

DEPARTMENT OF SOUTH CAROLINA

CONSTITUTION AND BY-LAWS



Amended May 28, 2022

**THE AMERICAN LEGION
DEPARTMENT OF SOUTH CAROLINA
CONSTITUTION/BY-LAWS**

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PREAMBLE

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

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

To maintain Law and Order;

To foster and perpetuate a one hundred percent Americanism:

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

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

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

To make right the master of might;

To promote peace and 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.

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CONSTITUTION:

THE AMERICAN LEGION DEPARTMENT OF SOUTH CAROLINA

ARTICLE I

NAME

This association shall be know as The American Legion, Department of South Carolina, and shall be comprised of Posts established and chartered in the Department.

ARTICLE II

OBJECTIVES

Section 1.

The purposes, principles, aims and objects of this association are declared to be in conformity with those of the National body of The American Legion, of which this Department is a part, as enunciated in the preamble to this constitution, identical with that of the National body of The American Legion adopted at the caucus in St. Louis, Missouri, May 8th, 9th, and 10th, 1919.

Section 2.

We further dedicate ourselves to the promotion of the welfare, prosperity and happiness of all people of South Carolina, to the preservation of the ideals and traditions of our state, and pledge our single-minded adherence to the hallowed faith of our fathers.

Section 3.

The American Legion, Department of South Carolina, shall be absolutely non-political, and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

ARTICLE III

ELIGIBILITY

Section 1.

An individual is eligible for membership in the corporation (The American Legion) only if the individual –

- (1) Has served in the Armed Forces of - -**
 - (A) The United States at any time during –**
 - (i) the period from April 6, 1917, through November 11, 1918; or**

- (ii) any time after December 7, 1941; or
- (B) a government associated with the United State during a period of time referred to in subclause (a) of this clause and was a citizen of the United State when the individual entered that service; and
- (2) was honorably discharged or separated from that service or continues to serve honorably during of after that period of time.

All dates inclusive, or who, being a citizen of The United States at the time of his/her 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, furthermore that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service.

Section 2.

There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

Section 3.

No person may be a member at any one time of more than one Post.

Section 4.

No person, who has been expelled by a Post, shall be admitted to membership in another Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, he may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

ARTICLE IV

GEOGRAPHICAL LIMITS

The American Legion, Department of South Carolina, shall be divided into TWENTY (20) Districts:

These Districts geographical location and size shall be determined by the Department Executive Committee.

ARTICLE V

DEPARTMENT CONVENTION

Section 1.

Except where hereinafter specifically delegated, all power and authority are lodged in the convention, which shall be composed of delegates from the Posts as hereinafter provided. The Department Adjutant is hereby authorized to set and plan the annual Department Convention, and will report to the Department Executive Committee the necessary arrangements of said conventions.

Section 2.

The Department Executive Committee is hereby invested with the power to appoint such committees deemed necessary and to make such arrangements as may be deemed necessary for the holding of the Convention.

Section 3.

The Convention may be called in extraordinary session by either The Department Commander by and with the consent of The Department Executive Committee, or upon the petition of two-thirds (2/3's) of the Posts of the Department.

Section 4.

A quorum of said Department Convention shall consist of the duly elected delegates present from at least one-fifth(1/5) of the Posts in good standing with the Department, provided that a smaller number may meet and adjourn from time to time until a quorum be assembled.

Section 5.

Each local Post shall at some duly published time elect not less than three (3) delegates to the Department Convention, and one additional delegate for each twenty-five (25) members or major fractional part thereof, and each duly registered delegate shall be entitled to one vote. The total delegate vote count of each Post will be determined by their membership totals. One or more registered delegates present will be permitted to cast all votes for which the Post is entitled due to its membership count. **A registered delegate is one who has received their credentials and paid their registration fees.**

Section 6.

All Past Department Commanders and any Medal of Honor recipient, as long as they are members in good standing with the American Legion, Department of South Carolina, shall have one (1) additional individual vote. Their votes are counted only when the aforementioned individuals are present and cast their vote with the Post that they are members.

ARTICLE VI

DEPARTMENT EXECUTIVE COMMITTEE

Section 1.

Between the meetings of the convention, the Department Executive Committee shall constitute the governing body of this association, and such committee hereby empowered to make all rules and regulations necessary and consistent with this Constitution and the By-Laws of this association, and to do all things to promote and carry out its aims and purposes.

Section 2.

The Department Executive Committee with full voting rights shall consist of the following members:

Immediate Past Department Commander

**National Executive Committeeman
Alternate National Executive Committeeman**

Department Historian

**Department First Vice-Commander
Department Third Vice-Commander**

**Department Second Vice-Commander
Department Fourth Vice-Commander**

**District One Commander
District Three Commander
District Five Commander
District Seven Commander
District Nine Commander
District Eleven Commander
District Thirteen Commander
District Fifteen Commander
District Seventeen Commander
District Nineteen Commander**

**District Two Commander
District Four Commander
District Six Commander
District Eight Commander
District Ten Commander
District Twelve Commander
District Fourteen Commander
District Sixteen Commander
District Eighteen Commander
District Twenty Commander**

The Department Commander serves as the Ex-Officio Chairman of the Department Executive Committee.

Section 3.

The Department Executive Committee shall meet at such times and places as may be agreed upon by the aforementioned committee or upon call by the Department Commander and/or the Department Adjutant as prescribed by the Constitution and By-Laws. The Executive Committee shall not meet less than four (4) times between Department Conventions.

Section 4.

The Department Adjutant shall serve as secretary of the Department Executive Committee when in session.

Section 5.

All elected, appointed and non-voting members of the Department Executive Committee shall be permitted to be present and privileged to participate in Executive Session of said committee. In addition, the past Department Commanders as non-voting members of the Department Executive Committee, as well as the Judge Advocate, Assistant Judge Advocate, Adjutant, Assistant Adjutant and administrative staff for recording the minutes shall be permitted to be present and privileged to participate in Executive Session of the committee. Any additional staff the DEC determines to be necessary are allowed to remain in the hall.

ARTICLE VII

DEPARTMENT OFFICERS

Section 1.

