

2024 DEPARTMENT CONVENTION BYLAW CHANGES
SECTION 1 - ARTICLES/SECTIONS BEING MOVED

Article V, Section 18 Is being moved to Article V, Section 22a.

Article V, Section 24 is being incorporated into Article V, Section 23c.

Article IX, Section 1, a portion is being moved to Article IX, Section 2

Article IX, Section 4 is being moved to Article V, Section 22c.

Article IX, Section 5 is being moved to the “Uniform Code of Procedures For Department Conventions” (UCPDC).

Article IX, Section 6 is being moved to the “Uniform Code of Procedures For Department Conventions” (UCPDC).

Article IX, Section 8 is being moved to Article IX Section 4.

Article IX, Section 9 is being moved to the “Uniform Code of Procedures For Department Conventions” (UCPDC).

Article IX, Section 10 is being moved to the “Uniform Code of Procedures For Department Conventions” (UCPDC).

Article X, Section 11 is being moved to the “Uniform Code of Procedures For Department Conventions” (UCPDC).

Article IX, Section 12 is being moved to the “Uniform Code of Procedures For Department Conventions” (UCPDC).

Article IX, Section13 is being moved to the “Uniform Code of Procedures For Department Conventions” (UCPDC).

Article IX, Section 14 is being moved to the “Uniform Code of Procedures For Department Conventions” (UCPDC).

Article IX, Section 15a is being moved to Article XII, SECTION 1a. (A new article dealing with Department Finances.)

Article IX, Section 15b is being moved to Article XII, SECTION 1b. (A new article dealing with Department Finances.)

Article IX, Section 15a c is being moved to Article XII, SECTION 2a. (A new article dealing with Department Finances.)

Article IX, Section 16 is being moved to Article ~~XI~~ XII, Section 2b.

Article IX, Section 18 is being moved to Article IV, Section 2.

Article IX, Section 19 is being moved to Article IV, Section 3.

Article IX, Section 20 is being moved to Article IV, Section 4.

Article IX, Section 21 is being moved to Article VI, Sections 4 and 5.

Article IX, Section 23 is being moved to the “Uniform Code of Procedures For Department Conventions” (UCPDC).

Article IX, Section 24 is being moved to Article IV, Section 5.

Article IX, Section 25 is being moved to Article IV, Section 6.

Article IX, Section 26 is being moved to Article IV, Section 7.

Article XVII, Section 1 is being moved to Article XII, Section 2c.

Article XVII, Section 2 is being moved to Article XII, Section 2d.

Article XVII, Section 3 is being moved to Article XII, Section 2e.

Article XVII, Section 4 is being moved to Article XII, Section 2f.

Article XVII, Section 5 is being moved to Article XII, Section 2g.

Article XVIII, Section 1 is being moved to Article XII, Section 3a.

Article XVIII, Section 4 2 is being moved to Article XII, Section 3b.

Article XVIII, Section 4 3 is being moved to Article XII, Section 3c.

Article XVIII, Section 4 4 is being moved to Article XII, Section 3d.

Article XVIII, Section 4-5 is being moved to Article XII, Section 3e.

2024 DEPARTMENT CONVENTION BYLAW CHANGES
SECTION 2 – ARTICLES/SECTIONS BEING DELETED

Article IV, Section 9a is being deleted.

Article IV, Section 9b is being deleted.

Article IV, Section 9c is being deleted.

Article IV, Section 9d is being deleted.

Article IV, Section 9e is being deleted.

Article IV, Section 9f is being deleted.

Article IV, Section 9g is being deleted.

Article IV, Section 9h is being deleted.

Article V, Section 2a is being deleted.

Article V, Section 2b is being deleted.

Article V, Section 2c is being deleted.

Article VI, Section 7 is being deleted.

Article VI, Section 8 is being deleted.

Article IX, Section 7 is being deleted.

Article IX, Section 17 is being deleted.

Article IX, Section 22 is being deleted.

2024 DEPARTMENT CONVENTION BYLAW CHANGES

SECTION 3 – ARTICLES/SECTIONS BEING AMENDED/ADDED

Article II, Section 3. Each member shall perform ~~his~~ **their** full duty as a citizen.

Article IV, Section 9. DEPARTMENT ADJUTANT

(Added) The Department Adjutant shall serve as the Chief Administrative Officer, reporting directly to the Department Commander and the Department Executive Committee. As the Department of California's administrative head, the Adjutant is charged with the administration of the policies and mandates of the Department Convention, the Department Executive Committee, and of the Department Commander. The Adjutant shall also be the custodian of the Department of California books and records. The Adjutant shall perform such other duties as assigned or incident to the officer.

Article V, Section 2: ~~Temporary Post Charters~~ **New Posts desiring a temporary or permanent charter shall make application to the Department using Department and/or National guidelines.**

Article V, Section 8. Section 8. The Post Commander and Vice-Commanders shall be elected officers and may not hold any other offices in the Post. The other officers may be elected by the membership or appointed by the Post Commander and ratified in accordance with the Post Bylaws. Any other officer may hold two (2) or more **appointed** offices.

Article V, Section 13. **a.) All When holding elections, for opposed positions shall be by secret ballot and** a majority of all votes cast shall be required for the election of Commander and Vice-Commanders. The other elected officers, if any, may be elected by a plurality vote as the Post may determine. **Whenever** secret ballots **are used, they** shall be retained for thirty (30) days by the Post Adjutant.

