers and the Department Executive Committee on all legal matters, including the instruction and interpretation of the National Constitution and By-Laws, and shall perform such other duties as are usually incident to the office.

Section 7. The Department Chaplain shall perform such divine and nonsectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National and/or Department Headquarters from time to time.

Section 8. The Department Historian shall collect from year to year all records and data of value and interest for the Department Headquarters of The American Legion, and shall compile during his/her term of office a complete history of the year's activities in the Department. He/she shall also assist Post Historians so as to coordinate and unify the work of these officials, and shall have such other duties as the Department Executive Committee may or shall prescribe.

### ARTICLE III CHARTERS

Section 1. The provisions for the control of charters of the various Posts in the Department shall be governed by Article III of the By-Laws of the National Constitution in so far as same applies.

### ARTICLE IV DISCIPLINE

Section 1. Each Post of The American Legion, Department of Ohio, shall be the judge of its own membership, subject to the restrictions of the National American

Legion Constitution and By-Laws and the Department Constitution and By-Laws, except that no person, who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of The American Legion.

Section 2. Members may be reprimanded, suspended, or expelled from The American Legion, and officers may be reprimanded, removed from office, suspended or expelled from membership only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duties, dishonesty, and conduct unbecoming a member or officer of The American Legion. All charges must be made under oath in writing by an accuser, and no member in good standing shall be reprimanded, suspended, or expelled, nor shall any officer be reprimanded or removed from office, suspended or expelled, until given a fair trial as herein provided.

Procedure in Posts: When charges are preferred against a member of the Post or officer thereof, the Executive Committee of the Post shall appoint a trial board consisting of not less than five (5) nor more than seven (7) members in good standing in The American Legion, Department of Ohio, within five (5) days from and after the filing of written charges against the accused. Said trial board shall commence the taking of testimony on said charge within ten (10) days after its appointment. The decision of the trial board which may be an acquittal, reprimand, removal from office, suspension, or expulsion, shall be reported to the Post forthwith and acted upon by the Post at its next regular meeting. The Post excepting in the case of an acquittal by the trial board, may affirm, modify or reverse the findings and sentence of the trial board. If the Post suspends or expels the accused, or removes him/her from office, if he/she be an officer, he/she may appeal such decision to the Department Executive Committee which shall hear and determine the issue at its meeting next following the action of the Post. The Department Executive Committee shall conduct its hearings upon the transcribed testimony heard by the trial board, or oral testimony, or both. The decision of the Department Executive Committee shall be final, if appeal to it be made; otherwise the decision of the Post shall be final. The Post Executive Committee shall appoint a member or members of the Post to prosecute the charges and the person or by counsel of his/her own choosing.

Procedure as to County, District and Department Officers: Charges against a County, District or Department officer shall be in writing, supported by oath, and shall be filed forthwith at Department Headquarters. The Executive Committee shall appoint a trial board of not less than seven (7) nor more than thirteen (13) members in good standing to hear and determine such charges. This trial board shall commence the taking of testimony on said charges within thirty (30) days after its appointment. The decision of the trial board which may be an acquittal, reprimand, removal from office, suspension or expulsion from membership in The American

Legion shall be forthwith submitted to The Department Executive Committee which shall review the testimony taken by the trial board and may hear additional testimony or both and except in the event of an acquittal by the trial board may affirm, modify or reverse the findings and decisions of the trial board. The decisions of the Department Executive Committee shall be final. *(Amended 95<sup>th</sup> Department Convention 2013)*

Nothing herein shall in any manner deprive the Post of its jurisdiction to hear and determine charges against any of its members.

## ARTICLE V MONIES AND COLLECTIONS

Section 1. All Department, District, County and 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 the Department or National organization, action shall be taken at once by the proper officials to bring about a speedy and complete settlement. The bonds provided by the Department officials shall be approved by the Department Judge Advocate and the Department Executive Committee, and those provided by Post officials shall be approved by the Executive Committee of the Post.

The Department Commander and Executive Committee shall, at any time they deem advisable, detail special auditors to investigate the membership roll of any Post, and its financial status and take such steps they may deem necessary to rectify any unsound situations that may exist or arise in any Post. *(Amended 42<sup>nd</sup> Department Convention 1960).*

## ARTICLE VI AMENDMENTS

Section 1. These By-Laws may be amended by any Department Convention by a vote of two-thirds (2/3) of the total delegates registered at such Convention, provided that the proposed amendment or amendments shall have been submitted through Department Headquarters to the several Posts in the Department by publication in the Department newspaper or by mailing at least two (2) copies to each Post at least thirty-five (35) days prior to the annual Department Convention; any such proposed amendment may be amended without further notice by a two-thirds (2/3) vote of the total delegates registered at such Convention, provided it does not increase the modification proposed by the amendment and it has received



the approval of the Convention Committee on Constitutional Amendments and provided further, it may be amended by unanimous vote at any Convention without notice. Amendments may be proposed only by a Post or the Department Executive Committee.

Section 2. These By-Laws are adopted subject to the provisions of the National By-Laws of The American Legion. Any amendments to said National By-Laws which are in conflict with the provisions hereof shall be regarded as automatically repealing or modifying the provisions of these By-Laws to the extent of such conflict.