

**AMERICAN LEGION DEPARTMENT OF OHIO  
DEPARTMENT EXECUTIVE COMMITTEE RULES**

**ARTICLE 1. STATEMENT: COMMITTEE RULES**

The Department Executive Committee of the American Legion Department of Ohio in order to exercise in an orderly and efficient manner, the administrative, supervisory, policy making, and other powers vested in the Committee by both the National and Department of Ohio Constitutions and Bylaws and the mandates of the National and Department Conventions adopts the following rules.

As used herein, “**Committee**” refers to the Department Executive Committee.

**IMPORTANT REFERENCE: BOLDED** symbols in parentheses (**DC A—S—**or **DB A—S--**) thru out these Rules pertain to the specific Article and Section of the Department Constitution or Department Bylaws from which that specific rule has been obtained. (**NEW**)

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**ARTICLE 2. SUSPENSION OF COMMITTEE RULES**

A two-thirds vote of the Committee members present at a regular or special meeting of the Committee shall be required to suspend a rule of this Committee. No such vote on suspension shall be taken unless fifteen (15) minutes advance notice has been given to the Chairman stating the rule and/or rules to be suspended. A motion and second to suspend must be made within the Committee

**ARTICLE 3. AMENDMENTS TO COMMITTEE RULES**

The rules of the Committee may be amended as follows:

1. At any regular or special meeting of the Committee by unanimous vote.
2. At any regular or special meeting of the Committee provided a written notice thereof is mailed, e-mailed, faxed, texted, or surface mailed three days in advance to all Committee members setting forth the proposed amendment.

**ARTICLE 4. ROBERT’S RULES**

Except as otherwise provided, Robert’s Rules of Order Newly Revised (RONR) shall govern the proceedings of the Committee.

## **ARTICLE 5. COMMITTEE MAILINGS**

The Committee Secretary is directed to see that all materials, which are sent out of Department Headquarters to all Posts, County organizations, or Districts is also mailed to each member of the Committee.

Whenever used in the Rules of the DEC, terms “mailed” and “mailings” shall include E-mail, fax, text messages, or surface mail.

## **ARTICLE 6. COMMITTEE ORDER OF BUSINESS**

The general order of business of the Committee, unless otherwise ordered by a majority of the Committee members thereof, or deemed necessary by the Commander and/or Secretary, shall be as follows:

1. Call to Order
2. Salute to the Colors
3. Invocation
4. Pledge of Allegiance
5. Preamble
6. POW/MIA Chair recognition
7. Roll Call
8. Introduction of Guests
9. Reading of previous minutes
10. Officer Greetings and Reports
11. Committee/Commission Reports
12. Post Charters/Revocations, Suspensions
13. Resolutions/Constitutional Amendments
14. Unfinished Business
15. New Business
16. Good of the Legion
17. Department Commander Closing Remarks
18. Benediction
19. Salute to the Colors
20. Adjournment

## **ARTICLE 7. DEPARTMENT EXECUTIVE COMMITTEE MEMBERSHIP**

**SECTION 1: OFFICERS: CHAIRMAN/DUTIES:** The Department Commander shall serve as Chairman of the Committee. In the absence of the Department Commander, the Department First Vice Commander shall serve as Chairman. In the absence of the Department Commander

and First Vice Commander, the Department Second Vice Commander shall serve as Chairman. **(DC A VII – S 2 ). (DB A II S2)**

The Chairman shall preside at any regular or special meeting of the Committee, shall provide for the orderly transaction of business coming before the Committee, shall decide parliamentary questions, announce the result of votes taken, enforce the rules of the Committee, maintain good order, and generally perform the duties incident to the office of Chairman.

It shall be the duty of the Chairman in conjunction with the Secretary to prepare an agenda of business to be considered by the Committee and cause said agenda to be mailed to each member of the Committee at least four (4) days before a meeting of the Committee.

The Committee may direct the Chairman/Department Commander to perform other duties of the Chairman as deemed necessary by the Committee. **(DB A II S1).**

**OFFICERS: SECRETARY/DUTIES:** The Department Adjutant shall serve as Secretary of the Committee and be Ex-Officio with voice but no vote. **(NEW)**

In the absence of the Department Adjutant, a person selected by the Committee or called upon by the Commander shall serve as Secretary.