The annual Department Convention Delegates will elect the following Department Officers:

National Executive Committeeman	Alt. National Executive Committeeman
Department Commander	Department Historian
Department First Vice-Commander	Department Second Vice-Commander
Department Third Vice-Commander	Department Fourth Vice-Commander

No two Vice Commanders shall be chosen from the same Post. No persons shall be eligible for re-election to the office of Department Commander or First, Second, Third or Fourth Vice Commander. All newly elected officers will be sworn in during the Department Convention and assume office immediately after said convention is over; except the National Executive Committeeman and the Alt. Executive Committeeman. These officers will be sworn in during the Department Convention; however, their term shall not begin until after the National Convention.

Section 2.

In the case of a vacancy in the office of the National Executive Committeeman, the duly elected Alternate National Executive Committeeman shall fulfill the remainder of the unexpired term of the National Executive Committeeman. In the case of such events, a special Department Executive Committee shall convene to elect an Alternate National Executive Committeeman for the remainder of the unexpired term of said office.

Section 3.

In the event of a vacancy in any other Department office, except as prescribed in Article VII, Section 4, such vacancy shall be immediately filled at a meeting of the Department Executive Committee and the officers so elected by the Department

ARTICLE VIII

ELECTION OF DEPARTMENT OFFICERS

Section 1.

A simple majority vote of the certified delegates eligible to vote will elect the following officers at the annual Department Convention. These officers shall consist of:

Department Commander	Department Historian
Department First Vice-Commander	Department Second Vice-Commander
Department Third Vice-Commander	Department Fourth Vice-Commander

Section 2.

The National Executive Committeeman and the Alternate National Executive Committeeman shall be elected biennial at the annual Department Convention. These elections will take place on an even/odd year rotation with the National Executive Committeeman being elected on the odd year, and for the Alternate National Executive Committeeman every even year, with both positions being elected by a simple majority of the certified delegates eligible to vote at the annual Department Convention.

Section 3.

The Department District Commanders shall be elected biennially at the appropriate District meeting by a simple majority vote of the Department of South Carolina certified delegates eligible to vote at said District meeting. These Officers shall have an even odd rotation with District Commanders elected every odd year:

District One	District Three
District Five	District Seven
District Nine	District Eleven
District Thirteen	District Fifteen
District Seventeen	District Nineteen

Being elected every even year:

District Two	District Four
District Six	District Eight
District Ten	District Twelve
District Fourteen	District Sixteen
District Eighteen	District Twenty

To be eligible to hold the office of District Commander, you must be a member in good standing of a post within the district you will command. In case of a District vacancy a Department Vice Commander with oversight in the area shall hold a

meeting within the district to elect a District Commander within forty-five (45) days, or a period agreed upon by the Department Executive Committee (DEC). All posts in that District shall be notified by mail from the Department of South Carolina Headquarters of the meeting. If a District Commander cannot be found at that meeting the oversight Vice Commander may recommend an appointment to the DEC and will be approved by the DEC by a simple majority vote. The Vice Commanders recommendation does not have to be from the district.

Section 4.

A District meeting must be held at least thirty (30) days prior to the annual Department convention in those Legion District in which a District Commander will be elected for the ensuing two (2) years. The name of the newly elected District commander will be forwarded to Department Headquarters within one (1) week after the election, and prior to the annual Department Convention. The installation of these newly elected District Commanders will take place at the annual Department Convention.

Section 5.

The number of votes for a Post represented at the District meeting within the electing Legion District shall be on the basis of three (3) votes for each Post plus one additional vote for each twenty-five (25) members or major fraction thereof. The official membership standing of each Post as certified by the various Post adjutants to the District Commander at the time of the meeting will govern the voting strength of each Post.

Section 6.

All officers shall continue in office until their successors are elected and qualified, unless they shall sooner resign, remove from the Department, or become otherwise disqualified.

Section 7.

All **Department Officers and members of the Department Executive Committee** shall within **forty-five (45) days** following the conclusion of the annual Department Convention, successfully complete or have successfully completed the "American Legion Extension Institute Course," or The American Legion Basic Training Course. If the member of the executive committee is elected or appointed in the middle of a term due to vacancy, the member shall within forty-five (45) days following the election and or appointment successfully complete or have successfully completed The American Legion Extension Institute Course or The American Legion Basic Training Course. The failure to successfully complete the course within the forty-five (45) day period will automatically make the position vacant. If the member is elected or appointed in the middle of a term due to vacancy, the forty-five day period would begin the day after the election or appointment.

ARTICLE IX

VICE-COMMANDERS

Section 1.

The Department Vice-Commanders will consist of four (4) annually elected officers.

The titles of the aforementioned Department Officers are as outlined:

**First Vice-Commander
Third Vice-Commander**

**Second Vice-Commander
Fourth Vice-Commander**

Section 2.

The order of accession to Department Commander for the aforementioned Vice Commanders will be as follows, and as approved by a simple majority vote of certified delegates to the annual Department Convention following Roberts Rules of Order.

(a) First Vice-Commander serves for a term of one year before ascending to the Department Commander, unless Article VII, Section 4 has taken affect.

(b) Second Vice-Commander serves for a term of one year before ascending to the position of First Vice-Commander, unless Article VII, Section 4 has taken affect.

(c) Third Vice-Commander serves a term of one year before ascending to the Department Second Vice-Commanders position with knowledge/affirmative action of the certified delegates present at the annual Department Convention unless Article VII, Section 4 of the Constitution has take affect.

(d) Fourth Vice-Commander serves a term of one year before ascending to the Department Third Vice-Commanders position with the knowledge/affirmative action of the certified delegates present at the annual Department Convention unless Article VII, Section 4 of the Constitution has taken affect.

(e) Additional duties for these Vice-Commanders are outlined in the By-Laws, Article III, Section 2.

ARTICLE X

DISTRICT OFFICERS

Section 1.

The Department Commander, with the approval of the Department Executive Committee, and upon the recommendation of the District Commander, shall appoint in each District one (1) or more officers to be known as Area Commander.

Section 2.

The District Commanders will recommend one (1) such Area Commander for each county within his District having two (2) or more Posts therein. These recommendations will be made within thirty (30) days following the annual Department Convention.

Section 3.

