

**American Legion  
Department of Colorado**

**7465 E 1<sup>st</sup> Ave Ste D  
Denver, Colorado 80230**



Constitution and By-Laws  
Adopted and Corrected through  
Department Convention  
June 21, 2014  
Lamar, Colorado

**CONSTITUTION OF  
THE AMERICAN LEGION  
DEPARTMENT OF COLORADO**

**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 association in the Great 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**

Section 1. **NAME.** The name of this organization is The American Legion, Department of Colorado.

**ARTICLE II**

**NATURE**

Section 1. **CIVILIAN ORGANIZATION.** The American Legion, Department of Colorado, is a civilian organization, and membership therein does not affect nor increase ability for military or police service. Rank does not exist in The American Legion, and no member thereof shall be addressed by his military or naval title in any convention meeting of The American Legion.

Section 2. **NON-POLITICAL.** The American Legion, Department of Colorado, is non-political and shall not be used for the dissemination of partisan principles nor the promotion of the candidacy of any person seeking public office or preferment.

Section 3. **OFFICIAL PUBLICATION.** The official publication of the Department of Colorado shall be the *Colorado American Legion Observer*, which shall be distributed to all dues-paid Legionnaires in the Department, and part of their dues shall, at a price set by Convention action of the Department Executive Committee, be allocated as a subscription price.

## **ARTICLE III**

### **ORGANIZATION**

Section 1. DEPARTMENT. The American Legion, Department of Colorado, is organized as a department of The American Legion (a corporation organized under an act of Congress and hereinafter referred to as “The National Organization”) and is divided into and composed of Districts and Posts thereof within the State of Colorado.

Section 2. DISTRICT. The Districts of The American Legion, Department of Colorado, shall be set forth in the By-Laws of The American Legion, Department of Colorado, and such Districts may be changed, revised, altered or consolidated by the Department Executive Committee.

Section 3. (a) POSTS, CHARTERS, REVOCATION, FINES.

Each Post shall be a local unit of the Department, and of the District in which it is located. Each Post must be chartered by The National Organization and shall have such uniform minimum membership as the Department Executive Committee shall from time to time prescribe. Posts may be chartered and named only in accordance with the provisions of the National Constitution and By-Laws of The American Legion. No Post may adopt a Constitution or By-Law in conflict with the provisions of said National Constitution or By-Laws, or the Constitution and By-Laws of The American Legion, Department of Colorado. Post charters may be suspended, canceled or revoked, and a fine not to exceed two hundred and fifty dollars (\$250.00) may be imposed upon a Post, by the Department Executive Committee, for good cause shown and after a hearing, subject to the provisions of the National Constitution and By-Laws of The American Legion, and with the right of appeal if permitted by said National Constitution and By-Laws.

(b) REQUIREMENTS TO MAINTAIN A CHARTER.

Each post in the Department of Colorado must comply with the following 5 provisions to maintain their active charter.

1. Pay annual assessment fees as determined annually by the DEC.
2. Submit annual certificate of Election of Post Officers
3. Submit annual Consolidated Post Report (CPR)
4. Maintain a membership of a minimum of 15 members as recorded 10 days prior to the Department Convention unless the post submits a letter requesting a waiver of this requirement and approved by the DEC
5. Hold regular scheduled meetings at the minimum of quarterly.

Section 4. POST OFFICERS, ELECTION, TENURE, DUTIES. The Officers of each Post shall consist of a Post Commander, Post Adjutant, Post Finance Officer, Service Officer and Judge Advocate, and such others as each Post may prescribe by its Constitution or By-Laws. Their duties shall correspond on the Post level, with the duties of the corresponding Department Officers. Post Officers shall hold office for a term of

one year, and until their successors have been elected or appointed and qualified, except for the Service Officer and Judge Advocate, who shall be appointed by the Post Commander. The Officers to be elected shall be elected at a regular meeting prior to the Department Convention, and the names and addresses of the Post Commander, Post Adjutant and Post Finance Officer shall be furnished to the Department Adjutant at, or before, the Department Convention.

## **ARTICLE IV**

### **MEMBERSHIP**

Section 1. **ELIGIBILITY.** Any person may become a member of The American Legion, Department of Colorado, who is eligible for membership in The National Organization and no person not so eligible shall become, remain, or be considered a member.

Section 2. **ACTIVE DUES-PAYING MEMBERSHIP ONLY.** There shall be no class or form of membership other than active membership. Dues shall be paid annually, or for life. Honorary memberships are forbidden.

Section 3. **READMITTANCE OF EXPELLED MEMBERS.** No Person who has been expelled by any Post of The National Organization shall be admitted to membership in any Post of The American Legion, Department of Colorado, without the written consent of the Post from which such member was expelled, subject to any right of appeal that may be provided in the National Constitution or By-Laws of The American Legion.

## **ARTICLE V**

### **GOVERNMENT**

Section 1. **DEPARTMENT CONVENTION.** The legislative body of The American Legion, Department of Colorado, shall be the Department Convention, to meet annually in three-day sessions (unless the Department Executive Committee shall find and determine that an emergency requiring a shorter period exists), as such time and place as the Department Convention shall fix and determine 2 years in advance; provided, if said Department Convention shall not fix the time and place, the same shall be fixed and determined by the Department Executive Committee; and provided further, in case of emergency (declared by the Department Executive Committee to exist), the time and place of a Department Convention fixed and determined by a Department Convention may be changed by the Department Executive Committee.

Section 2. **MID-YEAR CONFERENCE.** The Mid-Year Conference shall be set 2 years in advance at a time and place to be determined by the Department Executive Committee commencing at the D.E.C. meeting held immediately after the Department Convention June 25-28, 1992. All Colorado Legionnaires shall be invited to the Mid-Year Conference, by notice, in the official publication of the Department. Candidates for

Department and National office shall be afforded opportunity to address the Conference if they request to do so, and matters which should be brought to the Conference at the discretion of the Department Commander shall be discussed.

Section 3. DELEGATES, VOTING, NOT SEATED UNDER CERTAIN CONDITIONS. The Department Convention shall be composed of two (2) delegates and two (2) alternates from each Post, and each Post shall be entitled, in addition, to one (1) delegate and one (1) alternate for each twenty-five (25) members, or major fraction thereof.

For the purpose of determining the membership of each Post with respect to this section, its membership shall be considered to be the number of members whose dues have been paid and received by the Department Adjutant at or before the Department Convention. Each delegate shall be entitled to one (1) vote. Voting by proxy shall not be permitted. The vote of any delegates from a Post who are not present and who are not represented by alternates present, shall be cast in the same proportions as there shall be divisions among the delegates and alternates from such Posts who are present and entitled to vote; provided, if such division shall cause fractional results, the fractional votes shall be counted and cast as being the majority of the delegation voting on the matter involved. Alternates shall have all the privileges of delegates, except the right to vote when the delegates for whom they are alternates are present. Each Post shall elect its delegates and alternates in such manner as its Constitution and By-Laws prescribe, and the names and addresses of the delegates and alternates shall be furnished to the Department Adjutant at least five (5) days before the convening of the Department Convention and any subsequent additions to the list shall be certified by the Post Commander or Post Adjutant. If any Post shall fail to furnish the Department Adjutant with such names and addresses as herein required, or shall fail to furnish the Department Adjutant with the names and addresses of its Officers, as required by Article III, Section 4, of this Constitution, its delegates may not be seated at the Department Convention.

Section 4. PAST DEPARTMENT COMMANDERS AS DELEGATES. Each past Department Commander of The American Legion, Department of Colorado, provided he is a member in good standing of a Post of the Department, shall be a delegate to each Department Convention.

Section 5. CONTINUITY OF CONVENTION MANDATES. No motion or resolution adopted by a Department Convention, with respect to appropriation or allocation of moneys or funds of the Department, shall continue in force and effect beyond the adjournment of the next succeeding Department Convention.

Section 6. QUORUM. A quorum of the Department Convention shall consist of a minimum of one (1) delegate from each of a majority of the Posts represented and qualified to vote at the Convention.

Section 7. RULES OF ORDER. Except as may be provided by action of the Department Convention, the proceedings of the Department Convention shall be governed by this Constitution and By-Laws, and Robert's Rules of Order, newly Revised.

## ARTICLE VI

### DELEGATES TO NATIONAL CONVENTIONS

#### Section 1. ELECTION AND SELECTION OF DELEGATES TO THE NATIONAL CONVENTION.

(a) Each of the several Districts of the Department shall be entitled to one (1) delegate and one (1) alternate to the National Convention of The American Legion; provided, however, that in the event the number of delegates and alternates allocated to this Department shall be insufficient, after providing for the delegates and alternates hereinafter mentioned in sub-section (c), to allot one (1) of each thereof to each of the Districts, then the Department Commander shall make equitable allocation of the remaining delegates and alternates among said Districts.

(b) Each District shall, at its regular District Convention, elect its delegate and alternate to the next ensuing National Convention, and shall promptly certify the names and addresses of the persons elected to the Department Adjutant.

(c) The Department Commander elected at each Department Convention, the then outgoing Department Commander, the Department Adjutant and the Alternate National Executive Committeeman shall each be a delegate to the National Convention, and each of these shall have a right to select their alternate.

(d) After the selection or election of the delegates and alternates above-mentioned in sub-section (a) and (c), the remaining number of delegates and alternates to which the Department is entitled shall be selected by District caucuses, to be held at the time and place of the Department Convention, and to meet at such times and in such places in the convention city as the Department Commander shall determine. Each District caucus shall be presided over by the District Commander. Each District shall be entitled to elect the number of delegates and alternates which its membership (calculated as of the day which is ten (10) days prior to the date of the Department Convention) bears to the total membership of the Department as of said day, and in the ratio which such proportion bears to the whole number of delegates and alternates to be elected by said District caucuses. In no event shall any District elect all of the delegates to which it is entitled from the same Post. In the event any District shall fail to elect or shall fail to certify the names and addresses of the delegates and alternates elected by it, the said delegates and alternates allocated to it by sub-section (a) above shall be elected by the District caucus.

(e) In the event any elected or selected delegate or alternate shall fail to attend the National Convention, a majority of the delegates and alternates present at the convention from this Department shall elect a delegate or alternate in place of the absent delegate or alternate.

## **ARTICLE VII**

### **DEPARTMENT OFFICERS**

Section 1. OFFICERS. The Officers of The American Legion, Department of Colorado, shall be a Department Commander, a Department Senior Vice-Commander, as many as six (6) Junior Vice-Commanders, a Department Adjutant and Deputy Department Adjutant, each of whom is to be appointed by the Department Executive Committee, Department Emeritus status, to be appointed by resolution of the Department Convention, a Department Finance Officer, a Department Chaplain, a Department Historian, a Department Sergeant-at-Arms, an Assistant Sergeant-at-Arms, a Department Service Officer, a Department Judge Advocate, the immediate Past Department Commander as a member of the Department Executive Committee, the Department Executive Committeemen (one from each of the Districts), and, if the Department Executive Committee shall provide therefore, one (1) or more Assistant Department Service Officers or Deputy Adjutant, whose tenure and salaries shall be fixed by said Committee.

In the event the Executive Committeeman representing his District is unable to attend or act in his office as such, the District Commander shall be his alternate, with full power and authority to act in his place and stead.

Section 2. ELECTIVE OFFICERS. The Department Convention shall elect, each for a term of one (1) year a Department Commander; a Department Senior Vice-Commander; as many as (6) Department Junior Vice-Commanders, with only one to be nominated or elected from a District; a Department Chaplain; a Department Historian; and a Department Sergeant-at-Arms. In addition a Department Finance Officer shall be elected in even-numbered years for a term of two (2) years. Department Executive Committeemen shall be elected from each of the Districts in the Department of Colorado at the regularly called District Convention in each District to represent the District on the Department Executive Committee. In the odd-numbered years the odd-numbered Districts shall elect a Department Executive Committeeman for a term of two (2) years. In the even-numbered years, the even numbered Districts shall elect a Department Executive Committeeman for a term of two (2) years. The terms of said Department Executive Committeemen shall commence at the close of the Department Convention in the year they are elected, and shall terminate when their successors shall have been elected and qualified. Vacancies in the office of the Department Committeemen shall be filed by a majority vote of the District Executive Committee of the District in which the vacancy or vacancies occur.

Section 3. DEPARTMENT JUDGE ADVOCATE. Each Department Commander shall, within thirty (30) days of his election and qualification, appoint a Department Judge Advocate, who shall hold office until the adjournment of the next Department Convention, and until his successor has been appointed and qualified. Vacancies in the office of Department Judge Advocate shall be filled by the Department Commander.

Section 4. DEPARTMENT SERVICE OFFICERS. The Department Service Officers perform such duties as are from time to time prescribed by the Department Executive Committee, and they shall be under the immediate supervision and direction of the Department Adjutant. They shall be appointed by the Department Executive Committee. They shall render an annual report to each Department Convention and shall render reports to the Department Commander and the Department Executive Committee at any time upon his or its request.

Section 5. VACANCIES. Except as is otherwise provided in this Constitution, all vacancies in Department offices shall be filled by appointment by the Department Executive Committee. Each Department Officer shall hold office until his successor has been elected or appointed and qualified. If any Department Officer, elective or appointive, shall remove from the State of Colorado, the Department Executive Committee may declare the office held by him to be vacant, and the same shall thereupon be filled as provided in this Constitution. In the case of the Department Junior Vice- Commanders, the Department Executive Committee may, but has no obligation to, fill any of the six (6) positions where a vacancy exists.

Section 6. CHAIRMAN OF EXECUTIVE COMMITTEE. At its first meeting following adjournment of each Department Convention, the Department Executive Committee shall elect one of its voting members as its chairman, and the person elected shall be the chairman of the Committee until the adjournment of the next Department Convention and until his successor has been elected and qualified.

Section 7. DUTIES OF DEPARTMENT COMMANDER. The Department Commander is the Executive Head of The American Legion, Department of Colorado. He shall carry out and enforce the National Constitution and By-Laws of The American Legion, within his province; the provisions of this Constitution and By-Laws adopted pursuant thereto; and the mandates of National Conventions of The American Legion and the National Executive Committee of The American Legion, within his province; and the mandates of the Department Convention and the Department Executive Committee. He shall, except as in this Constitution or By-Laws adopted pursuant thereto is otherwise provided, appoint all committees, with the consent of the Department Executive Committee, and special committees authorized by the Department Executive Committee under the provisions of Article XIII, Section 2, of the Department Constitution and he shall be ex-officio a member of all committees. He shall preside at the Department Convention and have and perform such other powers and duties as custom and parliamentary usage require or permit.

Section 8. DUTIES OF DEPARTMENT VICE-COMMANDERS.

(a) The Department Senior Vice-Commander shall, in the event of the death, resignation or disability (declared by the Department Executive Committee to exist) of the Department Commander, succeed to the office and have all the powers and perform such other powers and duties as are usually incident to the office.

(b) DUTIES OF DEPARTMENT JUNIOR VICE COMMANDERS. The Department Junior Vice-Commanders shall, upon request of the Department Commander, preside at sessions of the Department Convention; appear at American Legion or other functions at the request of the Department Commander; perform such other duties in connection with the Department mission and activities as may, by the Department Commander, be assigned to them; and they shall have and perform such other powers and duties as are usually incident to the office. In the event of the death, resignation or disability (declared by the Department Executive Committee to exist) of the Department Commander and/or the Department Senior Vice-Commander, the Department Executive Committee shall appoint a Junior Vice-Commander to succeed to the office of Department Commander or Department Senior Vice-Commander, as appropriate, and he, so appointed, shall have all powers and duties of that office.

