The American Legion Department of Ohio, Inc.
Constitution & By-Laws
(Revised: July 2026)

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CONSTITUTION

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

PREAMBLE

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred per cent Americanism; to preserve the memories and incidents of our associations in 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.

ARTICLE I: NAME

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

ARTICLE II: OBJECTS

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

ARTICLE III: MEMBERSHIP

Section I: 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, 1841; or
  (B) a government associated with the United Sates during a period of time referred to in subclause (a) of this clause and was a citizen of the United States when the individuals; entered that service; and
(2) was honorably discharged on separated from that service or continues to serve honorably during or after that period.

Section 1.a. Eligibility requirements for membership in The American Legion shall be revised in accordance with The American Legion National Headquarters membership and eligibility requirements as stated in Article XV, Section 2. (*Amended 101st Department Convention 2019)*

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

Section 3. No person may be a member at any time of more than one Post.

Section 4. No person, who has been expelled by a Post, shall be admitted to membership in another Post, without the consent of the expelling Post, except that where such consent has

been asked for and denied by such Post, he may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

ARTICLE IV: NATURE

Section 1. The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by his military or naval title in any convention or meeting of the Legion.

Section 2. The American Legion shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment. *(Amended 58th National Convention 1976).*

ARTICLE V: ADMINISTRATIVE

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

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

Section 2. The annual Convention shall be composed of delegates and alternates from each Post. Each Post shall be entitled to one delegate and one alternate for the first fifteen (15) members, two delegates and alternates for sixty (60) members, and an additional delegate and alternate for each one hundred (100) members, paid up thirty (30) days prior to the date of the Department Convention. The vote of each Post shall be equal to the total number of delegates to which the Post is entitled. The Rules and Order of Business of the last preceding Convention shall be the Rules and Order of Business of the next succeeding Convention until such time as the Rules and Order of Business Committee reports to the Convention then in session. *(Amended 103rd Department Convention 2022).*

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

Section 2-b. Upon receipt of resolutions originating in Post, Counties, Districts or the Department Executive Committee, it shall be the duty of the Department Adjutant to edit all such resolutions so as to bring them into the proper form for the Department Convention and make other corrections, additions, and deletions as he/she sees fit so long as said corrections, additions,

and deletions do not change the intent or purpose of the resolution. It shall be the duty of the Department Adjutant to assign these resolutions to the proper Convention committees. *(Amended 42nd Department Convention 1960).*

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

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

Section 5. The dates of the Department Fiscal Year shall be established annually by the Department Finance Committee, Department Executive Committee; Department Treasurer; Department Fiscal Officer; and Department Adjutant. *(Amended 102nd Department Convention 2021).*

ARTICLE VI: DEPARTMENT OFFICERS

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

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

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

Section 3. The Department Commander shall, with the approval of the Department Executive Committee, appoint a Department Judge Advocate, Department Historian, and a Department Chaplain, who shall be an ordained Minister, Priest, or Rabbi, whenever possible, and may appoint a Department Assistant Adjutant, a Department Assistant Chaplain, a Department Assistant Historian, a Department Assistant Judge Advocate, a Department Parliamentarian, a Department Sergeant-At-Arms, and several Assistant Sergeant's-At-Arms not to exceed six. *(Amended 95th Department Convention 2013) (Amended 97th Department Convention 2015)*

Section 4. The Department Convention held in the even-numbered years, starting with 1938 shall elect a National Executive Committeeman and an Alternate National Executive Committeeman, each to hold office for a term of two years. They shall take office immediately upon adjournment of the National Convention next succeeding the Department Convention at which they are elected. Vacancies in these offices occurring between Department Conventions shall be filled by the Department Executive Committee, but if the vacancy occurs before the Department Convention held in the first year of the two-year term, the election by the Department Executive Committee shall be for a term ending immediately upon adjournment of such Department Convention, which Convention shall elect a National Executive Committeeman or

Alternate National Executive Committeeman to serve for the remainder of the two-year term. The officer or officers thus elected shall take office immediately upon adjournment of such Department Convention.

ARTICLE VII: DEPARTMENT EXECUTIVE COMMITTEE

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

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

ARTICLE VIII: THE DISTRICTS

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

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

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

District No. 3-Champaign, Clark, Darke, Greene, Miami, Montgomery, Preble.

District No. 4-Brown, Butler, Clermont, Clinton, Hamilton, Warren.

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

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

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

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

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

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

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

District No. 12-Franklin.

District No. 13-Cuyahoga.

District No. 14-Summit, Portage.