Area Commanders shall be under the immediate supervision of the District Commander and will take action according to his direction in all matters pertaining to The American Legion, Department of South Carolina.

Section 4.

The Department Commander shall upon approval of the Department Executive Committee, appoint a District Chaplain for each District as recommended by the District Commander.

Section 5.

Meetings as may be held by a District Commander, consisting of the Area Commanders and District Chaplain, shall be known as the District Executive Committee. The empowerment of the District Executive Committee shall be limited to recommendations to the Department Executive Committee, as well as, to aid The American Legion, Department of South Carolina in carrying out its objectives within their respective Districts. Such Officers shall serve for a term of one (1) year.

ARTICLE XI

DISCIPLINE

Section 1.

That upon the conviction of any Department or Post Officer of any felony by any duly constituted court, that Legionnaire cannot hold office in the Department or in any of its subdivisions, to include but not limited to the Department, District, and/or Post. This position shall be declared vacant and forthwith filled as provided by the Constitution and By-Laws as in the case of any other vacancy.

Section 2.

Upon the filing by any Officer of charges against any other Officer of the Department, coming out of the failure on his part of performing the duties of his office, according to the Constitution and By-Laws of the organization,

Neglect, Or inability to serve, Or failure to carry out the orders of directions of the Department Executive Committee Incapacity, Or the Department Commander,

Then the offending Officer shall be served with a copy of the charges and shall be given twenty (20) days from the set date to file a request with the Department Adjutant for a hearing of the charges before the Department Executive Committee. Upon notification by the Department Adjutant of a day fixed and time set, he shall be required to appear before the Department Executive Committee and answer such charges as may be preferred against him.

Section 3.

If said Officer fails to file such a request within the specified time, then the Department Executive Committee shall have the power to act on the charges, at such time as the Department Commander may designate.

Section 4.

A two-thirds (2/3's) vote of the Department Executive Committee on the said charges shall be binding upon him, and at any trial held, the Department Judge Advocate shall be the presiding officer.

ARTICLE XII

POST ORGANIZATIONS

Section 1.

There shall be organized throughout The American Legion, Department of South Carolina, as many local Posts as may be deemed advisable by the Department Executive Committee.

(a) that the formation and revitalization of American Legion Posts be a priority, which only the Department Commander or the Department Executive Committee controls in accordance with Article IX, Section 1 of the National Constitution.

(b) As long as all of the required obligations are met for the establishment of a Post, no individual, Post, or District should have the authority to deny any individual (s) the opportunity to start or revitalize a Post, without just cause, but the final decision will be made by the Department Commander or Department Executive Committee.

(c) That there should be an American Legion Post for every high school where Department, Districts, and Post leadership will work together to ensure the success of the Post in its support of programs and the local community.

Section 2.

Applications for charters for Posts of The American Legion, Department of South Carolina, shall be signed by fifteen (15) or more persons who were in the military service of The United States during the established eligibility periods as prescribed in Article III, Section 1 of this Constitution.

Section 3.

The Department Executive Committee shall investigate the qualifications, fitness, and desirability of such applicants and approve of such application, as prescribed in Section 2 of this Article.

Section 4.

The Department Executive Committee shall either approve or disapprove such application and the actions and decision of the Department Executive committee shall be final and conclusive and shall not be reviewed by any officer, committee or convention of the association, or any other authority.

Section 5.

Upon the application approval by the Department Executive Committee the approved charter for said Post shall be duly forwarded to The National Adjutant recommending the issuing of a temporary charter or permanent charter as the case may be.

Section 6.

If, after any charter shall have been issued to any local Post, it shall be made to appear to the Department Executive Committee that the continued existence of such will be harmful or prejudicial to the harmony and prosperity of this association, then and in that event the Department Executive Committee shall have power, after notice to the said local Post to show cause at a time and place to be fixed in said notice to revoke and annul said charter.

Section 7.

The Department Executive Committee shall have power to revoke any local Post charter for the further reason of a Post failing to report at least fifteen (15) members to Department Headquarters by March first (1st) of any year.

Section 8.

All assets and records of a Post having its charter revoked shall be turned over to the Department Executive Committee to the Convention at its next regular meeting.

Section 9.

The said Post in question may appeal from the decision of the Department Executive Committee to the Convention at its next regular meeting.

Section 10.

Each local Post shall have power to make such By-Laws as it may deem best to further the purposes of the Association, if the same be not inconsistent with the Constitution and By-Laws of this Department or of The National Organization of The American Legion.

Section 11.

After a local Post has been organized and received its charter, it shall have power to elect new eligible members in such manner as may be provided for by the Constitution and By-Laws of that Post.

ARTICLE XIII

AMENDMENTS

Section 1.

The Constitution may be amended at any Department Convention by a vote of two-thirds (2/3's) of the total authorized representation thereat, provided that the proposed amendment shall have been submitted through the Department Adjutant to the Department Posts, and members of the Department Executive Committee by mailing same to them at least thirty (30) days prior to the next Department Convention; any such proposed amendment may be amended without further notice by a two-thirds (2/3's) vote of the total authorized representation thereat, provided it does not increase the modification proposed by the amendment and it has received the approval of the Department Constitution/By-Laws committee and, provided further, it may be amended by unanimous vote at any Department Convention without notice.

Section 2.

That no proposed amendment shall be submitted through the Department Adjutant to the Posts and members of the Department Executive Committee, as provided in Section 1 of this Article, unless said proposed amendment shall have been first submitted by a Department Post, Department Post Executive Committee, or the Department Executive Committee.

ARTICLE XIV

FINANCE

Section 1.

The revenue of The American Legion, Department of South Carolina shall be derived from annual membership dues as outlined in Article II, Section 1 of the Department By-Laws. Additional monies shall be derived from such other sources as may be recommended by the Department Finance Committee and approved by the Department Executive Committee.

Section 2.

The amount of such annual Department membership dues as prescribed in the aforementioned section, as recommended by the Department Finance Committee, shall be determined by each annual Department Convention by two-thirds (2/3's) of delegates present and voting for the ensuing year, and cannot be lower than the preceding year.

Section 3.