Section 9. DUTIES OF DEPARTMENT ADJUTANT. The Department Adjutant shall record the proceedings of the Department Convention and shall act as secretary of the Department Executive Committee. He shall receive from the Posts all revenues due from them to the Department or to the National Organization, shall keep accurate books of account of the same and of all moneys coming into his hands in his official capacity, and official correspondence of the Department, excepting that falling within the province of other Department Officers, and shall give notice of conventions of the Department and of meetings of the Department Executive Committee. He is charged with conducting his office in an efficient and businesslike manner, for the best interests of The American Legion, Department of Colorado, and to that end he is hereby vested with all such authority, not in conflict with other delegations of authority made in this Constitution, as is necessary or proper in the premises. The Department Executive Committee may require that he give bond, in such sum and with such surety as said Committee shall prescribe, conditioned that he will faithfully perform the duties of his office and pay over and deliver to his successor all moneys, papers, vouchers, books and records that are or should be in his hands; provided the premium on said bond shall be paid by the Department.

The Department Adjutant shall be the Chief Administrative Officer of the Department in respect to the performance of the duties of any employee of the Department of Colorado, or of any employee who receives compensation for services performed for any committee, corporation or organization which receives more than fifty (50%) percent of its financial support from the Department of Colorado, and to employ and discharge any such employees.

It shall be the duty of the Department Adjutant, subject to the direction of the Department Executive Committee, in respect to all matters except the physical properties comprising or contained in the Department Headquarters, and subject to the direction of the Department Building Committee in respect to all matters concerning the physical properties comprising or contained in the Department Headquarters (except for the properties contained in the Headquarters room provided for the American Legion Auxiliary, Department of Colorado) to supervise the employees hereinabove mentioned, to assign duties, functions, responsibilities and place of performance thereof, to and of

such employees, and to supervise the performance of such duties, responsibilities and functions by such employee.

Section 10. DUTIES OF DEPARTMENT FINANCE OFFICER. The Department Finance Officer shall receive and account for all moneys of the Department coming into his hands, and shall keep complete and accurate books of account. He shall pay out of the funds of the Department only on orders signed by the Department Adjutant, and shall retain such orders as his vouchers. He shall make an annual report to the Department Executive Committee at any time upon request. He accounts shall be audited at least annually by an accountant selected by the Department Executive Committee, and the audit so made shall be submitted for approval to said Department Executive Committee. He shall give bond, with surety and in such amount as the Department Executive Committee may from time to time prescribe, conditioned that he will faithfully perform the duties of his office and pay over and deliver to his successor all moneys, vouchers, books and records that are or should be in his hands; provided, the premium on said bond, shall be paid by the Department.

Section 11. DUTIES OF DEPARTMENT CHAPLAIN. The Department Chaplain shall be the spiritual adviser of the Department; he shall offer prayer at the opening of each day's session of the Department Convention, and perform such other duties pertaining to the officer as the Department Commander may request.

Section 12. DUTIES OF DEPARTMENT JUDGE ADVOCATE. The Department Judge Advocate is the Legal Officer of the Department, and shall advise the Department Commander and other Department, District and Post Officers, and the Department Executive Committee upon all matters touching the proper performance of their duties and upon the interpretation and construction of this Constitution and By-Laws adopted pursuant thereto. He shall act as parliamentarian of the Department Convention and perform such other duties as are usually incident to the office.

Section 13. DUTIES OF DEPARTMENT HISTORIAN. The Department Historian shall collect, compile and deliver to a successor all matters bearing upon the history of the Department during the term, and deliver to the successor all papers received by the Historian from the predecessor. The Historian shall make an annual report to the Department Convention. The Historian is enjoined to perform his duties efficiently, capably and well to the end that posterity may have accurate knowledge of the transactions of the Department and of the men and women who were active in its affairs.

Section 14. DUTIES OF DEPARTMENT SERGEANT-AT-ARMS. The Department Sergeant-at-Arms shall be the color bearer of the Department. He shall preserve order, under the direction of the presiding Officer, at sessions of the Department Convention, and perform such other duties as are usually incident to the officer.

Section 15. DUTIES OF THE DEPARTMENT EXECUTIVE COMMITTEEMEN. It shall be the duty of each Department Executive Committeeman, under the direction and supervision of the Department Commander (1) to assist the Department Commander and

Department Committees in the performance of their duties and the carrying out of The American Legion programs in his District; (2) to attend each Convention and Conference of his District; (3) to make at least one annual visitation to the Posts in his District with the regular visitation of the District Officers; and (4) to perform such other duties as may be assigned to him by the Department Commander or the Department Executive Committee.

## **ARTICLE VIII**

### **NATIONAL EXECUTIVE COMMITTEEMAN**

Section 1. ELECTION. At the 1991 Department Convention, and at the Department Convention in each alternate year thereafter, the Department Convention shall elect one (1) National Executive Committeeman and one (1) Alternate National Executive Committeeman, each to serve for a term of two (2) years and until his successor has been elected and qualified.

Section 2. VACANCY. In the event of the death or resignation or the disability (declared by the Department Executive Committee to exist) of the National Executive Committeeman, the Alternate Executive Committeeman shall become the National Executive Committeeman for the balance of the term then remaining, and the Department Executive Committee shall then elect an Alternate National Executive Committeeman to serve for the balance of the term then remaining.

## **ARTICLE IX**

### **DEPARTMENT EXECUTIVE COMMITTEE**

Section 1. MEMBERS, EXPENSES. The voting members of the Department Executive Committee shall be the Department Commander, the immediate past Department Commander, the Department Senior Vice-Commander, the Department Junior Vice-Commanders, the National Executive Committeeman, any Past National Commander(s) from Colorado who remain an active member of a Colorado Post, The Department Executive Committeemen [one (1) from each of the Districts of the Department], and two (2) past Department Commanders. In the event the immediate past Department Commander shall be the National Committeeman, or shall be deceased, or for any reason be ineligible to be a member of the Committee, or in the event the National Executive Committeeman shall fail for any reason to attend a meeting of the Committee, the Alternate National Executive Committeeman shall be a voting member of the Committee, in his place. The Department Adjutant and the Department Finance Officer shall be members of the Committee, without vote. Said two (2) past Department Commanders shall be selected annually as members of the Committee by past Department Commanders who are members in good standing of Posts of the Department, and who are in attendance at the Department Convention, to be called and presided over by the senior past Department Commander in attendance, and their selection shall be certified by said

senior past Department Commander to the Department Adjutant. The voting and non-voting members of Committee shall be entitled to reimbursement of their expenses for attending meetings of the Committee, the exact amount to be set by the Committee; provided, no expenses shall be allowed to the two (2) past Department Commanders who are selected as members as aforesaid. The Committee may appoint one or more sub-committees from members of the Committee to perform such functions as are delegated to such sub-committee and to make a report at each meeting of the Committee.

In the event that Executive Committeeman representing his District cannot attend a meeting the Department Executive Committee can seat another elected District Officer, with vote, to represent the absent committeeman.

In the event of the resignation or death of a past Department Commander who has been selected to be a member of the Committee as aforesaid, the Committee shall elect a past Department Commander to serve the remainder of his term.

The expenses of the Department Executive Committeemen, or his alternate, to the Executive Committee meeting at the Mid-Year Conference and at the Department Convention shall be paid by the Districts which each Department Executive Committeeman represents. The expenses of the said Department Executive Committeeman to any other meetings of the Department Executive Committee called as in this Constitution provided, shall be paid by the Department, except in case of financial emergency the Committee can vote to attend any meeting without pay.