IF the person selected as Secretary in the absence of the Department Adjutant is a member of the Committee, that person shall have voice and vote by their position on the Committee.

The Secretary shall keep minutes of each meeting and perform all duties attached to the office of Secretary.

**SECTION 2: VOTING MEMBERS:** The Department Executive Committee of the American Legion, Department of Ohio, shall consist of the following thirty-six (36) voting members:

1. Department Commander
2. Department First Vice Commander
3. Department Second Vice Commander
4. Department Treasurer
5. Department Chaplain
6. Immediate Past Department Commander
7. National Executive Committee person
8. Alternate National Executive Committee person
9. District Commander and District First Vice Commander from Districts 1-14

**SECTION 3: PAST DEPARTMENT COMMANDERS:** Past Department Commanders in good standing with their respective Post are EX-OFFICIO members of the Department Executive Committee with voice, but no vote.

**SECTION 4: APPOINTED DEPARTMENT OFFICERS:** The following **APPOINTED** Department Officers are defacto members of the Department Executive Committee with voice but no vote.

1. Department Judge Advocate
2. Department Assistant Judge Advocate (if position deemed necessary) **(NEW)**
3. Department Historian
4. Department Assistant Historian (if position deemed necessary)
5. (Department Assistant Adjutant ( if position deemed necessary)
6. Department Assistant Chaplain (if position deemed necessary) **(NEW)**
7. Department Parliamentarian (if position deemed necessary)
8. Department Sergeant at arms
9. Six (6) Department Assistant Sergeant at arms

**DEPARTMENT JUDGE ADVOCATE/COMMITTEE DUTIES:** The Department Judge Advocate (and Department Assistant Judge Advocate if deemed necessary) shall advise the Committee on legal issues arising on matters before the Committee, legal issues pertaining to the American Legion, Department of Ohio, recommendations on Resolutions, amendments to the National and Department Constitutions and Bylaws, interpretations of National and Department convention mandates, interpretations of the rules of the Committee, review and approve all Post Constitutions, and shall perform other such duties incident to the office. **(DC A II S6) (DC A XI S5).**

**SECTION 5: COMMITTEE GUESTS:** Any guest in attendance at a meeting of the Committee who wishes to speak on an area of discussion before the Committee must request consent to speak thru the Chairman and be granted permission to speak by a majority vote of Committee members present unless previously invited to do so by the Chairman; Department Adjutant/Secretary; or Committee. **(NEW)**

#### **ARTICLE 8. COMMITTEE PLACE OF MEETING – QUORUM**

Committee meetings shall be held at Department Headquarters in Delaware, Ohio or at an alternative location on a date and time as selected and recommended by the Commander and Department Adjutant and in keeping with the Department Constitution.

Committee meetings will also be held in conjunction with the annual Department convention.

The majority of the voting members of the Committee present at a meeting will constitute a quorum, provided those present include at minimum one of the two Committee members from each District 1-14.

If circumstances as determined by the Commander and Department Adjutant/Secretary dictate, Committee meetings may be held electronically online via a social media outlet established by the Commander and Adjutant/Secretary to which all Committee members shall have access.  
**(NEW)**

A Committee meeting may be held upon the request of five (5) or more members of the Committee **(DB AI SI)**

### **ARTICLE 9. COMMITTEE VOTING**

With a quorum present, unless otherwise mandated by Committee rules, voting at Committee meetings shall be by voice vote. The majority of votes cast “Aye” or “No” shall prevail.

If the Chairman so orders or if requested by two (2) or more Committee members a **Standing** vote shall be taken.

If the Chairman so orders or if requested by three (3) or more Committee members a **Roll Call** vote shall be taken.

During voting no debate or discussion of the issue shall be permitted. Questions of information or matters of personal privilege shall be in order.

No mail in proxies or absentee voting shall be permitted unless set by the Chairman or a majority of the Committee.

The Department Adjutant/Secretary shall record the official record of all votes cast.

### **ARTICLE 10. COMMITTEE DEBATE**

No member of the Committee shall speak for a second time on the same question until all members of the Committee shall have been given the opportunity to be heard.

No member shall be heard more than twice on the same question without the express consent of the Committee, but questions of personal privilege or procedure shall be in order

When debate has been concluded or closed by a vote of the Committee the Chairman shall call for the question and no further debate on the question shall be permitted thereafter.

During voting, Committee members shall refrain from talking, moving about, or otherwise interfering with the conduct of the voting.

**ARTICLE 11. COMMITTEE VOTING BY MAIL:**

Between meetings of the Committee, the Chairman if deemed necessary or expedient may direct the Secretary to order a question submitted to each member of the Committee by email, fax, text, or surface mail.

In such event each Committee member, shall, so far as practical, be fully informed concerning the question on which the vote is being ordered.

The Chairman and/or Secretary shall establish a deadline for all members of the Committee to indicate their vote on the question and the method for all members to submit their vote.

The Secretary shall be responsible for receiving and recording each vote and a full report of such mail vote shall be reported by the Secretary at the next succeeding Committee meeting.

No proxy voting will be permitted. *(NEW)*

**ARTICLE 12. DEPARTMENT COMMANDER VISITS:**

The Department Commander, when planning official visits into a district shall cause notice of such visit to be given in advance to the commander of the District to be visited.

**ARTICLE 13. RESOLUTIONS**

Members of the Committee may introduce a resolution in written form at any regular or special meeting of the Committee

All other resolutions submitted to the Committee shall have been sponsored by a Post, County organization, or District shall be typed and shall have been passed thru the proper channels and shall be filed with the Department Adjutant/Secretary.

The Department Adjutant/Secretary shall cause for the resolution to be placed on the agenda for the next Committee meeting.

All resolutions must be received by the Department Adjutant/Secretary at least ten (10) days prior to the Committee meeting.

## **ARTICLE 14. COMMITTEE POWERS**

The Committee shall have and exercise as established by the National and Department Constitution and bylaws and mandates of National and Department conventions the following powers, duties, and privileges:

To propose amendments to the National Constitution **(NC A 15 S2 and S12)** and to the Department Constitution **(DC A XV S1)**

To exercise, between Department conventions the administrative power of the American Legion Department of Ohio **(DC A VII S1)** and with the Department Commander power to exercise general supervision over the Department **(DB A 1 S1)**

To fill vacancies arising between Department conventions in the offices of Department Commander, Department First Vice Commander, Department Second Vice Commander, or Department treasurer **(DC A VI S2)**.

To fill vacancies arising between Department conventions in the offices of the Department of Ohio's representatives to the National Executive Committee **(DC A VI S4)**.

To determine questions of the election, eligibility or conduct of the Department of Ohio's representatives to the National Executive Committee, Department officers and members of the Committee **(DB A 1 S8)**

To provide for the employment of a Department Adjutant **(DC A10 S4)** and to issue mandates to be executed by a Department Adjutant **(DB A II S3)**

To provide for the employment of a Department Assistant Adjutant if such position is determined to be necessary by the Committee **(DC A X S4)** and to issue mandates to be executed by a Department Assistant Adjutant..

To provide for the employment or appointment of such subordinate officers and employees of the Department as may be needed for the administration of the affairs of the American Legion Department of Ohio and prescribe their duties and emoluments **(DB A 1 S3)**

To confirm appointments made by the Department Commander to the offices of Department Judge Advocate, (Department Assistant Judge Advocate if deemed necessary), Department Historian, (Department Assistant Historian if deemed necessary), Department Chaplain, (Department Assistant Chaplain if deemed necessary), Department Sergeant at arms, Department Assistant Sergeant at arms not to exceed 6 **(DC A VI S3)**.

To prescribe duties of the Department Historian (and Department Assistant Historian if deemed necessary) **(DB A II S8)**.

To provide for the employment of a Department Finance Officer **(DB A 1 S3)**.

To confirm appointments made by the Department Commander to the Department Finance Committee **(DC A X S1)**.

To approve investments made by the Department Finance Committee of department funds, to control the Department reserve fund and to approve travel funds for national convention delegates **(DC A X S2 and S2a)**.