The Department annual membership dues on each Legionnaire shall be collected by each Post and transmitted promptly to Department

Headquarters. Posts are designated agents for collection for the Department with respect to such annual dues. Transmission of said dues and under no circumstances shall the period from receiving the said dues and the actual transmitted dues to Department Headquarters are more than thirty (30) days.

ARTICLE XV

SUBSIDIARIES

Section 1.

The American Legion recognizes an auxiliary organization, known as the American Legion Auxiliary. The American Legion, Department of South Carolina recognizes as a program within the Department, The Sons of The American Legion, and American Legion Riders of South Carolina.

Section 2.

Membership in The American Legion Auxiliary shall be limited to the mothers, daughters, sisters, spouses, granddaughters, great-granddaughters and grandmothers of members of The American Legion, and to the mothers, wives, daughter, sisters, granddaughters, great-granddaughters, and grandmothers of all men and women who were in the armed forces of the United States during any of the following periods.

- (1) Has served in the Armed Forces of - -**
 - (A) The United States at any time during -**
 - (i) the period from April 6, 1917, through November 11, 1918; or**
 - (ii) any time after December 7, 1941; or**
 - (B) a government associated with the United State during a period of time referred to in subclause (a) of this clause and was a citizen of the United State when the individual entered that service; and**
- (2) was honorably discharged or separated from that service or continues to serve honorably during of after that period of time.**

All male descendants, adopted sons and stepsons of members of The American Legion, and such male descendants of veterans who died in service during World War I, World War II, and Korean War, the Vietnam War, Lebanon, Grenada, Panama, and the Persian Gulf War, during the delimiting periods set forth in Article IV, Section 1, of the National constitution of The American Legion, or who died subsequent to their honorable discharge from such service, shall be eligible for membership in The Sons of The American Legion.

Regular membership in the American Legion Riders of South Carolina shall be open to any verified current member of The American Legion, American Legion Auxiliary and The Sons of The American Legion.

Section 3.

The Auxiliary shall be governed in each Department of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by such Department of The American Legion.

The organization of Detachments and Squadrons shall conform with regulations of the Department of The American Legion having jurisdiction, with regulations of the National Executive Committee of The American Legion, and with the National Constitution and By-Laws of The Sons of The American Legion.

The ALRSC (American Legion Riders of South Carolina) is a program of The American Legion Department of South Carolina and subject to the rules, regulations, policies, oversight and control thereof. Such oversight and control shall be exercised through a committee of The Internal Affairs Commission of The Department of South Carolina to be known as the American Legion Riders Committee, members whereof shall be appointed in accordance with Department of South Carolina policy

ARTICLE XVI

PARLIAMENTARY PROCEDURE

Section 1.

If the conduct of a hearing, meetings, conventions, proceeding or other activity is not otherwise governed by The Department or National Constitution(s) or By-Law(s), then Robert's Rules of Order (current edition), shall govern the conduct of the above described activities within all Posts and within The American Legion Department of South Carolina.

**BY-LAWS
OF
THE AMERICAN LEGION
DEPARTMENT OF SOUTH CAROLINA**

ARTICLE I

ELECTION OF OFFICERS

Section 1.

The Department Officers elected at any annual convention of this Association shall take office immediately upon election, and shall forthwith assume the performance of the duties of their respective offices

Section 2.

In electing Post Officers, the following schedule will be followed:

- (a) At the **March** meeting of the Post, a nominating committee will be elected by the Post membership or by the Post Executive Committee. The Post Commander shall not appoint nor be a member of the committee.
- (b) This committee shall make its formal report to the Post at the **April** meeting.
- (c) Post Officers will be elected at the **May** meeting with the Post Commander calling for additional nominations from the floor at the Post meeting.
- (d) Post Officers will be installed at the **June** meeting of **all** Posts.
- (e) The names of the newly elected officers shall be reported to Department Headquarters **immediately following the election** or by **July first (1st)** on forms provided by the Department.

ARTICLE II

FINANCES

Section 1.

The local Posts shall pay into the treasury of this Department \$34.00 for each member for each fiscal year. The Department Adjutant shall remit annually \$18.50 per capita upon the membership of this Department to The National Finance Officer of The American Legion, as the dues of this Department in the National Association and shall use \$15.50 per capita for the usual expenses of the Department. In addition, two (\$2.00) dollars of this per member capita shall be put into Department savings account and/or interest driven account that would benefit the department

financially for the future of the Department. Upon the recommendation of the Department Adjutant, 2/3's of the Department Finance Committee and 2/3's majority of the Department Executive Committee the \$2.00 contribution to savings and/or interest-bearing account can be suspended for one year only. Also, that if the National Organization raises its per member capita to the Department, that the Department will automatically raise the National Organization portion accordingly. If the National headquarters of the American Legion raises its per capita before the Department of South Carolina by-laws can be changed, the Department Adjutant with the approval of the Department Executive Committee is authorized to begin collecting this increase until the Department of South Carolina by-laws can be amended.

Section 2.

In the event of a financial emergency, when time does not permit the calling of a Department Executive Committee meeting for approval, then the Department Commander, Department Adjutant, and Finance Committee Chairperson shall be permitted to borrow money in the name of The American Legion, Department of South Carolina, in a sum not to exceed five thousand dollars (\$5,000.00).

Section 3.

The Department Finance Committee shall be charged with the responsibility of preparing the annual budget, and no expenditures of any Department funds, not provided for in the annual budget shall be made by the Department Executive Committee, unless first referred to the Department Finance Committee for its study and recommendation.

ARTICLE III

DUTIES OF OFFICERS

Section 1:

Department Commander:

(a) The duties of the Department commander shall be to preside over the Convention, and he/she shall be ex officio Chairman of the Department Executive Committee.

(b) He/She shall take care that the high principles and purposes of The American Legion are preserved.

(c) He/She be the official spokesman on all occasions for The American Legion Department of South Carolina.

(d) With the approval and consent of the Department Executive Committee, he/she shall discharge the duties laid upon him/her by the Constitution and these By-Laws, and shall further perform all duties incident to the office of Chief Executive of the organization, and faithfully carry out the mandates of the convention and all duties devolved upon him/her by the Department Executive Committee.

(e) The Department Commander, to lighten his/her burdens, is not required to visit all Posts of this Department. He/She is expected to attend District meetings held at such places as may be selected and designated by the District Commanders and at such times as the Department Commander may specify.