Section 2. TENURE OF MEMBERSHIP. The Department Commander and the immediate past Department Commander shall serve terms of one (1) year each. Members elected from the District of the Department shall serve terms of two (2) years each. The term of the Department Commander shall commence on his election and qualification as Department Commander. The term of the immediate Past Commander shall commence upon the election and qualification of his successor as Department Commander and shall cease upon the qualification of his successor as a member of the Committee. The term of any Past National Commander(s) shall commence upon the election and qualification of his successor to the office of National Commander and shall cease upon death or his transfer to a Post outside the jurisdiction of the Department of Colorado. The terms of members elected from Districts shall commence upon the adjournment of the Department Convention at which they were elected and shall cease upon the election and qualification of their respective successors.

Section 3. POWERS AND DUTIES OF COMMITTEE-AUDIT. The Department Executive Committee shall, between sessions of the Department Convention, have and possess all the powers and duties of the Department Convention; and shall have and possess all other powers and perform such duties as are granted to or enjoined upon it by this Constitution or By-Laws adopted pursuant thereto, subject to the power of the Department Convention to fix and determine the policies and objectives of the Department. The Department Executive Committee shall annually, or before the 31st day of December, consider the recommendations of the Finance Committee and adopt the

budget for the Department for the next succeeding fiscal year. Said budget shall not provide for the expenditure of funds in excess of the anticipated revenues for the fiscal year unless, in the opinion of the Committee, an emergency exists, in which case additional expenditures may be authorized to the extent of five per centum of the anticipated revenues of the Department. The Department Executive Committee shall have the power to review the budget and amend the same whenever it appears that circumstances require such review and amendment.

The Department Executive Committee shall cause an audit of the books and records of the Department to be performed at least once each fiscal year, which shall contain the expression of opinion of the auditor as to the fairness of the representation of the financial statements or his statement as to the reasons why such opinion is not expressed. The financial statements shall include an analysis of the expenditures of the Department for the fiscal year under review and a comparison of amounts budgeted with amounts expended. The statements shall also show the un-appropriated and un-reserved surplus balance of the Department as of the last day of the fiscal year. Such audit shall be performed by such person or firm as shall be designated by the Department Executive Committee, who shall be a licensed Certified Public Accountant or Registered Accountant in the State of Colorado, and said audit may not be performed by any person or firm which includes in its membership or employ any person who is an employee or Officer of the Department of Colorado.

The Department Executive Committee shall exercise such jurisdiction over any and all persons, organizations, committees and corporations which are sponsored by or which receive more than fifty (50%) percent of their financial support from the Department of Colorado, The American Legion. If any such person, committee, organization or corporation shall fail or refuse to submit itself to such jurisdiction, the Department Executive Committee shall immediately withdraw the support or sponsorship of the Department of Colorado, The American Legion, from such person, committee, organization or corporation which shall be permitted to use the name of The American Legion, or any name which may be confused therewith, in his, her or its, activities. Any and every action taken pursuant to this sub-section shall be formally adopted and become a part of the Administrative Regulations of the Department of Colorado.

Section 4. MEETINGS. The Department Executive Committee shall meet immediately before and immediately after each Department Convention, upon the call of the Department Commander, upon the call of its chairman, or upon the written call of any three (3) members. Notice of all meetings shall be given by the Department Adjutant (or by the person or persons making the call) by mail to each member of the Committee, at least six (6) days before the meeting, addressed to the last known address of each member. Service of such notice shall be complete upon mailing.

At any time between meetings of the Department Executive Committee, the Department Commander, or any three (3) members of said Committee, may submit matters for determination by mail, electronic mail (e-mail) or facsimile (fax) vote. The matter sought to be voted on shall be reduced to writing and be filed with the Department

Adjutant, together with request for a mail, e-mail or fax vote thereon; and the Department Adjutant shall thereupon, in accordance with such request, submit the matter by e-mail, fax or mail in the form in which it was filed with him, to each voting member of said Committee. If submitted e-mail or fax, each member desiring to vote thereon, shall do so by e-mail or fax, directed to the Department Adjutant at Department Headquarters within forty-eight (48) hours within the time of sending the e-mail or fax to him; and if submitting by mail, each member desiring to vote thereon, shall do so by mail, directed to the Department Adjutant at Department Headquarters within seven (7) days from date of mailing. If the matter submitted receives the affirmative vote of all but four (4) of the voting members of the Department Executive Committee, it shall be considered as adopted with the like effect as though it had been adopted at a regularly-called and held meeting of said Department Executive Committee.

Section 5. QUORUM. Eleven (11) voting members of the Department Executive committee shall constitute a quorum, and a number less than a quorum may adjourn a meeting to a later date.

## **ARTICLE X**

### **DISTRICT ORGANIZATION**

Section 1. DISTRICT OFFICERS. The Officers of each District shall consist of a District Commander, a District Senior Vice-Commander, a District Junior Vice-Commander, a District Adjutant and a District Finance Officer, and such others as the District may prescribe.

Section 2. ELECTION AND TERMS OF OFFICERS; ELECTION OF DELEGATES AND ALTERNATES TO NATIONAL CONVENTION. District Officers shall be elected at each annual District Convention for a term of one (1) year and shall hold office until their successors have been elected and qualified. Their terms of office shall commence upon the adjournment of the Department Convention next held after their election. There shall also be elected at each annual District Convention one (1) delegate and one (1) alternate to the National Convention of The American Legion, in accordance with Article VI of this Constitution.

Section 3. VACANCIES. All vacancies in District offices shall be filled by the District Executive Committee, the person selected to serve the balance of the term of the officer he succeeds. If any District officer shall cease to reside or be a member of a Post in his District, the District Executive Committee may declare his office vacant, and fill the same as herein provided.

Section 4. DISTRICT CONVENTIONS. The District Convention is the legislative body of the District and as such may take any action not in conflict with an existing mandate, Constitution or By-Law of the National Organization, or with an existing Constitution, By-Law or mandate of The American Legion, Department of Colorado.

Section 5. DISTRICT EXECUTIVE COMMITTEE. The District Executive Committee shall consist of the District Commander, District Senior Vice-Commander, District Junior Vice-Commander, District Adjutant, and District Finance Officer, and such others as the District may prescribe. A majority thereof shall constitute a quorum. Between sessions of the District Convention, the District Executive Committee shall have and possess all the powers and duties of the District Convention.

Section 6. DUTIES OF DISTRICT COMMANDER. The District Commander shall have general supervision, subject to the direction of the Department Commander, over all the Posts in his District. He shall visit each Post in his District not less than twice during his year, and shall endeavor in all ways to promote membership and participation in the programs of The American Legion. He shall preside at the District Convention and Conferences of the District and at meetings of the District Executive Committee. He shall perform such other duties as are enjoined upon him by this Constitution or By-Laws adopted pursuant thereto, or as may be required of him by the Department Commander, the Department Executive Committee or the District Executive Committee.

Section 7. DUTIES OF DISTRICT VICE-COMMANDERS. In the event of death or resignation or disability (declared by the District Executive Committee to exist) of the District Commander, the Senior and Junior Vice-Commanders, in their order, shall succeed to the office and have and possess all the powers and duties of the District Commander; and shall perform such other duties as are required of them by the District Commander, or the District Executive Committee.

Section 8. DUTIES OF DISTRICT ADJUTANT. The District Adjutant shall conduct the official correspondence of the District; shall keep an accurate record of the proceedings of the District Convention and Conference; shall keep such other books and records as are necessary and proper in the performance of his duties; and shall pay over all moneys coming into his hands and belonging to the District, to the District Finance Officer.

Section 9. DUTIES OF DISTRICT FINANCE OFFICER. The District Finance Officer shall faithfully keep all moneys of the District coming into his hands and account therefor; and shall keep such books and records as are necessary or proper in the performance of his duties. He shall, at the direction of the District Executive Committee, give bond with such surety and in such amount as said Committee shall direct, conditioned for the faithful performance of his duties and for the payment and delivery over to his successor of all funds, books and records that are or should be in his hands; provided, the premium on said bond shall be paid by the District.

