

# BYLAWS OF THE AMERICAN LEGION OF IOWA

## ARTICLE I

The personnel of the Department Organization shall be as provided in the Constitution.

## ARTICLE II

Section 1. Department officers of this corporation, with the exception of the National Executive Committee Member and Alternate, Department Adjutant, Department Finance Officer, Department Chaplain, Department Historian, Department Judge Advocate, Department Service Officer and Department Sergeant-at-Arms shall be elected annually by “roll call”, except where there is but one nominee for an office, the vote may be by voice at the Department Convention.

Section 2. The National Executive Committee Member and Alternate shall hold office for two years, and shall be elected by “roll call”, except where there is but one nominee for an office, the vote may be taken by voice at the Department Convention.

Section 3. The Department Finance Officer, Department Chaplain, Department Historian, Department Judge Advocate and Department Sergeant-at-Arms shall be appointed annually at the first meeting of the Department Executive Committee following the Department Convention, subject to ratification and confirmation by a two-thirds vote of the Department Executive Committee; the Department Adjutant and Department Service Officer shall be appointed for three (3) years by the Department Commander at the first meeting of the Department Executive Committee following the Department Convention, subject to ratification and confirmation by a majority vote of the Department Executive Committee; and said officers can be removed only upon a two-thirds vote of the Department Executive Committee.

Section 4. The Department Officers, with the exception of the National Executive Committee Member and Alternate, shall enter upon the duties of their respective offices immediately upon election, and shall hold office until their successors are duly elected. The Department Adjutant shall conduct those duties at the permanent state headquarters.

Section 5. The terms and duties of the National Executive Committee Member and Alternate shall be as prescribed by the National Organization.

Section 6. Vacancies occurring in any of the elective offices of the Department shall be filled by the Department Executive Committee, and any member of The American Legion of Iowa, in good standing shall be eligible for election to such vacancy.

Section 7. The Department Executive Committee shall adopt at its first meeting following the Department Convention, a proper operating structure for the Department so as to implement and promulgate American Legion programs as determined by the National Organization and/or the Department.

### **ARTICLE III**

#### **Duties and Powers of Officers**

Section 1. It shall be the duty of the Department Commander to preside at all meetings of the Department in convention assembled and the Department Executive Committee; to enforce a strict observance of the Constitution and Bylaws, and to perform such other duties as custom and parliamentary usage require.

Section 2. The Department Vice Commanders shall assist the Department Commander and perform the duties of the Department Commander when the Department Commander is absent.

Section 3. The Department Adjutant's duties shall be the administration of the policies and mandates of the Department Convention, the Department Executive Committee, and of the Department Commander. The Department Adjutant shall perform such other duties as are usually incidental to the office. The Department Adjutant shall also be authorized, in event of the death or resignation of the Department Commander, to summon the Department Executive Committee for election of a successor. If the Department Adjutant fails, refuses or neglects to issue a call for said meeting of the Department Executive Committee to be held within ten days after said death or resignation, then said meeting for the purpose of electing a successor may be held upon the written demand therefor signed by ten or more members of the Department Executive Committee, giving ten days' notice thereof.

Section 4. The Department Adjutant shall engage in no other occupation or profession during that term of office, but shall devote their entire time and interest to the duties of that office. The Department Adjutant shall receive an annual income, the amount to be authorized by the Department Executive Committee.

Section 5. The Department Adjutant, prior to assuming the duties of that office, shall execute and deliver a surety bond, payable to The American Legion of Iowa to be approved by the Department Executive Committee. The bond sum is determined by the Department Executive Committee and is conditioned on the faithful performances of duties as such officer. The premium shall be paid by the Iowa Department.

Section 6. A. The Department Finance Officer shall receive from the Department Adjutant all monies collected from any source and shall keep proper and suitable records of all receipts. The Department Finance Officer shall monthly disburse any and all monies of this organization for the transaction of its business, provided those expenditures are authorized by the Department Finance Commission hereinafter provided.