(f) It shall be the responsibility and duty of the Department Commander to prepare and submit to the Department convention a detailed report of his activities during the year with such recommendations as he/she may deem advisable for the information and guidance of the future of The American Legion Department of South Carolina.

(g) In order that the Department Executive Committee may be informed as to the contents of the Commander's report to be made to the convention, it shall be the duty of the Commander to submit a report to the meeting of the Department Executive Committee held immediately prior to the convening of the annual Department convention.

Section 2:

Department First Vice-Commander:

As Commission chairperson, Internal Affairs, the incumbent oversees all phases of Internal Affairs and assures the Department Commander, Department Adjutant, and the Department Executive Committee that all sub-committees have met, findings reported and/or plans implemented as required.

The Department Vice-Commanders will not hold any other Chairmanship or positions on permanent committees at the Department level.

The primary duties and responsibility of the Department First Vice-Commander is over sight of all sub-committees that formulate Internal Affairs.

The Department First Vice-Commander will represent the Department Commander and/or the Department at various functions as prescribed by the Department Commander and Department Adjutant throughout the ensuing year.

In addition, in case of where the Department Commander cannot fulfill his/her duties as outlined in Article VII; Section 4 of the Constitution, the Department Adjutant will call a special meeting of the Department Executive Committee for the purpose of filling the unexpired position of the Department Commander. The Department First Vice-Commander upon approval will ascend to Commander and fulfill the unexpired term as directed by the Department Executive Committee.

The Department First Vice-Commander's term of office is for one (1) year, unless otherwise provided for in the Department Constitution.

Section 3:

Department Second Vice-Commander:

The duties and responsibilities are to serve as Commission chairperson of Americanism and to oversee functioning responsibility of the various Americanism programs for The American Legion, Department of South Carolina.

The Department Vice-Commanders will not hold any other Chairmanship or positions on permanent committees at the Department level.

The incumbent works closely with each committee and their chairman's, as appointed by the Department Commander. The incumbent will learn history, program operational procedures, and time frames for all the Americanism programs conducted by both National and Department Headquarters.

These major programs are, but not limited to, Oratorical, Boys State, Baseball, and Law Cadet. As Commission chairperson, numerous other programs are conducted throughout the year that warrants Post, District, and Department awareness and knowledge. The incumbent is responsible to disseminate appropriate information concerning these programs to Department, District and Posts

The incumbent oversees all phases of Americanism and assures the Department Commander, Department Adjutant, and Department Executive Committee, that all sub-committees have met, findings reported, and/or plans implemented as required.

The incumbent works closely with the Department Commander, Department Adjutant to assure all programs outlined by the Department Executive Committee are implemented.

The incumbent throughout the year will represent the Department Commander and/or Department at various functions prescribed by the Department Commander and/or Department Adjutant.

The incumbent will attend all meetings held by The American Legion Nationally (as appropriate) regionally, and/or by the Department to ensure that knowledge, training, and ideas are incorporated into a sound Americanism program for the Department.

The Department Second Vice-Commander's term of office is for one (1) year unless otherwise provided for by the Constitution.

Section 4: Department Third (3rd) and Fourth (4th) Vice-Commanders:

The Department Third (3rd) and Fourth (4th) Vice-Commanders primary duties and responsibilities are to assist with the Department membership campaign

The Department Vice-Commanders will not hold any other Chairmanship or positions on permanent committees at the Department level.

The Department Third Vice-Commander serves as the Commission chairperson of National Security and assures the Department Commander, Department Adjutant and the Department Executive Committee that all sub-committees have met, findings reported, and/or plans implemented as required.

The Department Fourth Vice-Commander serves as the Commission chairperson of Veteran Employment and Education Commission and assures the Department Commander, Department Adjutant and the Department Executive Committee that all sub-committees have met, findings reported, and/or plans implemented as required.

The Department Third/Fourth Vice-Commanders are responsible for and assures that all programs outlined by the Department Commander, Department Adjutant, Department Executive Committee, the Commission chairperson of Internal Affairs, and the Commission chairperson of Americanism are fully implemented within their Zones as prescribed. Through this process, the Department is assured continuity of program development and each Post is fully aware of all programs of The American Legion.

The Department Third/Fourth Vice-Commanders will represent the Department Commander and/or the Department at various functions as prescribed by the Department Commander and/or the Department Adjutant throughout the year.

The Department Third/Fourth Vice-Commanders will attend all meetings held by The American Legion Nationally (as appropriate), regionally, and/or the Department to ensure that knowledge, training and ideas are incorporated with their respective Zones for proper program development.

The Department Third/Fourth Vice-Commander will serve a term of one (1) year.

Section 5:

Department Adjutant:

The Department Adjutant shall be the Chief Operating Officer of The American Legion, Department of South Carolina. As Chief Operating Officer of the Department, he/she shall be charged with the administration of policies and procedures of both the National and Department American Legion, as well as, the policies and mandates of the Department convention, Department Executive Committee, and as prescribed by the Constitution. He/she shall perform such other duties as are usually incident to the office.

The incumbent shall be the Fiscal agent/Finance officer for the association. The incumbent shall be authorized to execute all legal instruments necessary for receiving, transferring, and/or mortgaging real estate when directed to do so by two-thirds (2/3's) of the Department Executive Committee.

The incumbent shall keep the accounts, receive all funds, and sign all vouchers for the association.

If the Department Executive Committee shall so require, at any or all of the meetings, he/she shall be prepared to render true accounting of the financial condition of The American Legion, Department of South Carolina.

Immediately after the close of the Department fiscal year, he/she shall have a full and complete audit of his/her accounts made by certified public accountants, agreeable to the Department Executive Committee, and such audit shall be submitted to the first (1st) Department Executive Committee after said audit has been conducted.

With the Department Historian, he/she shall carefully prepare all of the permanent records of the Department, and shall be the official custodian of all such records.

As provided in the Constitution, he/she shall be paid a salary, and be bonded in such amount and with such surety as deemed necessary.

The incumbent shall be in charge of the Department Headquarters Building and supervise its management thereof.