Section 10. REVENUE OF DISTRICTS. Subject to the approval of the Department Executive Committee, a District may raise funds for the conduct of its activities, and for the payment of the necessary travel expenses of its Officers, from dues imposed on Posts, members of Posts, from moneys allocated to a District by the Department Convention or Department Executive Committee, or from other sources.

Section 11. TIME OF HOLDING CONVENTIONS. District Conventions shall be held each year at such time and place in the District as the preceding District Convention shall determine; provided that if such District Convention shall not fix the time and place, the same shall be fixed and determined by the District Executive Committee, to be not more than ninety (90) days nor less than thirty (30) days prior to the Department Convention.

Section 12. DISTRICT CONFERENCES. Each District shall annually hold a Conference for the discussion and promotion of programs of The American Legion. The place for holding of each Conference shall be fixed by the District Executive Committee, with the consent and approval of the Department Commander.

Section 13. DISTRICT CONSTITUTION AND BY-LAWS. Each District shall make a Constitution and By-Laws for the government of the affairs of the District, provided the same shall not conflict with this Constitution or By-Laws adopted pursuant thereto, or with the National Constitution or By-Laws of The American Legion. A District Constitution may provide that the District By-Laws shall be made, altered, amended, and repealed by the District Executive Committee. Each District Constitution and By-Laws shall be kept by the District Adjutant and a copy thereof shall be forwarded to the Department Adjutant who shall keep a file which will be open to inspection by members.

Section 14. EXPENSES OF DEPARTMENT EXECUTIVE COMMITTEE. The expenses of the Department Executive Committeeman from each District to the Mid-Year Conference and to the Department Convention shall be paid by his District, as provided by the District Constitution and By-Laws.

## **ARTICLE XI**

### **DEPARTMENT REVENUE**

Section 1. SOURCE OF REVENUE. The revenues of The American Legion, Department of Colorado, shall be derived from annual membership dues, in the amount from time to time fixed by the Department Convention, and from such other sources as the Department Executive Committee shall approve.

Section 2. PAYMENT OF DUES. Each Post shall remit to the Department Adjutant, the amount of dues of each member of said Post, and the amount of dues The National Organization has fixed for each member for the then current year, provided the Department Executive Committee may pay the dues to the National Organization and excuse the payment of dues due the Department from any Post for periods not exceeding one (1) year.

Section 3. FISCAL YEAR. The fiscal year of the Department shall commence on the first day of January of each year and end upon the 31st day of December of that year.

Section 4. EXPENDITURE OF DEPARTMENT FUNDS. Subject to the limitations of the budget as herein provided, the Department Executive Committee shall have the power to fix and to change the salaries of the Department Adjutant, the Department Service Officer, and other salaried Officers and employees of the Department; shall have the power to allow actual expenses to the members of the Department Executive Committee, to Department Officers and Committee members when engaged on American Legion business; and shall have the power to authorize payment of the usual and ordinary operating expenses of the Department. Unless approved by the Department Executive Committee no payment of the funds of the Department shall be authorized unless there remains in the budget account for that specific purpose a balance out of which such payment may be made, and any person or persons willfully and knowingly making such payment may be held personally liable for the repayment of that amount to the Department, and the Commander shall institute an action for that purpose upon learning of any such unauthorized payments.

Section 5. OTHER EXPENDITURES. Any expenditure of Department funds in excess of, or for any other purpose than herein provided, must be authorized by a majority vote of the delegates in attendance at a Department Convention.

## **ARTICLE XII**

### **DISCIPLINE**

Section 1. SUSPENSION OR EXPULSION OF MEMBERS. Each Post may suspend or expel a member upon charges of disloyalty, neglect of duty, dishonesty, or other conduct unbecoming a member of The American Legion. All charges must be made in writing and under oath of the accuser; shall be served personally by mail, addressed to the accused's last known address, at least five (5) days before the trial, and service shall be complete upon mailing. Notice of the day and time of the trial shall be served with the charges. Trial shall be had at a regular or special meeting of the Post of which the accused is a member. The decision of two-thirds (2/3) of the members present, in the presence of a quorum, as to innocence, guilt, and punishment, shall be binding. The accused shall have the right to defend in person or by counsel, to confront the witnesses against him and to adduce evidence in his own behalf. A record of the proceedings of the trial shall be kept, and either the accused or the accuser may appeal to the Department Executive Committee by filing notice of appeal within ten (10) days after the decision. The person appealing shall, within twenty (20) days after the decision, or as soon thereafter as is possible if the record cannot sooner be completed, file the record of the proceedings on the trial with the Department Adjutant. The Department Commander, the Department Adjutant, or the Chairman of the Department Executive Committee shall then promptly call a meeting of said Committee to consider the appeal. The appeal shall be heard upon the record only, without further evidence or hearing, and the decision of the majority of said Committee, in the presence of a quorum, shall be final. Said Committee may impose the same, or greater or lesser punishment, or acquit the accused. The cost of the record on appeal shall be paid, before the same is filed, by the appellant.

In the event said Committee shall reverse the decision, the appellant, if he be the accused, shall be reimbursed such cost by the Post.

Section 2. SUSPENSION OR REVOCATION OF POST CHARTER; FINES. The American Legion, Department of Colorado, has and reserves the right, for good cause, to suspend or revoke the charter of any Post within its jurisdiction, and in accordance with the applicable provisions of the Constitution and By-Laws of The National Organization, Posts may be fined as provided in Article III, Section 3, of this Constitution and By-Laws.

Section 3. REMOVAL OR OTHER PUNISHMENT OF DEPARTMENT OFFICERS AND NATIONAL EXECUTIVE COMMITTEEMAN. The Department Executive Committee may suspend or remove from office or reprimand a Department Officer, the National Executive Committeeman or the Alternate National Executive Committeeman, upon charges of disloyalty, neglect of duty, dishonesty or other conduct unbecoming a member of The American Legion. All charges must be made in writing under oath of the accuser; shall be served personally or by mail, addressed to the accused's last known residence, at least five (5) days before the trial, and service shall be complete upon mailing. Trial shall be had at a regular meeting or special meeting of the Department Executive Committee. The decision of six (6) voting members of the Committee shall be final. The accused shall have the right to defend in person or by counsel, to confront the witnesses against him and to adduce evidence in his own behalf. Charges shall be filed with the Department Commander, or with any member of the Department Executive Committee, and the person with whom the same are filed shall promptly cause the same to be served, and call a meeting of said Committee to hear said charges, or shall, if a regular meeting is soon to be had, fix the hearing for the time of said regular meeting. In the event the accused is a member of the Department Executive Committee, he shall be disqualified to participate as a member of the Committee on the trial, and his place shall be taken by a past Department Commander selected by a majority of the remaining members for the Department Executive Committee.

Section 4. REMOVAL OR OTHER PUNISHMENT OF DISTRICT OFFICERS. The District Executive Committee may suspend, remove from office or reprimand a District Officer upon charges of disloyalty, neglect of duty, dishonesty, or other conduct unbecoming a member of The American Legion. All charges must be made in writing under oath of the accuser; shall be served personally or by mail, addressed to the accused's last known residence, at least five (5) days before the trial, and service shall be complete upon mailing. Trial shall be had at a regular meeting or special meeting of the District Executive Committee. The decision of three (3) members of the Committee shall be final. The accused shall have the right to defend in person or by counsel, to confront the witnesses against him and to adduce evidence in his own behalf. Charges shall be filed with any member of the District Executive Committee and the person with whom the same are filed shall promptly cause the same to be served and call a meeting of said Committee to hear said charges, or shall, if a regular meeting is soon to be had, fix the hearing for the time of said regular meeting. In the event the accused is a member of the District Executive Committee, he shall be disqualified to sit as a member of the

Committee on the trial, and the remaining members of the District Executive Committee shall select a member of The American Legion residing in the District to take his place. A record of the proceedings on the trial shall be kept, and on an appeal may be taken from the decision of the District Executive Committee in the same manner and form as is provided for appeals in Section 1 of this Article. In the event of reversal, the appellant, if he be the accused, shall be reimbursed the cost of the record and the same shall be paid by the District.