Section 2. There shall be held in each District, at least thirty (30) days prior to the date of the Department Convention, a District Convention, at a time and place to be designated by the

District Commander, or in such manner as the District Constitution, if any, may provide. The District Commander shall be presiding officer of such District Convention. *(Amended 95th Department Convention 2013).*

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

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

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

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

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

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

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

Section 5. The delegates to the National Convention shall be elected by the Districts as provided in Section 4 of this Article in the proportion designated by the National organization. Should the Districts not elect in the aggregate the total number of delegates to which the Department is entitled, for the reason that there does not exist in any of the Districts an exact multiple of the basis of registration, or for other cause, the required number of delegates to fill the quota or appointment of the Department of Ohio, as fixed by the National organization shall be

selected by the Department Executive Committee. Said delegates shall be first appointed from the duly elected alternates properly elected within the various Districts, except the five (5) delegates at large who shall be appointed by the Department Commander with the approval of the Department Executive Committee. *(Amended 58th Department Convention 1976).*

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

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

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

Section 9. When a vacancy in the office of District Commander occurs in any District, the District First Vice Commander shall succeed to that office. If a vacancy in the office of District First Vice Commander occurs in any District after the Department Convention and before the next succeeding District Convention, the District Second Vice Commander shall succeed to that office. If a vacancy in the office of District Second Vice Commander occurs in any District after the Department Convention and before the next succeeding District Convention, the District Commander by and with the consent of the District Executive Committee shall appoint a member of a Post in that District to fill the vacancy. Such appointment shall be for the remainder of the unexpired term only. *(Amended 69th Department Convention 1987).*

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

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

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

Section 11-b. When a District assessment is constitutionally provided, the District must elect a Finance Officer and provide proper bond. District Finance Officers must report the condition and usage of the fund at each District Conference, and/or Convention. An audit must be made at the end of each fiscal year. The result of such audit shall be presented at the next succeeding District Conference or meeting. A copy of any audit of the District fund must be provided the Department Fiscal Officer. *(Amended 101st Department Convention 2019).*

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

ARTICLE IX: COUNTY ORGANIZATIONS

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

Section 2. In Counties not governed by a regularly constituted County Council it shall be the duty of the District Commander to provide for an annual County Convention at a date no later than fifteen (15) days prior to the District Convention. Each Post in said County shall be entitled to five (5) times the number of delegates and alternates to which they are entitled to the District Convention, which delegates and alternates shall be governed by the laws that govern delegates and alternates to Department and District Conventions. Said delegates and alternates shall be selected by all Posts in the County at their last regular Post meeting prior to the County Convention. A County Commander and such other county officers as the Constitution and By-Laws of the County organization may provide shall be elected at said Convention. All business relative to legislation, amendments, resolutions and any and all other business as may affect those Posts comprising said Counties shall be handled under the same rules of procedure as established by and for Department and District Conventions.

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

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

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

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

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

Section 8. Where the District and County are territorially identical, the District organization and County organization may be consolidated by a two-thirds (2/3) vote of the delegates representing the County organization present at a regular County Council meeting and a two-thirds (2/3) vote of the delegates present at a District Convention, or a special Constitutional Convention called for that purpose by the District Commander. Notice of a resolution proposing to make such consolidation shall be given to each Post therein in writing at least thirty (30) days prior to submission thereof. Such consolidation shall be termed as District Council bearing the number of the District designated by the Department Constitution, and may include the name of the County, when so designated by such District, but for Department purposes shall use the

District number. Each Post in such Districts so constituted shall be a member thereof. Such District shall be authorized and empowered to levy such per capita tax assessment as the membership thereof, through its authorized delegates, may deem necessary, and carry on its business and activities from the proceeds of such assessment.

ARTICLE X: THE POST

Section 1. The local unit shall be the Post, which shall have a minimum membership of fifteen (15). No Post shall be received into this Department until it shall have received a charter. A Post desiring a charter shall apply to the Department Executive Committee, through the proper County Council, where same exists, and through the proper District organization. When and if such application is approved by the Department Executive Committee, it shall be transmitted to National Headquarters for action, in accordance with the National Constitution. *(Amended 103rd Department Convention 2022).*

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

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

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

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

ARTICLE XI: DUES

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

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

Section 2. The amount of annual Department Per Capita dues beginning Jan 1, 2027 shall be fourteen dollars ($14.00) per member, of which each year at least fifteen cents ($0.15) shall be allocated for Department Convention operations; and at least thirty cents ($0.30) shall be allocated to aid Delegates to the National Convention (*Amended 107th Department Convention 2026).*

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

Section 3. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If his/her dues are paid on or before February 1st, he/she shall be

automatically reinstated. If he/she is still delinquent after February 1st, he/she shall be suspended from all privileges. If he/she is still under such suspension on June 30th of such year, his/her membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs. Provided, however, that the Posts, and Department, may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service. *(Amended 59th National Convention 1977).*

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

ARTICLE XII: AUXILIARIES

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

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

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

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

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

ARTICLE XIII: RULES

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

ARTICLE XIV: AMENDMENTS

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

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

BY-LAWS

THE AMERICAN LEGION
DEPARTMENT OF OHIO, INC.