The incumbent shall conform to such working hours at Department Headquarters as may be fixed to assure that the Department business hours conform to established eight (8) hour or longer work days. The Department Adjutant shall see to it that these hours are strictly maintained by all Department Headquarters staff.

The Department Adjutant is to be a full time employee of the Department and shall not engage in any other business or occupation.

The incumbent shall prepare and submit to the Department Commander and the Department Executive Committee, not later than the Fall conference, a suggested program of speakers, and entertainment for the next annual Department convention.

The Department Adjutant shall assist the District commanders to ensure that any assistance in rehabilitating all such Posts are accomplished and given by The American Legion, Department of South Carolina.

Section 6:

Department Chaplain:

The Department Chaplain shall be appointed by the Department Commander, as specified in Article VII, Section 5 (d) of the Constitution, from among the clergyman who are members of The American Legion, Department of South Carolina.

The incumbent shall discharge all duties incident to his/her office, and do all things required of him/her by the Department Executive Committee.

It shall be the particular duty of the Department chaplain to promote the "Service to God and Country" program of The American Legion in the Department and to submit programs to respective Posts to carry that objective into effect.

The incumbent shall be responsible for all religious and memorial services for all Department meetings.

A District Chaplain for each Legion District shall be appointed by the Department Commander as prescribed in Article IX, Section 4 of the Constitution and their name reported to the Department Chaplain.

The Department Chaplain shall hold a conference of the District Chaplains at least once a year.

Section 7:

Department Service Officer:

The incumbent shall be in charge of the Rehabilitation program and shall be the Chairman of the Rehabilitation Committee for The American Legion, Department of South Carolina.

He/she shall cooperate with the other officers of both the National and the local Department of The American Legion in performing the first duty laid upon this Department and each member thereof, that is to care for our disabled comrades and the widows and orphans of deceased ex-servicemen.

The incumbent shall be prepared at all times to cooperate with the State Director, Governor's Office of Veterans Affairs, Department of Veterans Affairs, and the Department of Veterans Benefits in prosecuting all just claims of ex-servicemen, and he/she shall not hesitate to call upon any member of The American Legion, Department of South Carolina, or elsewhere, to assist him/her in efforts thereabout.

Section 8:

Department Judge Advocate:

The Department Judge Advocate shall be the legal advisor for the annual Department convention; the Department Executive Committee; the Department Commander; and the Department Adjutant, as well as, the other officers of The American Legion, Department of South Carolina.

The incumbent when called upon by any duly authorized officer, he shall prepare and submit his legal opinion upon any question arising in The American Legion, Department of South Carolina.

The incumbent shall perform such other duties as may be assigned to him/her by the Department Commander, Department Adjutant or the Department Executive committee and shall act as parliamentarian at all The American Legion, Department of South Carolina meetings during his/her term of office.

It shall be the duty of the Department Judge Advocate to attend all scheduled Department meetings and to advise the Department Commander and Department Adjutant on any matters pertaining to the interpretation of the Constitution and By-Laws of The American Legion, Department of South Carolina.

Section 9:

Department Sergeant-at-Arms

The incumbent under the direction of the Department Commander and/or Department Adjutant shall attend all scheduled Department meetings of The American Legion, Department of South Carolina.

The incumbent shall take care of the Department Colors and see that they are properly displayed and secured after each meeting.

The incumbent shall see that all Assistant Sergeant-at-Arms under his/her direction are assigned their post and duties, as well as, have enough assigned to fulfill the meeting requirements.

The Department Sergeant-at-Arms shall see that all members attending the various meetings are properly qualified and shall call for such identification as he/she deems necessary.

Section 10:

Department Historian:

The incumbent shall be charged with the preparation of the permanent records of The American Legion, Department of South Carolina, and shall perform such other duties as shall be designated by the Department Commander, Department Adjutant and the Department Executive Committee.

Section 11:

District Commanders:

The District Commanders shall be in charge of their respective Legion Districts.

They shall faithfully promote the membership, aims, ideals, and principles of the association. They shall perform such other duties as directed by the Department Commander, Department Adjutant, Department Vice-Commander, and the Department Executive Committee.

The incumbent is specifically required to visit each Post of their District at least **once** (1) prior to **November first (1st)**.

Each District Commander shall submit to the Department Headquarters, **fifteen (15) days** following the annual Department convention, **the names and addresses of all Post Officers within his/her District.**

District Commanders shall be required to hold four (4) District meetings per year and shall submit dates and places for all District meetings to the Department Headquarters prior to August first (1st) of each year. Failure to follow the above directive may result in disciplinary actions up to and including removal from office by the Department Executive Committee established policy. Remove from office will require a majority vote of the Department Executive Committee.

The incumbent shall arrange the program of their respective meetings following the format in the "**OFFICERS GUIDE**", and shall invite such guests to attend as they may desire.

It shall be the prime duty of the District Commanders to promote and promulgate the programs of The American Legion; to interest Posts within their respective Districts in the same and lend their best efforts to the promotion of its programs.

For the promotion and promulgating of the programs of The American Legion, there shall be a District Executive Committee in each District. This shall be composed of a District Commander as Chairman, Post Commanders, Post Adjutants within a District, as well as, the District Chaplain and the Area Commanders

The District Executive Committee shall meet not less than three (3) times during the year, at a place and time determined by the District Commander and reported as stated in Article X; Section 5, of the Constitution.

Immediately following each meeting of the District Executive Committee, the District Commander shall report in writing to the Department Commander such action taken and such programs of The American Legion presented.

The immediate Past District Commander will continue to serve on the District Executive Committee, with voting privileges for a period not to exceed one (1) year.

The Area Commanders shall work under the District Commander in the areas assigned and shall meet with Posts of his area as often as necessary to coordinate the programs and objectives of The American Legion, Department of South Carolina.

ARTICLE IV

MEETINGS

Section 1:

Unless otherwise directed by the Department Executive Committee, there shall be held annually, at a time and place designated by such committee, a meeting/conference shall be held within One Hundred Twenty (120) days after the conclusion of the annual Department Convention. It shall be the duty of the Department Executive Committee to attend this meeting/conference.