To fix and approve along with the Department Judge Advocate bonds of the Department Treasurer, Department Adjutant, Department Finance Officer and any other employees or appointees of the Department charged with handling Department funds as part of their assigned duties **(DB A II S5)**

To confirm the Department Commander's appointment of the Chairman of the Department Rehabilitation Committee **(DC AX S4)**

To confirm technical and advisory personnel for the Department Rehabilitation Committee **(DC AX S4)**

To confirm the Department Commander's appointment of the members of the Department Publication Board **(DC AX S5)**.

To confirm Department Commander appointments to any and all other Department committees **(DB A 1 S2)**

To create or remove Department Committees and programs

To approve appointments and fill vacancies arising between District conventions in the office of District First Vice Commander and/or District Second Vice Commander **(DC A VIII S9)**

To confirm appointments made by the Department Commander of officers trustees, etc. of subsidiary corporations or organizations of the Department of Ohio nominated by said corporation or organizations which include but are not limited to:

American Legion Buckeye Boys State Incorporated  
The American Legion Convention Corporation of Ohio  
American Legion of Ohio Charities Inc.  
The American Legion Riders of Ohio  
The Sons of the American Legion Detachment of Ohio

To approve the filling of all vacancies in said offices and to approve all Articles of Incorporation; Constitutions and Bylaws; or other governing documents of said organizations and any



amendments thereto (National American Legion Name and Emblem Protection and Rules of subsidiary organizations).

To create and define the powers of intermediate groups between Posts and Department **(NC A VII S3 and S4)**.

To receive and approve applications for Post charters **(NC A IX S1 and DC A XI S1)**

To cause annual inspection to be made of each Post in the Department by the District Commander and reports of same to be furnished to the Committee by March 1<sup>st</sup> **(DC A 11 S4)**.

To investigate the membership and financial status of any Post in the Department **(DB A V S1)**.

To cancel, suspend, or revoke Post charters in accordance with the Uniform Code of Procedure **(NB A3 S 1, S2, S3,S4)**.

To hear appeals of suspended or expelled members and appeals of Post officers who are suspended or expelled and to appoint a trial board if charges are lodged against a County, Division, District, or Department officer **(NB A4 S3 and DB A IV S2)**.

#### **ARTICLE 15. DEPARTMENT CONVENTION**

The Committee shall annually fix the time of the Department Convention **(DC A V – S10)**

All members of the Committee shall be delegates to the Department Convention during their term of office on the Committee with vote to be exercised with their respective Post. **(DC A V S2b)**.

#### **ARTICLE 16. SUB-COMMITTEES/AD HOC COMMITTEES**

The Chairman and Committee may establish within the Committee as deemed necessary, sub-committee(s) or ad-hoc committees for the expressed purpose of studying, reviewing, investigating, or handling a specific matter arising within the Committee.

The charge for the duties of a subcommittee or ad-hoc committee will be directed to the subcommittee or ad-hoc committee by the Chairman or Committee.

The number of sub-committee or ad-hoc committee members shall be determined by the Chairman or Committee.

Any sub-committee or ad-hoc committee created by the Chairman or Committee shall have a sub-committee or ad-hoc committee Chairman named by the Chairman or Committee.

Any sub-committee or ad-hoc committee appointed by the Chairman or Committee shall have no authority other than the authority given to the sub-committee or ad-hoc committee by the Chairman or Committee.

Upon completion of the study, review, investigation, or handling of matter assigned to the sub-committee or ad-hoc committee, the sub-committee or ad-hoc committee shall make a report to the full Committee. Any such report may recommend the writing of a resolution by the Committee to address the sub-committee's or ad-hoc Committee's findings.

#### **ARTICLE 17. CONFLICT OF INTEREST**

Whenever a member of the Department Executive Committee has a financial or personal interest in any matter coming before the Department Executive Committee, the affected person shall a) fully disclose the nature of the interest and b) withdraw from discussion, lobbying, and voting on the matter. Any transaction or vote involving a potential conflict of interest shall be approved only when a majority of disinterested directors determine that it is in the best interest of the corporation to do so. The minutes of meetings at which such votes are taken shall record such disclosure, abstention, and rationale for approval.

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