

**RULES OF THE DEPARTMENT EXECUTIVE COMMITTEE**  
(Amended December 2019)

**PURPOSE**

In order to exercise in an orderly and efficient manner, the administrative, supervisory, policy making, and other powers vested in it by the National and Department of Ohio Constitutions and By-Laws, and the mandates of conventions, the Department Executive Committee of The American Legion, Department of Ohio adopts the following rules. As used herein, the Committee refers to said Executive Committee.

**ARTICLE NO. 2**  
**OFFICERS**

The Officers of the Committee shall be a Chairman and a Secretary. The Department Commander shall be Chairman. If he/she be absent, then the Department First Vice Commander, or in his/her absence, the Department Second Vice Commander shall serve as Chairman. The Department Adjutant shall serve as Secretary, or in his/her absence, a person selected by the Committee.

**ARTICLE NO. 3**  
**DUTIES OF OFFICERS**

It shall be the duty of the Chairman to cause to be prepared an agenda of business to be considered by the Committee and to cause it to be e-mailed to each member of the Committee at least four days before a meeting of the Committee. The Chairman shall preside at Committee meetings, shall provide for the orderly transaction of business coming before the Committee, shall decide parliamentary questions, shall 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. The Secretary shall keep minutes of each meeting and shall perform all the duties usually attached to the office of Secretary.

**ARTICLE NO. 4**  
**PLACE OF MEETING – QUORUM**

Committee meetings shall be held in Delaware, Ohio, or in the city where a Department Convention is being held, or elsewhere as the Committee may direct, or in the absence thereof, as the Chairman shall determine. The presence of a majority of the members of the Committee shall constitute a quorum to transact business, provided those present include a member (District Commander or District First Vice Commander) from a majority of the Districts. If less than a quorum is present, those present are authorized to send for absent members who are within the city where the meeting is to be held.

**ARTICLE NO. 5**

## **VOTING**

Unless otherwise required, voting at Committee meetings shall be by voice (yes or no) vote, with a quorum being present, the majority of the votes cast shall prevail. If the Chairman so orders, or if requested by two Committee members, a standing vote shall be taken. When ordered by the Chairman, or requested by three members, voting shall be by roll call, recorded in the minutes. No debate or discussion of the issue shall be permitted during voting, but questions of information or matters of personal privilege shall be in order.

### **ARTICLE NO. 6 VOTING BY MAIL**

Between meetings of The Committee, if the Chairman deems it is expedient or necessary, he/she may order a question submitted by E-mail to each member of the Committee. In such event, each committee member shall, so far as practical, be fully informed concerning the matter on which the vote is taken. A full report of such E-mail vote shall be recorded at the next succeeding Department Executive Committee meeting.

### **ARTICLE NO. 7 POWERS OF EXECUTIVE COMMITTEE**

The Department Executive Committee of The American Legion, Department of Ohio, authorized by Article VIII, Section 2, National Constitution, shall consist of thirty-six voting members, including the Department Commander, the Department First Vice Commander, the Department Second Vice Commander, the Department Treasurer, the Department Chaplain, the Immediate Past Department Commander, the National Executive Committee Member and Alternate National Executive Committee Member from Ohio and the District Commander and the District First Vice Commander from each of the fourteen Districts in the Department of Ohio, as authorized by the Department Constitution, Article VII, Section 1, and Article VIII, Section 1. The Committee shall have and exercise, in the Laws and the mandates of the National and Department Conventions, powers as follows:

- a) Between Department Conventions, to exercise the administrative power of The American Legion, Department of Ohio (Department Constitution, Article VII, Section 1) and with the Department Commander, power to exercise a general supervision over the Department. (Department By-Laws, Article 1, Section 1).
- b) To determine questions of the election, eligibility or conduct of the National Executive Committee Member, Department Officers and members of the Committee. (National By-Laws Article 1, Section 8).
- c) Between Department Conventions, to fill vacancies in the offices of Department Commander, Department First Vice Commander, Department Second Vice Commander, Department Treasurer, (Department Constitution, Article VI, Section 2) National Executive Committee Member and Alternate National Executive Committee Member. (Department Constitution, Article VI, Section 4).
- d) To confirm appointments to the offices of Department Judge Advocate, Department Historian, Department Chaplain and, if desired, a Department Assistant Adjutant, Department Parliamentarian, Department Sergeant-At-Arms, and several Department Assistant Sergeants-At-Arms, not to exceed six (Department Constitution, Article VI, Section 3), member of the

Department Finance Committee (Department Constitutions, Article X, Section 1), Chairman of the Department Rehabilitation Committee, (Department Constitution , Article X, Section 4), member of the Department Publication Board (Department Constitutions, Article X, Section 5) and to ratify appointments to committees (Department By-Laws, Article 1, Section 2) and between District conventions, to approve appointments to fill vacancies in the office of District Vice Commander. (Department Constitutions, Article VIII, Section 9).

- e) To confirm the Department Commanders' appointments of officers, trustees, etc., of subsidiary corporations or organizations of the Department of Ohio, and nominated by said corporations or organizations, which include, but are not limited to: (a) The American Legion Buckeye Boys State, Inc., (b) The American Legion Convention Corporation of Ohio, (c) American Legion of Ohio Charities, Inc (d) Sons of The American Legion Detachment of Ohio, and The American Legion Riders of Ohio; and to approve the filling of all vacancies in said offices; and to approve all Articles of Incorporation, Constitutions, By-Laws or other governing documents of said organizations and any amendments thereto. (National American Legion Name and Emblem Protection Guide, p.19.
- f) To provide for the employment of a Department Adjutant, technical and advisory personnel for the Department Rehabilitation Committee (Department Constitution, Article X, Section 4) and to provide for the appointment of the Department Finance Officer and for the appointment or employment 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. (Department By-Laws, Article 1, Section 3).
- g) To create and define the powers of intermediate groups between Posts and Department National Constitution, Article VIII, Sections 3, 4).
- h) To receive and approve applications for Post Charters. (National Constitution, Article IX, Section 1, and Department Constitution, Article XI, Section 1); to cause annual inspection to be made of each Post in the Department. (Department Constitution, Article XI, Section 4).
- i) To cancel, suspend or revoke Post Charters in accordance with the Uniform Code of Procedure. (National By-Laws, Article III, Section 1, 2, 3, 4).
- j) To propose amendments to the National Constitution (National Constitution, Article XV, Sections 12 and 2), and also the Department Constitution. (Department Constitution, Article XV, Section 1).
- k) To fix and approve bonds, along with the Department Judge Advocate, of Department officials, including those of Department Adjutant, Department Treasurer, and Department Finance Officer. (Department By-Laws, Article II., Section 5).
- l) To hear appeals of suspended or expelled members. (National By-Laws, Article IV, Section 3); also appeals of Post Officers who are suspended or expelled; to appoint a trial board if charges are lodged against a County, Division, District or Department Officer, and review same. (Department By-Laws, Article IV, Section 2).
- m) To direct the Department Commander to perform other duties, (Department By-Laws, article II, Section 1) and prescribe other duties for the Department Historian. (Department By-Laws, article II, Section 8).
- n) To call on the Department Judge Advocate for advice on legal questions. (Department By-Laws, Article II, Section 6).
- o) To approve investments, control the reserve fund and to approve travel funds for National delegates (Department Constitution, article X, Sections 2 and 2a).
- p) To investigate the membership and financial status of any Post in the Department. (Department By-Laws, Article V, Section 1).
- q) To issue mandates to be executed by the Department Adjutant. (Department By-Laws, Article II, Section 3).

- r) To exercise all of the powers, privileges and duties conferred on the Committee by the National and Department Constitutions and By-Laws.
- s) Appointed Department Officers are defacto members of the Department Executive Committee with voice but no vote.
- t) Past Department Commanders in good standing in recognition of their service are ex officio members of the Department Executive Committee with voice but no vote.