Section 2:

This meeting/conference shall meet and consider all matters of importance to The American Legion, Department of South Carolina, as well as, plan the upcoming events for the ensuing Legion year. This meeting/conference shall be of

informational guidelines for the Post Commanders/Adjutants, and advisory in nature to the Department Executive Committee and the annual Department Convention.

Section 3:

It may prepare for submission to the next annual convention recommendations regarding all questions arising during the year.

Section 4:

This meeting/conference shall receive reports from all of the local Posts in the Department. It shall be the duty of each member of the Department Executive Committee to attend this meeting/conference.

Section 5:

(a) Immediately following adjournment of the Department Convention, the out-going and in-coming officers and the Department Executive Committee shall hold a joint session, at which time the in-coming Department Commander shall preside.

(b) The agenda of said meeting shall consist primarily of a report of the out-going Department Commander concerning the situations in the Department that might need attention.

(c) That the District Commanders be instructed that within four (4) weeks they shall arrange a meeting with their respective Post Commanders to set up a yearly agenda of District meetings.

(d) The Department Executive Committee shall meet within thirty (30) working days after adjournment of the Department Convention.

(e) A program of events shall be submitted by the Department Adjutant to the Department Executive Committee not more than thirty (30) working days after the adjournment of the Department Convention for considerations of the Department Executive Committee to delete or amend in such particulars as may be deemed appropriate and advisable.

ARTICLE V

DEPARTMENT COMMITTEES

Section 1:

The standing committees of this Department shall be composed of members of The American Legion. That all subcommittees be comprised of not more than three (3) members except for the following:

- 1. Baseball, (one member per league plus a Director).**
- 2. Oratorical**

- 3. Foreign Relations, (restricted to members of the Congress who are members of The American Legion)**
- 4. Membership**
- 5. Legislative, (comprises of two (2) State Senators, and two (2) State representatives who are members of The American Legion and three additional members.**
- 6. Lady Fast Pitch Softball, (one member per league plus a Director)**

Section 2:

The Department Commander shall annually appoint the following committee items:

- 1. The general chairpersons of all committees unless already specified in the Constitution.**
- 2. The sub-committees chairperson of all committees**
- 3. Appoint one-third (1/3) of committee members of all committees for a three (3) year term, unless otherwise specified already in the Constitution.**

The general chairperson/sub-committee chairpersons, unless otherwise provided for, term of chairpersons coincides with that of the appointing Department Commander, with the exception of the chairperson of Baseball, Boys State, Law Cadet and Lady Fastpitch Softball committees. The chairperson of these committees will serve until the end of their respective yearly commitment (Baseball Tournament, annual Boys State, Law Cadet Academy and Lady Fastpitch Tournament).

Section 3:

The Department Commanders appointments shall have the consent and approval of the Department Executive Committee.

Section 4:

Such committees and sub-committees as are appointed shall perform the duties designated by the Department By-Laws, Department Commander, Department Adjutant, and the Department Executive Committee.

Section 5:

The committees shall work in cooperation with all similar committees of the National organization of The American Legion and with corresponding committees in the American Legion Auxiliary of the Department.

Section 6:

(a) Upon appointment as chairperson/sub-chairperson of a committee/sub-committee, **it shall be the responsibility of that person to take positive action and steps to familiarize themselves with the duties and responsibilities of the committee and/or sub-committee.**

(b) The general chairpersons of all such committees shall call a meeting of his committee within thirty (30) days following that date of his appointment as chairperson, at which time the committee shall formulate plans for the ensuing year.

Section 7:

Any member of a standing committee who fails to attend the meetings of the committee without acceptable excuse shall be dropped and the Department Commander shall then appoint a new member of such committee to fill the vacancy.

Section 8:

The American Legion commissions/committees for South Carolina shall be as follows:

(A) INTERNAL AFFAIRS COMMISSION

The Internal Affairs Commission shall be divided into the following sub-committees including the General Chairperson:

1) Constitution/By-Laws Committee three (3) members

This committee shall annually review the Department Constitution and By-Laws and originate and recommend such changes as are deemed necessary. The Committee shall consider all proposed Constitution/By-Laws changes referred to it and report its findings, status, changes, additions and its recommended approval/disapproval to the Department Convention.

2) Membership and Post Activities Committee

- a) The Chairman and Committee Members to be appointed by the Department Commander for a one-year term.**
- b) The number of committee members will be determined by the Department Commander as deemed necessary to achieve the Department goals.**
- c) The Membership and Post Activities Committee will assist in forming new Post and revitalizing existing Post and overall membership awareness.**
- d) Report to the Department Executive Committee any Post that is failing to have at least fifteen (15) members by March 1st of any year.**

3) Resolutions Committee three (3) members

The committee shall consider all proposed Resolutions referred to it and report its findings, status, changes, additions and its recommended approval/disapproval to the Department Convention with the exception of memorial resolutions. The Department Commander or Department Executive Committee may approve memorial resolutions without the consent of the resolutions committee.

- 4) **Trophies and Awards Committee** three (3) members
- 5) **Sons of the American Legion Committee** three (3) members
- 6) **Distinguished Public Service Award Committee** three (3) members

- a) **The retiring Department commander shall name a member for this committee**
- b) **The name shall be placed at the bottom of the list**
- c) **The senior member of the committee shall be chairperson by appointment of the Department Commander**
- d) **The term of committee assignment shall be for three (3) years**
- e) **No person may be appointed to this committee more than once**
- f) **In case of death, resignation or disqualification of a member, the incumbent Department Commander shall appoint an individual to serve the remaining portion of the five (5) year term thus vacated**

- 7) **Finance Committee** three (3) members

MISSION STATEMENT

In keeping with the Constitution and By-Laws of The American Legion, Department of South Carolina, it is important to insure that all of our programs Contribute to the financial health of the Department.

In order to meet all of the Department's Financial obligation, an annual budget will be established which shows growth while insuring that all of the Department's needs are met. No additional funds should be expended without a complete review of the cost associated. Each line item in the budget will be reviewed to determine if the money is being spent wisely.

The Department Finance Committee shall be charged with the responsibility of preparing the annual budget, and no expenditures of any Department funds, not provided for in the annual budget shall be made by the Department Executive Committee, unless first referred to the Department Finance Committee for its study and recommendation.