## **ARTICLE XIII**

### **MISCELLANEOUS**

Section 1. **ELIGIBILITY FOR OFFICE.** Department Officers must be and remain, during their terms of office, members of a Post of the Department, and a member of the Department Executive Committee elected from a District must be and remain during his term of office, a member of a Post located in the District he represents. Each District Officer must be and remain during his term of office, a member of a Post located in the District in which he is an officer, and each Post officer must be and remain during his term of office a member of the Post of which he is an officer. Failure of any Officer mentioned in this section to be and remain a member of a Post as herein required shall, ipso facto, create a vacancy in his office.

Section 2. **COMMITTEES.** The Department Convention and, between the sessions of the Department Convention, the Department Executive Committee, may create such standing and special committees as may be necessary or proper for carrying on the business and programs of The American Legion.

Section 3. **OATH OF OFFICE.** Each Department, District and Post Officer, the National Executive Committeeman, and the Alternate National Executive Committeeman shall, before entering upon the duties of his office, take the oath of office as found in The American Legion Officers Guide, or the following:

“I \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States of America, and bear true faith and allegiance to the same; that I will support and maintain the National Constitution of the American Legion and the Department Constitution of the Department of Colorado; and that I will, to the best of my ability, faithfully discharge the duties of the office of \_\_\_\_\_, upon which I am about to enter.”

Section 4. **CAPS.** Members of Posts may wear such caps as they desire, provided the same may not be red or white, or blue and white. Department Officers, including members of the Department Executive Committee, shall wear white caps. District Officers shall wear blue caps with white crowns. Appropriate lettering designated State, District, Post and Office may be inscribed in such caps. No member shall wear a cap

bearing lettering or of a color to which he is not entitled, under the provisions of this Section.

Section 5. AMERICAN LEGION AUXILIARY. The American Legion Department of Colorado, recognizes an auxiliary organization, known as The American Legion Auxiliary, Department of Colorado. Membership therein shall be limited to persons declared eligible therefor by the National Constitution of The American Legion.

Section 6. SONS OF THE AMERICAN LEGION. The Department of Colorado recognizes an auxiliary organization, known as the Sons of The American Legion. Membership therein shall be limited to persons declared eligible therefor by the Constitution and By-Laws of the Sons of The American Legion.

Section 7. LAST SQUAD CLUBS. The American Legion, Department of Colorado, recognizes subsidiary organizations, each usually described as a Last Squad Club. Membership therein shall be limited to members of The National Organization in good standing.

Section 8. DEFINITION OF YEAR. Where ever in this Constitution a term of office is fixed at one (1) year or at two (2) years, a year or two (2) years shall be defined as the period commencing with the election and qualification of the Officer and ending with the election and qualification of his successor; provided, the term of an Officer filling a vacancy shall expire when the term of office of the person whose place he has taken would have expired.

Section 9. CONVEYANCES AND ENCUMBRANCES; TRANSFERS OF PROPERTY; SIGNATURES. The Department Commander and the Department Adjutant shall, when authorized to do so by the Department Convention or the Department Executive Committee, execute and deliver, in the name and behalf of The American Legion, Department of Colorado (a non-profit corporation organized under the laws of the State of Colorado), all deed, deeds of trust, mortgages, assignments and transfers, and such other writings as may be necessary or proper to convey, encumber, assign or transfer, all or any part of The American Legion or personal property of said corporation, and likewise, to execute and deliver promissory notes and other evidences of indebtedness; and all such instruments heretofore executed and delivered by the Department Commander and the Department Adjutant are hereby in all the things ratified, approved and confirmed.

Section 10. PAST COMMANDERS CLUB. The American Legion, Department of Colorado, recognizes a subsidiary organization, known as the Past Commanders Club, membership therein shall be limited to members of The National Organization in good standing.

## **ARTICLE XIV**

### **AMENDMENTS AND REVISIONS**

Section 1. AMENDMENTS TO CONSTITUTION. This Constitution may be amended at any Department Convention by a vote of two-thirds (2/3) of the delegates present and voting in the presence of a quorum; provided, the proposed amendment shall have been submitted by the Department Adjutant to each of the Posts of the Department by mailing the same to them at least twenty (20) days prior to the convening of the next ensuing Department Convention; and provided further, no proposed amendment shall be submitted by the Department Adjutant or considered by the Department Convention unless the same be proposed by a District Convention, the Department Executive Committee or by a Post of the Department; provided the Department Executive Committee may, in the event of the necessity therefor declared to exist, and after the twenty-day (20) period has expired, submit proposed amendments to the Convention Committee charged with consideration thereof and the same may be adopted or rejected by the Convention.

Section 2. UPDATE OF CONSTITUTION. After each Department Convention, and at such other times as may be designated by the Department Commander, the Department Adjutant, in cooperation with the Department Judge Advocate, shall carefully examine the text of this Constitution, and of the amendments thereto made by the preceding Department Convention, and shall renumber the Articles and Sections; make appropriate changes in references made to other Articles and Sections; transfer Sections to other Articles, and supply title changes of Sections and catch lines as they deem proper; and shall cause the same to be printed for the use of the Posts, Officers, and members of the Department.

## **ARTICLE XV**

### **BY-LAWS**

Section 1. The Department Executive Committee shall have the power to make, alter, amend, and repeal By-Laws for the government of the Department, not inconsistent with this Constitution.

## **ARTICLE XVI**

### **REPEAL AND SAVING CLAUSE**

Section 1. This Constitution, adopted at the Department Convention held in Colorado Lamar, Colorado in the year 2014, supersedes and takes the place of all earlier Constitutions and amendments thereof and the same, and all By-Laws adopted thereunder, are hereby revoked and annulled; provided, nothing in this Constitution contained shall be construed, without the taking of proceedings authorized hereunder, to deprive any member of his membership or to annul or revoke any charter hitherto granted to any Post, or retroactively to affect the status of any member or Post.

## **ARTICLE XVII**

### **DEPARTMENT HEADQUARTERS**

Section 1. DEPARTMENT HEADQUARTERS. The headquarters of The American Legion, Department of Colorado, shall be maintained at 7465 East 1st Ave., City and County of Denver, CO 80230.

Section 2. MANAGEMENT. It shall be the duty of the Department Building Committee, under review of the Department Finance Committee, to administer the maintenance and repair of the Department Headquarters building, and associated rental properties, and the maintenance, repair and purchase of the necessary office and building equipment for Department Headquarters, and associated rental properties.

### **BY-LAWS OF THE AMERICAN LEGION DEPARTMENT OF COLORADO**

#### **ARTICLE I**

##### **MEMBERSHIP REGULATIONS**

Section 1. MEMBERSHIP APPLICATION FORMS. Each Post shall provide a form of application for membership, and all applicants for membership shall complete the same.

Section 2. DUES AND INITIATION FEES. Each Post may prescribe the dues to be paid by its members and the amount, if any, of initiation fees; provided, each Post shall in addition to the dues charged for its own purposes, collect and remit the prescribed National and Department per capita dues.

Section 3. TRANSFER OF MEMBERSHIP. A member in good standing of any Post may transfer his membership to another Post of the Department. Upon request of any member he shall be furnished with a certificate by his Post stating the fact of his membership and the duration thereof; and upon the exhibition thereof to another Post he shall be entitled to membership therein upon payment of the then current dues of the latter Post. Certificates issued under this Section shall be reported monthly to the Department Adjutant, and if a member to whom said certificate is issued shall become a member of another Post, said Post shall make report thereof to the Department Adjutant within thirty (30) days after he becomes such member.