ARTICLE I: EXECUTIVE COMMITTEE

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

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

Section 3. The Executive Committee shall provide for the appointment or employment of a Department Adjutant, Fiscal Officer, and such other subordinate officers and employees as may be needed for administering the affairs of the Department and prescribe their duties and fix their emoluments within the Department budget. (*Amended 101st Department Convention, 2019)*

ARTICLE II: DUTIES OF OFFICERS

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

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

Section 2-a. The Department First Vice Commander shall be Chairman of the Department Membership Committee and shall be responsible for the membership within the Department during his/her term in office. (*Amended 101st Department Convention 2019).*

Section 2-b. The Department Second Vice Commander shall be Chairman of the Department Post Activities Committee and shall be responsible for Post Activities within the Department during his/her term of office. *(Amended 101st Department Convention 1987).*

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

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

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

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

Section 5. The Department Treasurer shall be the custodian of the funds of the Department organization. All checks disbursing the funds of the Department organization shall bear the signature of the Department Treasurer, and either that of the Department Adjutant or Department Fiscal Officer. The Department Treasurer, the Department Adjutant, and the Department Fiscal Officer shall furnish surety bond in an amount fixed by the Department Executive Committee. The Department Treasurer shall make reports upon the condition of the Department Treasury to the Executive Committee, or when called for by either the Department Commander or the Department Executive Committee. The Department Treasurer shall perform such other duties as are usually incident to the office. *(Amended 101st Department Convention 2019).*

The Department Finance Committee shall invest excess or reserve funds of the Department and sell securities owned and held by the Department, only upon authority of the Department Executive Committee then in office. *(Amended 101st Department Convention 2019).*

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

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

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

ARTICLE III: STANDING COMMISSIONS

The American Legion Department of Ohio shall create eleven (11) Standing Commissions which shall carry out the mission of each Commission as a whole or as a Committee or sub-committee of each Commission, as determined upon the Rules of each Commission, to be adopted each year by the Department Executive Committee.

The eleven (11) Department Standing Commissions shall be: Americanism, Children and Youth, Convention, Finance, Internal Affairs, Legislative, Media/Marketing/Communications, Membership and Post Activities, National Security, Veterans Affairs and Rehabilitation, and Scholarship.

Members of each Commission shall be appointed annually by each District Commander, excluding the members of the Department Finance, Convention, and Department Internal Affairs Commissions, who shall be appointed annually by the Department Commander with such number of members as previously established by the Department Constitution.

Respective Committees within Commissions whose membership requirements are already established by the Department Constitution will continue to follow the guidelines established.

The Department Commander shall, each year upon taking office appoint Commission Chairpersons and any other appointments required for each Commission to carry out the duties of the Commission. The Department Commander may also appoint one Department Executive Committee member to each Commission as an Ex-Officio member with voice but no vote in the matters of the Commission.

Section 1. Americanism Commission. The Americanism Commission shall be responsible for the programs carried out by the Commission and staff of Department Headquarters such as; American Legion Baseball, American Legion Buckeye Boys State, Citizens Flag Alliance, Scouting, Religious Emphasis, Four Chaplains, Oratorical, and any other such programs as may be incidental to the Americanism Commission, authorized by the Department Internal Affairs and Finance Commissions with the Executive Committee having final authority.

Section 2. Children & Youth Commission. The Children & Youth Commission shall be responsible for the programs carried out by the Commission and staff of Department Headquarters such as; Child Welfare Foundation, Special Olympics, Temporary Financial Assistance, National Family Week, Veterans and Children Foundation, Drug and Suicide Education and Prevention, and any other such programs as may be incidental to the Children & Youth Commission, authorized by the Department Internal Affairs and Finance Commissions with the Executive Committee having final authority.

Section 3. Convention Commission. The Convention Commission shall be responsible for carrying out the duties of securing Department Convention sites and to assist National Headquarters if the Department is selected as a host site for a National Convention. The Convention Commission shall act within the guidelines of the Convention Corporation Code of Regulations, updated September 2019, authorized by the Department Internal Affairs and Finance Commissions with the Executive Committee having final authority.