The Department Finance Committee shall consist of the three members, all of whom shall be appointed for three years with the incoming Department Commander appointing one member for a three-year term. The Department Commander shall appoint the Chairman.

The revenue of The American Legion, Department of South Carolina, shall be derive from the annual membership dues as outlined in Article II, Section 1 of the Department By-Laws. Additional monies shall be derived from such other sources as may be recommended by the Department Finance Committee and approved by the Department Executive Committee.

The amount of such annual Department membership dues as prescribed in the aforementioned section, as recommended by the Department Finance Committee, shall be determined by each annual Department Convention by two-thirds (2/3's) of delegates present and voting for the ensuing year, and cannot be lower than the preceding year.

In the event of a financial emergency, when time does not permit the calling of an Department Executive Committee meeting for approval, then the Department Commander, Department Finance Committee Chairperson, and Department Adjutant shall be permitted to borrow money in the name of The American Legion, Department of South Carolina.

8) American Legion Riders three (3) members

(B) AMERICANISM COMMISSION

- 1) Community Service sub-committee** three (3) members
- 2) Boys State sub-committee** three (3) members
- 3) Oratorical contest sub-committee** five (5) members
- 4) Boy Scout sub-committee** three (3) members
- 5) Children and Youth Activity Committee** three (3) members
- 6) Education and School awards sub-committee** three (3) members
- 7) American Legion Baseball sub-committee** one (1) member from each league Plus a Director
- 8) Junior Shooting Sports Committee** three (3) members
- 9) Law Cadet Committee** three (3) members
- 10) The American Legion Lady Fast Pitch Softball Sub Committee** one (1) member from each league plus a Director

(C) NATIONAL SECURITY COMMISSION

The National Security Commission shall be divided into the following sub-committees

- 1) Law and Order sub-committee** three (3) members
- 2) Military Affairs sub-committee** three (3) members
- 3) Foreign Relations Committee** Restricted to Members of the Congress who are members of The American Legion
- 4) Legislative Committee** seven (7) members
This committee shall be comprised of two (2) State Senators and two (2) State House of Representatives of the South Carolina Legislature who are also members of The American Legion. In addition, there shall be three (3) persons from the general membership of The American Legion.

(D) VETERAN EMPLOYMENT AND EDUCATION COMMISSION

The Veteran Employment and Education Commission will consist of the following sub-committee including the General Chairperson:

- 1) Veterans Employment, housing, and Veterans Preference sub-committee** three (3) members.
Committee appointments would last three years for a new appointment

(E) VETERANS AFFAIRS AND REHABILITATION

**1) Health Administration; Veterans benefits;
Veterans affairs sub-committee**

three (3) members
includes county service officers as ex-officio
members provided they are members of The
American Legion

ARTICLE VI

CONVENTION COMMITTEES

Section 1:

Before each annual Department convention the Department Commander shall appoint the following convention committees to serve during the life of the convention only.

A) COMMITTEE ON CREDENTIALS:

The committee on Credentials shall pass upon the credentials of all delegations to the convention from local Posts. In case of a controversy, the action of this committee shall be final provided, that an appeal may be taken to the floor by either of the contestants in such controversy.

B) COMMITTEE ON RULES:

The Committee on Rules shall recommend to the convention such rules as they deem advisable and necessary for the conduct of the business of the convention

Section 2:

There may also be appointed by the Department Commander any further or other committees for each convention as shall be deemed necessary and proper.

ARTICLE VII

DISCIPLINE

Section 1:

a) Each Post of The American Legion, Department of South Carolina shall be the judge of its own membership, subject to the restrictions of the National and Department Constitution and By-Laws

b) In order that the membership in each Post of the Department of South Carolina has an opportunity to become thoroughly familiar with the purposes and ideals of The American Legion and the objectives of his/her Post, each Post is required to meet at least once (1) every three (3) months during each Legion year.

c) The Post meetings are to be stated and at fixed intervals to be provided for in the By-Laws of The American Legion Post.

Section 2:

a) Members may be suspended or expelled from The American Legion only upon proper showing of cause.

b) Charges shall be based upon disloyalty, neglect of duty, dishonesty, and conduct unbecoming a member of The American Legion..

c) All charges must be made under oath and in writing by the accusers and served on the accused either by personal service or by mailing a certified copy of same to him/her by registered mail at his/her last known address at least thirty (30) days prior to the date set for his/her trial.

d) No member in good standing shall lose his/her membership until given a fair trial in such manner and form as the Department By-Laws shall prescribe.

Section 3:

The trial of a member shall be held before the executive committee of the Post, the Commander presiding, and he/she shall be the sole judge of the admissibility of evidence provided the Post Commander is not the individual brought up on charges/causes. In this event the Post 1st Vice Commander followed by the Post Judge Advocate would preside over the meeting. The Post Adjutant will be the secretary and record all proceedings for the record.

Section 4:

Any member who has been suspended or expelled has the right to appeal in writing within sixty (60) days to the Department Executive Committee, and its decision shall be final.

ARTICLE VIII

AMENDMENTS

Section 1:

The By-Laws may be amended at any Department Convention by a vote of two-thirds (2/3) of the total authorized representation thereat, provided that the proposed amendment shall have been submitted through the Department to the Department Posts, and members of the Department Executive committee by mailing same to them at least thirty (30) days prior to the next Department Convention. Any such proposed amendment may be amended without further notice by two-

thirds (2/3) vote of the total authorized representation thereat, provided it does not increase the modification proposed by the amendment and it has received the approval of the Department Constitution/By-Laws Committee and, provided further, it may be amended by unanimous vote at any Department Convention without notice.

Section 2:

That no proposed amendment shall be submitted through the Department Adjutant to the Posts and members of the Department Executive Committee, as provided in Section 1 of this Article, unless said proposed amendment shall have been submitted by a Department Post, Department Post Executive Committee, or the Department Executive Committee.

ARTICLE IX

PARLIAMENTARY PROCEDURE

Section 1:

If the conduct of a hearing, meetings, conventions, proceeding or other activity is not otherwise governed by the Department or National Constitution(s) or By-Law(s), then Robert's Rules of Order (current edition), shall govern the conduct of the above described activities within all Posts and within The American Legion Department of South Carolina.