**ARTICLE NO. 8  
SUB-COMMITTEES**

The Department Executive Committee may delegate to any sub-committee consisting of members of this Committee, authority to investigate and report back to it on the following:

- a) Decisions on executive or administrative matters. Actions thereon so taken shall not be contrary to, nor in derogation of, actions taken by the National or Department Conventions. Policies adopted by the Department Convention shall be effective until changed.
- b) Determining the size of committees created by the Department Commander and ratifying appointments thereto. Committees created by the Department Commander shall be instructed by the Department Commander, Department First Vice Commander, or Department Second Vice Commander as the case may be, with reference to specific undertakings desired by the Committee at the earliest possible time after the Department Convention.
- c) Action taken by the Department Executive Committee in receiving, filing, adopting or approving a report to it by any standing or special Department committee shall not constitute the adoption or approval of any recommendation in such report as to the future conduct of the Committee or as to future policy with respect to matters before such standing or special committee. Each recommendation, either as to future policy within the scope of such committee, shall be presented in a separate resolution to the Department Executive Committee.
- d) To inquire into matters so referred and to offer recommendations with reference thereto.

**ARTICLE NO. 9  
RESOLUTIONS**

- a) Members of the Department Executive committee may introduce a resolution in written form at any regular or special meeting.
- b) Any other resolution submitted to the Department Executive Committee shall have been sponsored either by a Post, County Council or District, shall be either in typed or mimeographed form, shall have passed through proper channels, as the case may be, and shall be filed with the Department Adjutant who shall cause it to be placed on the Agenda for the next Department Executive Committee meeting. Any resolution must be received at Department at least ten (10) days prior to the Department Executive Committee meeting.

**ARTICLE NO. 10  
DEBATE**

- a) No member of the Committee shall speak 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 nevertheless be in order.

- b) When debate has been concluded or is 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.
- c) During voting, members shall remain in their seats and shall refrain from talking or otherwise interfering with the conduct of the voting.

**ARTICLE NO. 11**  
**ORDER OF BUSINESS**

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

- 1. Invocation
- 2. Roll Call
- 3. Reading of Minutes of Previous Meeting
- 4. Reports of Department Officers
- 5. Report of National Executive Committee Member
- 6. Resolutions, Motions, and Petitions
- 7. Applications for Post Charters
- 8. Appointment of Standing or Special Committees
- 9. Report of Department Treasurer
- 10. Reports of Standing Committees
- 11. Reports of Special Committees
- 12. Unfinished Business
- 13. New Business
- 14. Good of the Legion

**ARTICLE NO. 12**  
**SUSPENSION OF RULES**

A two-thirds vote of the members of the Committee shall be required to suspend a rule of this Committee and no vote on such suspension shall be taken unless fifteen (15) minutes advance notice be given by stating the rule and/or rules to be suspended. A motion to suspend must be made.

**ARTICLE NO. 13**  
**NATIONAL EXECUTIVE COMMITTEE MEMBER REPORT**

The Department's National Executive Committee Member and Alternate National Executive Committee Member shall make an oral report to the Committee outlining the principal matters of business transacted by the National Executive Committee. The report or a summary thereof shall be included in the Secretary's minutes of the meeting.

**ARTICLE NO. 14**  
**JUDGE ADVOCATE**

The Department Judge Advocate shall advise the Department Officers and the Committee on legal questions having to do with The American Legion, Department of Ohio, including construction of the National and Department Constitutions and By-Laws, mandates of National and Department Conventions, interpretations of these rules and shall perform other duties incident to the office. (Department By-Laws, Article II, Section. 6)

**ARTICLE NO. 15**  
**VISITS**

The Department Commander, when making official visits, shall cause notice of such visit to be given in advance to the Commander of the District to be visited.

**ARTICLE NO. 16**  
**MAILING**

The Department Adjutant is directed to see that all material which is to be sent to all Posts, Counties, or Districts also is mailed to each member of this committee. Wherever used in these Rules of the DEC, the terms "mail" and "mailed" shall include e-Mail, fax, and text message.

**ARTICLE NO. 17**  
**ROBERT'S RULES**

Except as otherwise provided, Robert's Rules of Order Newly Revises (RONR) shall govern.

**ARTICLE 18**  
**AMENDMENTS**

These rules may be amended as follows:

- 1) At any regular or special meeting, upon notice as for suspension, by a unanimous vote.
- 2) At such meeting, by two-thirds vote provided a written notice thereof is mailed, e-mailed, or faxed three days in advance to all committee members, setting forth the proposed amendment.