B. The Department Finance Officer shall serve without pay.

C. The Department Finance Officer shall, prior to assuming those duties, shall execute and deliver a surety bond, payable to The American Legion of Iowa in an amount determined by Department Executive Committee. The bond is to be conditioned on the faithful performance of duties as such officer. The premium shall be paid by the Iowa Department.

Section 7. The Department Judge Advocate shall advise the Department officers and the Department Executive Committee on all legal matters including the construction and interpretation of its Constitution and Bylaws and shall perform other duties as are usually incident to the office.—The Department Judge Advocate shall annually review the Articles of Incorporation, Constitution and Bylaws of this Corporation.

Section 8. The Department Historian's duties shall be to keep a complete history of The American Legion of Iowa from its inception. An annual report shall be made to the Department Convention of the progress of the organization during the preceding year.

Section 9. The Department Sergeant-at-Arms shall perform duties as directed by the Department Commander.

Section 10. The Department Chaplain shall perform such divine and non-sectarian services as may be necessary and proper, adhering to the National Ceremonial Manual.

Section 11. A. It shall be the duty of the Department Executive Committee to act on all matters relating to the administration of this organization and to review, accept or reject all audits or reports of the business and accounts of the Department Adjutant and Department Finance Officer. The Department Executive Committee may at any time during its term of office call upon the Department Adjutant and Department Finance Officer for a report of accounts and of business transacted by them in the execution of their offices.

B. The Department Executive Committee may suspend, cancel or revoke a post charter. The action taken by the Department Executive Committee shall be final and conclusive unless an appeal is taken to the National Executive Committee within 30 days from the date of the suspension, cancellation or revocation. The action taken by the National Executive Committee upon appeal shall be final.

C. Any post failing to meet the obligations imposed upon it by the Constitution and Bylaws, or ceasing to function for six months as an American Legion post, or voluntarily ceasing to function as a post or merging with one or more other posts, or refusing to pay the Department and National per capita dues, or under such other conditions as might make such action necessary, shall upon order of the Department Executive Committee, surrender its charter for cancellation. Upon failure to surrender such charter, immediate steps may be taken for its revocation, suspension or cancellation.

D. Upon revocation, cancellation or suspension of the charter of a post, said post shall immediately cease operations and upon revocation or cancellation shall turn over its charter to the Department Commander or Department Executive Committee. The Department Executive Committee is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all the records, property and assets of said post; provided, however, that nothing herein shall be construed as requiring the Department to take over or assume any financial responsibility to such property. The Department Executive Committee may provide for the transfer

of the members in said post to other posts of their choice, subject to the approval of those posts.

E. Any officer of this organization may be suspended or expelled from his office for inefficiency and from this organization for conduct grossly detrimental to the interests of this organization and for any other grave cause, by two-thirds vote of the total membership of the Department Executive Committee. The officer must be served a twenty-day notice in writing of the hearing, and may only be suspended or expelled after a hearing before said Committee.

F. The Department Executive Committee shall meet in business sessions at least twice a year and at any time upon call of the Department Commander or of any five members of the Department Executive Committee. Fifteen members shall constitute a quorum of the Department Executive Committee.

G. Any matter relating to the business of this organization not specified in these Bylaws shall be referred to the Department Executive Committee for determination and action. In particular, authority to determine the location of the Department Headquarters is granted to the Department Executive Committee in consultation with the Department Finance Commission and such other committees as the Department Commander shall consider necessary.

H. The Finance Commission shall consist of the three immediate Past Department Commanders, the Department Finance Officer and one member of the Department Executive Committee to be appointed by the Department Commander. The Department Commander and the Department Adjutant shall serve by virtue of their office.

Section 12. The delegates and alternates to the National Convention shall be as follows: The five at-large delegates to the National Convention shall be the immediate Past Department Commander who shall serve as Delegation Chairman, the Department Adjutant who shall serve as Delegation Secretary, the Department Commander, the Department Service Officer, and the Department Finance Officer with vacancies to be named by the Delegation Chairman. The Department Vice Commanders shall be alternates at-large. Each district shall be entitled to one delegate and one alternate for each one thousand members, or major fraction thereof, whose current dues have been

received by the Department 30 days prior to Department Convention. Vacancies shall be named by the Delegation Chairman.