## **ARTICLE II**

### **CONVENTION REGULATIONS**

Section 1. **ORDER OF BUSINESS AT DEPARTMENT CONVENTIONS.** Unless the Department Convention shall adopt rules to the contrary, the order of business at Department Conventions shall be as follows:

1. Call to order by Department Commander.
2. Advancement of Colors.
3. Invocation.
4. Reading of Call for Convention (which may be dispensed with on motion).
5. Appointment of Convention Committees other than Credential, Rules and Order of Business, Resolutions and Constitution.
6. Report of Credentials Committee.
7. Report of Rules and Order of Business Committee.
8. Report of Officers.
9. Report of Committees other than Resolutions.
10. Report of Resolutions Committee.
11. Election and installation of Officers, which election shall be held as the first order of business after lunch on each Saturday of each Convention.
12. Adjournment.

Section 2. **SUBMISSION OF RESOLUTIONS.** Resolutions shall not be considered by the Department Convention unless they are submitted (1) by a District; (2) by the Department Executive Committee; (3) by a standing Department Committee; or (4) by a Convention Committee; nor, in the case of Resolutions submitted by Districts, unless the same shall be received in the office of the Department Adjutant at least ten (10) days prior to the Department Convention; provided, however, Resolutions proposing Constitutional amendments must be placed in the hands of the Department Adjutant at

least thirty (30) days prior to the convening of the Department Convention so that the same may be circularized as required by the Department Constitution.

Section 3. CREDENTIALS COMMITTEE. At least five (5) days prior to the convening of the Department Convention, the Department Commander shall appoint a Credentials Committee of not less than five (5) members from among the delegates to the Convention. The Credentials Committee shall inspect and audit the lists of delegates and alternates furnished to the Department Adjutant in accordance with the Constitution, and shall report to the Convention at the proper time, the number of votes to which the several Posts and past Department Commanders are entitled in the Convention. Contests shall be determined by the Credentials Committee, subject to the approval of the Convention, and the Credentials Committee may meet from time to time and make supplemental reports at any time prior to the commencement of the election of Officers.

Section 4. RESOLUTIONS COMMITTEE. At least ten (10) days prior to the convening of the Department Convention, the Department Commander shall appoint a Resolutions Committee of not less than seven (7) members, from among the delegates to the Convention. All resolutions for the consideration of the Convention shall be first submitted to the Resolutions Committee, with the exception of resolutions emanating from or within the jurisdiction of other Convention Committees and germane to their respective purposes. No resolution shall be considered on the floor unless it has been approved or rejected by the Resolutions Committee or other Convention Committees having jurisdiction of the same; provided nothing herein contained shall be construed to forbid the amendment of any resolution properly before the Convention.

Section 5. CONSTITUTION COMMITTEE. At least thirty (30) days before the convening of each Department Convention, the Department Commander shall appoint a Convention Constitution and By-Laws Committee, to be composed of five (5) or more members. All proposed amendments to the Constitution or By-Laws shall be referred to the Constitution Committee as soon after its appointment as possible; and the Constitution Committee shall report thereon to the Convention, either favorably or unfavorably; provided, the Constitution Committee may make such textual change as it deems necessary in proposed amendments and which do not affect the meaning or intent of the same; and provided, further, nothing herein shall be construed to forbid the adoption by the Convention of any proposal reported unfavorably by the Constitution Committee, or to forbid the amendment by the Convention of any proposal reported favorably or unfavorably by the Constitution Committee.

Section 6. RULES AND ORDER OF BUSINESS COMMITTEE. At least five (5) days before the convening of each Department Convention, the Department Commander shall appoint a convention Rules and Order of Business Committee. This Committee shall consist of five (5) or more delegates to the Convention. This Committee shall formulate rules for the government of the ensuing convention, including the order in which the several matters to be brought before the Convention shall be considered; and shall be ready with its report upon the opening of the first business session of the Convention.

## **ARTICLE III**

### **FINANCE COMMITTEE**

Section 1. The Department Commander shall appoint a Finance Committee of not less than five (5) members of The American Legion, Department of Colorado, to serve during the tenure of, and at the pleasure of, the Department Commander, with the consent of the Department Executive Committee or until their successors shall be appointed.

Section 2. The function and duties of such Committee shall be:

(a) Monitor Department expenditures to assure substantial compliance with budget appropriations;

(b) Mediate any controversies regarding budgetary allowances, and the Committee shall have authority to exceed such allowances at their discretion, and their judgments shall be binding on the Department, and their determinations shall be final; and

(c) Propose an initial budget for presentation to the Department Executive Committee, consistent with Article IX, Section 3 of the Constitution, at their meeting just prior to Mid-Year Conference, which budget the Department Executive Committee may reject, amend, or approve at their discretion.

(d) The financial operation and management of the Department Headquarters building and associated rental properties, shall be under the supervision of the Department Finance Committee with recommendations from the Building Committee.

(e) Review the annual budget of the Colorado American Legion Baseball, Inc, make recommendations for changes and submit to the Department Executive Committee for approval, rejection or amendment at their discretion.

(f) Review the annual budget of the Colorado Boys State Corporation, make recommendations for changes and submit to the Department Executive Committee for approval, rejection or amendment at their discretion.

Section 3. If the Commander shall fail to appoint a Finance Committee as herein provided, the Chairman of the Executive Committee or the Department Adjutant may, when the need for such Committee becomes apparent, make the appointments to the Committee, on behalf of the Department Commander.

Section 4. The Department Executive Committee shall retain the authority to dismiss the Finance Committee at any time.

## **ARTICLE IV**

### **NET INCOME FROM REAL AND PERSONAL PROPERTY OWNED BY DEPARTMENTS, DISTRICTS AND POSTS**

Section 1. The net income from real and personal property owned by the Department, Districts and Posts in this Department of Colorado shall be and is irrevocably dedicated to the purposes set forth in Title 39, Article 3, Section 101(1)(e) to (g) of the Colorado Revised Statutes 1973 as such Statute presently exists or as it is subsequently amended. For purposes of this paragraph “net income” includes those references as defined in Title 39, Article 3, Section 101(1)(g)(H) of the Colorado Revised Statutes of 1973 as such Statute presently exists or as it is subsequently amended.

Section 2. In the event the Department takes possession, custody and control of the records, property and assets of any Post upon revocation, cancellation or suspension of the Charter of such Post, the “net income” from any real or personal property received by the Department shall be irrevocably dedicated to the purposes set forth in Section 1 of this Article.

## **ARTICLE V**

### **DISTRICT BOUNDARIES**

Section 1. DISTRICT 1. District 1 shall consist of the Counties of Baca, Bent, Crowley, Otero and Prowers.

Section 2. DISTRICT 2. District 2 shall consist of the Counties of Cheyenne, Kit Carson, Kiowa and Lincoln, and those portions of the Counties of Arapahoe, Elbert and El Paso lying east of the Range line between Ranges 60 and 61 West, of the 6th Principal Meridian.

Section 3. DISTRICT 3. District 3 shall consist of the Counties of Logan, Morgan, Phillips, Sedgwick, Washington and Yuma, and those portions of the Counties of Weld and Adams lying east of the Range line between Ranges 60 and 61 West, of the 6th Principal Meridian.

Section 4. DISTRICT 4. District 4 shall consist of the Counties of Boulder and Larimer, and that portion of the County of Weld lying west of the Range line between Ranges 60 and 61 West, of the 6th Principal Meridian.

Section 5. DISTRICT 5. District 5 shall consist of the Counties of Clear Creek, Douglas, Gilpin and Jefferson, and those portions of the Counties of Adams, Arapahoe and Elbert lying west of the Range line between Ranges 60 and 61 West, of the 6th Principal Meridian and J. P. Martinez Post 204, City and County of Denver.

Section 6. DISTRICT 6. District 6 shall consist of the City and County of Denver, Thornton Post No. 202, County of Adams and Denver Post 87, County of Arapahoe.