Section 4. Finance Commission. The Finance Commission shall be responsible for the proper oversight of the Department monies and investments and shall fix, budget, and audit all expenditures and disbursements of the Department. The Finance Commission shall be tasked with carrying out the duties of the Department Finance Policies and other duties assigned to it, and authorized by, the Department Executive Committee, as may be incidental to the financial health and wealth of the Department. The Department Executive Committee may over-rule the Department Finance Commission by a two-thirds vote.

Section 5. Internal Affairs Commission. The Internal Affairs Commission shall be responsible for the proper oversight of American Legion Riders, Sons of The American Legion, Buckeye American Legion College, Resolutions, Constitution & By-Laws, Trophies and Awards, Commanders Advisory Team, Department Operations, and any other duties as may be incidental

to the scope of Internal Affairs, authorized by the Department Finance Commission and Executive Committee.

Section 5a. The Department Adjutant shall serve as Secretary and advisor to the Internal Affairs commission with voice and no-vote.

Section 6. Legislative Commission. The Legislative Commission shall be responsible for legislative matters at state and federal government levels germane to the mission of The American Legion and The American Legion family. The Legislative Commission shall be responsible for encouraging Legionnaires, Posts, and Districts to liaison state and federal legislative offices. The Legislative Commission shall carry out the duties of selecting recipients from the Ohio General Assembly and Ohio Congressional offices for Department and National recognition. The authority of this commission shall be given to it by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority.

Section 7. Media/Marketing/Communications Commission. The Media/Marketing/ Communications Commission shall be responsible for advancing the internal and external messages of The American Legion utilizing Department publications, public relations, digital, and print media. The Media/Marketing/Communications Commission shall create awareness of the entire American Legion Family, consisting of the Sons of American Legion, American Legion Riders, American Legion Auxiliary, and any subsidiary corporation bearing the name of The American Legion and shall consists of a representative of each of The American Legion Family programs of American Legion Auxiliary, Sons of The American Legion, and American Legion Riders, if available. The authority of this commission shall be given it by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority.

Section 8. Membership & Post Activities Commission. The Membership & Post Activities Commission shall consist of the Department First and Second Vice Commanders and District Commanders. The Department First Vice Commander shall serve as Chair and Department Second Vice Commander as Vice Chair. The Membership & Post Activities Commission shall meet at the beginning of each membership year to strategize and plan membership and post activities. The authority of this commission shall be given it by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority.

Section 9. National Security Commission. The National Security Commission shall be responsible for carrying out the duties of Law & Order, POW/MIA, National Emergency Fund, Disaster Preparedness, relationships with all branches of active duty-military and National Guard/Reserve Forces in Ohio, immigration, matters relating to the Blood Donor Program, and any other such duties incidental to the scope of National Security, authorized by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority

Section 10. Veterans Affairs & Rehabilitation Commission. The Veterans Affairs & Rehabilitation Commission shall be responsible for the oversight of programs and fostering of relationships with entities regarding Gifts For Yanks, System Worth Saving, PTSD and suicide awareness, Department Service Officers and Field Offices, Ohio Veterans Homes, Department of Veterans Affairs, employment and education, and any other such matters concerning Veterans Affairs & Rehabilitation. The authority of this commission shall be given to it by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority.

Section 11. Scholarship Commission. The Scholarship Commission shall consist of the Department Commander, First Vice Commander, Second Vice Commander, Department

Treasurer, Immediate Past Department Commander, Department Adjutant, Chairperson of the Americanism Commission, Chairperson of the Children & Youth Commission, any other Commission Chairman appointed by the Department Commander, and three members also appointed by the Department Commander. The Scholarship Commission shall meet annually (spring) to determine the recipients of the Department Scholarships granted.

Section 11a. The Scholarship Commission shall screen applicants to be awarded scholarships as outlined in the “Scholarship Screening Policies” in the Department Finance and Operations Policy/Manual.