Section 13. The Liaison Committee shall consist of three representatives from each district, selected according to the rules established in each district, and shall function at no expense to the Department and shall exercise the usual functions of such a committee.

## **ARTICLE IV**

### **Post Information**

Section 1. A post may be formed and a charter issued by the authority of the National Executive Committee on the recommendation of the Department, upon the written application of not less than 15 persons eligible to membership in The American Legion, and no post shall be recognized by the members of The American Legion, unless acting under a legal and unforfeited charter. Likewise, no post shall be officially recognized or authorized delegates to the Department Convention while maintaining less than the required membership of 15.

Section 2. Each post in the Iowa Department shall be numbered consecutively in the order in which the applications for post charters are received at Department Headquarters.

Section 3. Any member may be expelled, upon a proper showing of cause, from membership in any post by a three-fourths vote of the membership present at the regular or special meeting; provided that 30 days' written notice of such meeting shall have been given to each member of such post by mail, addressed to the last known address. The notice shall contain the substance of the matter to be presented at such meeting; and provided that charges are made under oath in writing by the accusers upon one or more of the following grounds, to-wit:; disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of The American Legion; and provided further such member against whom charges have been preferred shall have been given at least 30 days' notice in writing of the charges preferred against such member; and provided further that such member may have the right of appeal from the action of the post to the Department Executive Committee. The action of the Department Executive Committee shall be final.

Section 4. The officers of each post shall be as determined by the post and will be elected and hold office for a period of one year. All post officers shall be elected on or before the Department Convention of each year and their terms of office shall begin as specified by the post.

Section 5. The duties of post officers shall be as prescribed in the Post Officers Manual of the National Organization. Each post shall elect delegates to the annual Department Convention. Post delegates to the annual Department Convention shall be elected at least 15 days prior to such convention and the Post Adjutant shall immediately thereafter notify the Department Adjutant, giving the names of each delegate.

Section 6. Each post may prescribe its local dues in addition to the stated National and Department dues.

Section 7. The time and place of post meetings shall be determined by each post.

Section 8. Each post may make such bylaws that are not inconsistent with the National and Department Constitution and Bylaws.

## **ARTICLE V**

### **Transfers**

Transfers of members in good standing from one post to another in the Iowa Department of The American Legion, may be made at any time; provided, the transfer is made in accordance with the National Constitution and Bylaws and rulings of the National Executive Committee.

## **ARTICLE VI**

A member whose dues for the current year have not been paid by January 1 shall be classed as delinquent. If a member's dues are paid on or before February 1, such member shall be automatically reinstated. If a member is still delinquent after February 1, such member shall be suspended from all privileges. If a member is still under suspension on June 30th of such year, such member's 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. The post, at its option, may also require a member whose membership has been so forfeited to pay one year's arrears in dues as a condition for reinstatement.

## **ARTICLE VII**

Any officer of any post may be removed from office for just cause by three-fourths vote of the membership present at a regular or special meeting; provided, 30 days' notice in writing of the pendency of the hearing shall be given to said officer before a vote for removal from office shall be taken; and provided that 30 days' notice of such meeting shall have been given to each member of such post by mail or email, addressed to such member's last known address, which notice shall contain the substance of the matter to be presented at such meeting.

## **ARTICLE VIII**

These Bylaws may be amended by any annual Department Convention of The American Legion by the vote of two-thirds of the total authorized representation thereat, provided that the proposed amendment shall have been filed in duplicate with the Department Adjutant in accordance with the resolution filing deadline as specified in the annual Call to Convention.

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This Constitution and By-Laws was duly adopted the 11th day of July 2021, effective at the close of the 102nd Annual Convention of this department.

John A. Derner, Department Adjutant