Section 7. DISTRICT 7. District 7 shall consist of the Counties of Fremont and Teller and that portion of the County of El Paso lying west of the Range line between Ranges 60 and 61 West, of the 6th Principal Meridian.

Section 8. DISTRICT 8. District 8 shall consist of the Counties of Custer, Huerfano, Las Animas and Pueblo.

Section 9. DISTRICT 9. District 9 shall consist of the Counties of Alamosa, Conejos, Costilla, Mineral, Rio Grande and Saguache.

Section 10. DISTRICT 10. District 10 shall consist of the Counties of Archuleta, Dolores, Montezuma, LaPlata and San Juan.

Section 11. DISTRICT 11. District 11 shall consist of the Counties of Delta, Gunnison, Hinsdale, Montrose, Ouray and San Miguel.

Section 12. DISTRICT 12. District 12 shall consist of the Counties of Chaffee, Park, Lake, Summit and Eagle, excepting Posts located or to be located in Basalt, Gypsum or Bond.

Section 13. DISTRICT 13. District 13 shall consist of the Counties of Garfield, Mesa and Pitkin, and all Posts located or to be located in Basalt, Gypsum or Bond.

Section 14. DISTRICT 14. District 14 shall consist of the Counties of Grand, Jackson, Moffat, Rio Blanco and Routt.

**ADMINISTRATIVE REGULATIONS  
THE AMERICAN LEGION  
DEPARTMENT OF COLORADO**

(Adopted at the Lamar Convention, June 6, 1954)  
Revised at the Lamar Convention, June 21, 2014

1. SHORT TITLE. The following may be cited as the “Administrative Regulations” of the Department of Colorado.

2. COMMITTEES. There shall be established in the Department of Colorado, the following Committees, and none other except for special committees authorized by the Department Executive Committee under the provisions of Article XIII, Section 2, of the Department Constitution:

- (a) Membership Committee

- (b) National Security Committee
- (c) Americanism Committee
- (d) Veterans Affairs and Rehabilitation Committee
- (e) Children & Youth Committee
- (f) Legislative Committee
- (g) Headquarters Building Committee
- (h) Colorado American Legion Baseball, Inc.
- (i) Colorado American Legion Boys State Corporation
- (j) American Legion Riders Committee

3. CHAIRMEN OF COMMITTEES AND CORPORATIONS AND MEMBERS OF COMMITTEES. Each such Committee or Corporation shall be composed of a chairman, who shall be appointed annually by the Department Commander, with the consent of the Department Executive Committee, or as provided for by the corporation's by-laws, and so many members as the Department Commander shall appoint, all of whom shall serve at the pleasure of the Department Commander; provided, however, that each chairman of each subcommittee, board, commission, or other agency shall be a member of the particular committee under whose administrative control his sub-committee, board, commission, or other agency may be placed.

4. SUB-COMMITTEES. There shall be appointed annually by the Department Commander, with the consent of the Department Executive Committee, chairmen and members if he so sees fit, all to serve at the pleasure of the Department Commander, such sub-committees as the Department Executive Committee may prescribe, which said sub-committee shall be under the administrative jurisdiction of the indicated committee.

When an additional sub-committee shall be authorized by the Department Executive Committee, the chairman of the said sub-committee shall be a member of the committee indicated by the Department Executive Committee at the time of the creation of said sub-committee, and the chairman of any such sub-committee hereinafter created shall be appointed, as in the case of chairmen herein provided for.

5. DUTIES OF CHAIRMEN. The chairmen of committees shall exercise administrative jurisdiction over the chairmen of sub-committees with his jurisdiction, and such other persons, programs and commissions as herein provided for, and shall report when requested so to do to the Department Commander on the activities of his committee. Chairmen shall have the duty of carrying out, to the best of their ability and resources, the

policies of The American Legion, Department of Colorado, and shall maintain active programs implementing those policies, so far as they are able.

6. DUTIES OF SUB-COMMITTEES CHAIRMEN. Sub-committee chairmen shall perform the duties of committee chairmen in respect to their respective sub-committees and shall report on their activities when requested so to do by the chairman of the main committee under whose administrative jurisdiction the sub-committee shall be placed.

7. DUTIES OF DEPARTMENT COMMANDER. In addition to the duties prescribed by the Constitution and By-Laws, the Department Commander shall report to the Department Executive Committee when requested so to do, on any program under his administrative jurisdiction.

8. ADMINISTRATIVE JURISDICTION OVER SPECIAL COMMITTEES, COMMISSIONS, CORPORATIONS AND MISCELLANEOUS AGENCIES.

(a) Administrative jurisdiction over the Posts, Districts and office of the Department Adjutant, the Department Membership Committee and all committees and corporations provided by Section 2 above, shall be exercised by the Department Commander.

(b) Administrative jurisdiction over Special Committees, the Finance and Budget Committees, and the Finance Officer, shall be exercised directly by the Department Executive Committee, through its chairman.

(c) Administrative jurisdiction over the Colorado American Legion Baseball, Inc. shall be exercised by the Americanism Committee

(d) Administrative jurisdiction over the Colorado American Legion Boys State Corporation, Inc. shall be exercised by the Americanism Committee.

9. DEFINITION OF ADMINISTRATIVE JURISDICTION LIMITATIONS.

(a) By the term “administrative jurisdiction” is meant and intended to mean wherever used herein to denote the channel of reporting and communication, and for coordination of various activities. It is not intended herein to grant to any person, officer, or chairman any authority to revise, extend or modify any policy, nor to hinder, restrict or interfere with the functions of any committee which has historically carried out and performed the duties assigned to it directly or necessary by implication, it being the purpose of this regulation only to provide for an orderly and proper channel through which Constitutional Authority may be carried out, and reports concerning the exercise of such Constitutional Authority may be promptly made to the proper agency.

(b) This regulation does not purport to, nor shall it be deemed to affect in any manner whatsoever, the supervision over paid employees of the Department by the Department Executive Committee, in respect to the performance of their duties, the

incidents of their employment or the functioning of their respective offices, which said matters shall remain as heretofore existing, except to the extent that this regulation requires the submission of reports respecting the program administered by said employees through the committee chairman exercising administrative jurisdiction over their functions as herein provided.

10. DUTIES OF ALL ADMINISTRATIVE OFFICERS AND OF THE DEPARTMENT EXECUTIVE COMMITTEE. The Department Convention being the plenary authority within the Department, it is the duty of each chairman, officer and committee, including the Department Executive Committee, to prepare annually a report to the Department Convention, concerning his or its program and activity, which report shall be forwarded through the proper administrative authority, for the advice and action of the Department Convention.

11. BUDGET. Within the limitations of the budget as adopted by the authority granted to the Department Executive Committee under this constitution, and within the purpose for which any budget shall have been adopted, the Department Executive Committee shall have the authority when need therefore exists, to transfer funds from one object of expenditure to another; provided, however, that no such transfer shall remove, modify or affect any purpose for which funds have been appropriated by the Department Convention.

12. PRINTING. These Administrative Regulations shall be printed and distributed thereof made as soon as practicable after the close of the Department Convention in the year of 2008, and shall thereafter be reprinted whenever substantial alterations or additions have been made herein, but not more often than once a year, at the direction and under the authority of the Department Executive Committee.

13. SAFETY CLAUSE. If any Section or part of any Section hereof shall be determined by proper authority to be unconstitutional, such determination shall not be deemed to affect the validity of the remainder of the affected Section of these regulations.

This Constitution and By-Laws of The American Legion, Department of Colorado changed and corrected through the 2014 Department Convention, June 21, 2014, Lamar, Colorado.



Attest:

  
Charles Pat Smith  
Department Adjutant

  
Carol Kennedy  
Department Commander

June 21, 2014

**American Legion  
Department of Colorado**

**7465 E 1<sup>st</sup> Ave Ste D  
Denver, Colorado 80230**



Constitution and By-Laws  
Adopted and Corrected through  
Department Convention  
June 21, 2014  
Lamar, Colorado