Section 11b. The scholarship investment portfolio consists of a principal balance that shall remain invested from the original donor, the Durward I. Bernhard Estate. The interest income and growth of the scholarship investment portfolio shall be set aside to aide qualified students in attending colleges, universities, vocational schools, and other institutions of higher learning. The investment income shall be used to pay for scholarship grants, necessary costs incurred in managing, investing, and administering the fund, and for no other purpose; and

Section 11c. To uphold and honor the original donor request, there is hereby created a special annual scholarship in the amount of not less than $1,000 to be known as the "Durward I. Bernhard Scholarship". Recipients of the "Durward I. Bernhard Scholarship", in addition to meeting all the other criteria for eligibility, shall be a bona fide resident of Belmont County, Ohio. If there is no qualified applicant for the "Durward I. Bernhard Scholarship" in any year, no "Durward I. Bernhard Scholarship" is awarded. The Scholarship Screening Committee may recommend use of the fund to award a scholarship grant to other qualified recipients; and

Section 11d. All funds transferred to or received by gift, bequest or otherwise received by The American Legion, Department of Ohio Scholarship Fund shall be held by The American Legion, Department of Ohio and invested by the Department Finance Commission and its Executive Committee. Any income not disbursed in any year shall be set aside in an undisbursed income fund and shall be available for disbursement in future years when needed. No part of such funds shall be co-mingled with any other funds whatsoever and no part of such funds shall ever be transferred to or loaned to the Department of Ohio General fund or any other Department of Ohio activity, loaned to any individual or used for any purpose whatsoever other than the awarding of scholarships to eligible individuals; and

Section 11e. In the event that The American Legion, Department of Ohio should cease to exist, the National Executive Committee of The American Legion National Headquarters is authorized to take possession, custody, and control of all scholarship assets of the Department and to conclude and close the affairs of the Department. *(Amended 102nd Department Convention 2021)*

ARTICLE IV: CHARTERS

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

ARTICLE V: DISCIPLINE

Section 1. Each Post of The American Legion, Department of Ohio, shall be the judge of its own membership, subject to the restrictions of the National American Legion Constitution and By-Laws and the Department of Ohio Constitution and By-Laws, except that no person, who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of The American Legion.

Section 2. Members may be reprimanded, suspended, or expelled from The American Legion, and officers may be reprimanded, removed from elected office, suspended, or expelled from membership only upon providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duties, dishonesty, and conduct unbecoming a member or officer of The American Legion. All charges must be made under oath in writing by an accuser, and no member in good standing shall be reprimanded, suspended, or expelled, nor shall any elected officer be reprimanded or removed from office, suspended, or expelled, until given a fair trial in such manner and form as the Department Executive Committee shall prescribe in the Department of Ohio Uniform Code for the Conduct of Disciplinary Proceedings. The trial proceedings shall be recorded by visual or sound recording or by verbatim transcription. The trial board verdict shall be announced at the next regular meeting of the post membership, whereupon the membership may, except in the case of an acquittal, affirm, modify, or reverse the findings and sentence of the trial board.

Section 3. If the accused is suspended or expelled, or is removed from office, the accused person may appeal such decision to the Department Executive Committee. Said appeal must be filed with the Department Adjutant within thirty (30) days of the decision of the post membership on the trial verdict. The Department Executive Committee shall hear the appeal, with the Department Judge Advocate presiding, and determine the issue at its meeting next following the action of the Post. The Department Executive Committee shall conduct its hearing solely upon the evidence considered by the trial board, and oral argument of the parties. The decision of the Department Executive Committee shall be final, if appeal to it be made; otherwise, the decision of the Post shall be final. The Post Executive Committee shall appoint a member or members of the Post or may retain counsel to prosecute the charges and the disciplined member may be represented by person or by counsel of their own choosing.

Section 4. Procedure as to removal from officer of County, District and Department elected officers. Charges shall be filed in writing, under oath, with the Department Adjutant. The Department Executive Committee shall appoint a trial board and the matter shall proceed to trial in substantially the same form and manner as set forth in the Department of Ohio Uniform Code for the Conduct of Disciplinary Proceedings. The trial verdict, except in the case of acquittal, shall then be presented to the Department Executive Committee for affirmation, modification, or reversal. The decision of the Department Executive Committee shall be final. Nothing herein shall deprive the accused persons' post of jurisdiction to hear and determine charges against any of its members. insofar as it may relate to expulsion or suspension of membership of removal from post office. *(Amended 102nd Department Convention 2021)*

ARTICLE VI: MONIES AND COLLECTIONS

Section 1. All Department, District, County and Post officials handling American Legion monies shall be properly bonded with a good and solvent bonding and surety company, as surety to cover double the average amount of money handled in a single year. In case of delinquencies in the payments of amounts due the Department or National organization, action shall be taken at once by the proper officials to bring about a speedy and complete settlement. The bonds provided by the Department officials shall be approved by the Department Judge Advocate and the Department Executive Committee, and those provided by Post officials shall be approved by the Executive Committee of the Post.

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

ARTICLE VII: AMENDMENTS

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

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