Article V, Section 13.b.) (Added) **b.) When not using a secret ballot and only one person is nominated for a position, the Post Commander shall have the right to declare that person to be elected by acclamation.**

Article V, Section 47 **16.** Each Post shall maintain financial records using standard accounting practices. ~~such records to be examined by a reputable bookkeeper, certified public accountant, or a Committee of three (3) competent persons, none of whom shall be the Commander, Adjutant, Finance Officer or other person charged with the responsibility of handling Post funds.~~

(Added) Article V, Section 22 **c.) National and/or Department of California mandated bylaw changes do not need to be approved by Post membership as they will be required changes.**

Article V, Section 23 **b.) All Posts shall submit a Post Data Report by April 15th of each year. All Posts shall submit a Consolidated Post Report, Certification of Post Officers, Certification of Department Convention Delegates, certification that their approved Bylaws have been reviewed and updated in accordance with ARTICLE V, Section 21 of these Bylaws by the Post and are current with the National Constitution and Bylaws of The American Legion or the Constitution and/or Bylaws of The American Legion - Department of California, and pay all monetary balances owed to Department by June 1st of each year. Any Post failing to submit these reports or pay their balances (by the deadline) shall be placed on probation until submission has been verified by the Department Adjutant.**

Article V, Section 22 23. c) Each Post in the Department shall, by June 1st, elect delegates and alternates to such convention, and shall certify such election to the Department by June 1st. Said certification shall be sent to Department Headquarters and be authenticated by the Post Commander or Post Adjutant. However, in case of failure to comply with the above, or in the event of a conflict as to the legality of such elected delegates, the Committee on Convention Credentials shall have the authority to accredit such delegates as can establish their election as delegates and alternates to the convention. No delegate or alternate from any Post shall be accredited in the Department Convention unless all obligations to the Department existing thirty (30) days prior to the Department Convention on June 1st shall have been satisfied and the Constitution and Bylaws of the Post for which the delegate or alternate has been elected shall have been approved by the Department Constitution and Bylaws Commission prior to the convening of the convention as required in Article V, Sections 21-22 of these Bylaws. (This was moved from Article IX, Section 4.)

Article V, Section 23.d) (Added) *c.) All posts not complying with the provisions of this section shall be placed on probation and not accreditable for the Department Convention until all requirements are met.*

Article VI, Section 3.b.) The Commander and Vice-Commanders shall be elected. The Finance Officer may be elected or appointed. The District Commander shall appoint the following: Adjutant, Judge Advocate, Chaplain, Sergeant-at-Arms, Service Officer, and other officers as the District Constitution and/or Bylaws may provide. ~~A District Commander may be elected for up to two (2) consecutive one-year terms.~~

~~(Added) Article VI, Section 4.c.). The term of office of the District officers shall be for one (1) year each term except for the District Commanders, which may be elected for up to two (2) consecutive one-year terms.~~

Article VI, Section 5. District Commanders shall ensure that all the Posts in their District are compliant with the requirements stated in Article V, Sections ~~17 21~~ and ~~23 22~~.

Article VI, Section 7 & 8. It says "REWRITTEN" but they are actually being deleted. I added to the "delete" list.

Article ~~6-VI~~, Section 11. Districts shall update and/or adopt Bylaws for the government of the business of the District every seven (7) years or less. Such Bylaws shall be reviewed by the Department Constitution and Bylaws Commission *to ensure* that they are not inconsistent with the National Constitution and/or Bylaws of The American Legion or the Constitution and/or Bylaws of the Department of California.

ARTICLE IX - ~~ADMINISTRATION CONVENTION~~

Article IX, Section 1. The legislative body of the organization shall be a Department Convention, *except as otherwise provided in the Bylaws.* ~~The time and place of such convention shall be fixed by vote of a preceding convention but may not grant any date beyond seven (7) years. Department Executive Committee shall have authority to change such time and place only when a state of emergency has been declared in accordance with California code. (MOVED TO ARTICLE IX, SECTION 2)~~

Article IX, Section 2. a.) ~~The time and place of such convention shall be fixed by~~ *vote of a preceding convention the Department Executive Committee* but may not grant any date beyond

seven (7) years. The Department Executive Committee shall have authority to change such time and place ~~only when a state of emergency has been declared in accordance with California Code. For sufficient reason to facilitate it by necessity.~~ (MOVED FROM SECTION 1)

Article IX, Section 2. b.) There shall be *no more than* a three (3) year succession of conventions in the host city. ~~beginning in the year 2020.~~

Section 3. The annual convention limited to three (3) consecutive days of which one (1) day shall be a Sunday *and* shall be composed of delegates and alternates for each Post, each Post being entitled to two (2) delegates and two (2) alternates, and one (1) additional delegate and one (1) additional alternate for each fifty (50) members, or major fraction thereof, ~~active forty-five (45) days prior to the opening date of the Department Convention.~~ *The Department Adjutant shall calculate delegate strength and disseminate to Posts based on active membership as of the 100% membership target date in May.* The vote of each Post registering at the convention shall be equal to the total number of delegates to which the Post is entitled.

(Added) Article IX, *Section 5). The Department Executive Committee shall provide a Uniform Code of Procedures for Department Convention for the orderly organization and operation of Department Conventions with continuing power of revision and said Code shall be applicable at all Department Conventions unless it is amended, suspended, or repealed by a majority vote of the total authorized representation at a Department Convention.*

Article XI, Section 5.6 e. (Only this portion was rewritten) CONSTITUTION AND **BYLAWS**: To recommend to the Department **changes necessary** or advisable for the better operation of the Department and such other duties as are delegated to it by the Bylaws of the Department. The Department Judge Advocate shall serve as an ex-officio member of the Constitution and Bylaws Committee

Article XIII, Section 1. The delegates and alternates to the National Convention shall consist of such number as is prescribed by Article V, Section 3 of the Constitution of The American Legion *and* be elected from the membership of the Department in the following manner: