

**THE AMERICAN LEGION OF
MONTANA UNIFORM CODE OF
PROCEDURE FOR THE
ORGANIZATION OF DEPARTMENT
CONVENTIONS**



**Revised
25-Jun-16**

KEEP AND BRING WITH YOU TO FALL CONFERENCE

CALL FOR DEPARTMENT CONVENTION

- I. Not less than thirty days prior to the date of assembly of the Department Convention as fixed by the Department Executive Committee (Article V. Section 9 Department Constitution) the Department Adjutant shall issue an Official Call for the Department Convention. The Official Call for the Department Convention shall be served upon all Posts of The American Legion of Montana through the Post Commanders addressed to the official address of such Post Commanders as of record at Department Headquarters.

The Department Adjutant shall be authorized to issue copies of the Official Call to all other Department Officers, Members of the Department Executive Committee and other proper persons and organizations having an interest or responsibility in connection with the Department Convention-addressed to such persons or organizations at an address of record at Department Headquarters.
- II. The official Call for the Department Convention shall contain within its context or in proper annexes, or supplements affixed to the Call, the following information and instructions:
 - a. The time and place of the assembly of the Department Convention.
 - b. The purpose of the Department Convention including statement of business to be transacted.
 - c. Official announcement of the time and place for the election of Department Officers.
 - d. The composition of the Department Convention in terms of authorized delegates and other persons entitled to official status as members of the Department Convention as provided in the Department Constitution and By-laws. Such statement shall also include instructions for issuance of official credentials,

the time and place for filing the same and other pertinent and proper procedural detail.

- e. Such other official and pertinent information and instruction as shall properly apply to the orderly and efficient organization and operation of the Department Convention.

CONVENTION PROGRAM

- I. Except as may be provided otherwise herein or as directed by the Department Executive Committee, the establishment and arrangement of the Program of Proceedings of the Department Convention shall be the duty and prerogative of the Department Commander.

He/She is empowered to invite proper guests to the Convention on behalf of The American Legion of Montana, extend the privilege of addressing the Convention to appropriate speakers, establish the Order of Business of the Convention, and to order and arrange incidental ceremonies consistent with and properly a part of the Convention.

- II. In establishing the Order of Business the Department Commander shall restrict the schedule of Guest Speakers for the final session of the Convention and shall not schedule any such speakers later than 11:30 a.m. of that session.

The election of Department Officers and the ceremony of Installation shall be arranged and scheduled as a special order of business for 12:00 p.m. (noon) of the final session or at the conclusion of all other business of the Department Convention, whichever first occurs.

- III. The Department Commander shall be authorized and empowered to assign specific tasks to Department Officers or to appoint such members of The American Legion of Montana to perform tasks as the Department Commander feels necessary in the conduct of the Department Convention.

- IV. The Department Commander shall publish in the Official Convention Program the Order of Business and events established by him/her including a time scheduled for the same

and shall cause such Order of Business to prevail except as properly altered by him/her for cause or set aside by the will of the Convention upon proper motion in accordance with the standing of special rules of the Convention as hereinafter provided.

OFFICIALS OF THE CONVENTION

- I. The presiding Officer of the Department Convention shall be the Department Commander of The American Legion of Montana. He/She shall have power and authority to yield the Chair from time to time to a Department Vice Commander of The American Legion of Montana for the conduct of official business of the convention.
He/She may yield the Chair to a Past Department Commander of The American Legion of Montana or any other delegate of the Department Convention for ceremonial purposes. In either instance due note thereof shall be included in Minutes of Proceedings.
In the event that the Department Commander is not available to preside over the Department Convention, the Department Executive Committee shall be convened immediately by open call in place of assembly of the Convention by the Department Adjutant as contemplated in Article II, Section 2, of the Department By-laws.
- II. The Department Adjutant shall be the Secretary of the Department Convention. He/She may yield this office from time to time to any assistant during the Convention by and with the consent of the Department Commander or other Presiding Officer then in the chair.
- III. The Department Commander shall appoint a Sergeant-at-Arms and such Assistant Sergeants-at-Arms of the Department Convention as to him/her may be necessary in conducting the proceedings and maintaining order in the Department Convention. Sergeant-at-Arms shall be solely responsible to the Department Commander or the Presiding Officer in the Chair.

- IV.** The Department Commander shall be empowered and authorized to designate the Official Color Guard of the Convention, the Official Musical Organization, and such other functionaries as may be necessary to the proper conduct of proceedings and ceremonials as may be scheduled or directed by him/her.

**PRELIMINARY ORGANIZATION OF THE
DEPARTMENT CONVENTION**

- I.** Delegates to the Department Convention shall be accredited in writing to the Department Adjutant in the number and manner prescribed by Article V, Department Constitution. The rights of Posts to make and accredit substitutions for absentee delegates or alternate delegates shall be recognized by the Department Adjutant, provided that such substitution shall be officially certified by the Post Commander at the time of the certification required by the Department Constitution or at any time prior to adjournment of the first session of the Department Convention.
- II.** The Department Adjutant, within the limits of the Department Constitution, is authorized to design and circulate such proper forms as may be required to record and certify the accreditation of delegates and alternate delegates. He/She is further authorized to establish such reasonable and proper administrative rules as may be necessary in assembling the official list of delegates and alternates accredited and entitled to be seated in the Department Convention. All such forms or other administrative requirements shall be certified officially by the Post Commander at the times specified by the Department Constitution, or the Department Adjutant. Disputes concerning the accreditation of delegates and alternate delegates shall be referred to the Credentials Committee.

CONVENTION COMMITTEES

- I. The following Convention Committees shall be established:

COMMITTEES
Americanism
Baseball
Oratory
Constitution and Internal Affairs
Credentials
Finance
Ways and Means
Endowment
Legislation
Membership
National Security
Resolution and Rules
Education and Training
Veterans Affairs and Rehabilitation

- II. The Department Commander or the Department Executive Committee may from time to time establish Special Convention Committees for specific purposes. Such Special Committees

shall serve only during the Convention for which they are appointed.

- III. The Department Convention may cause the creation and appointment of Special Committees upon proper motions adopted.
- IV. Convention Committees shall be called for organization by the Department Convention in the Convention City at a time and place to be designated.
- V. Each Post shall designate delegates or alternates for service on each Convention Committee and shall file with the Department Adjutant a list of such designees at least two weeks prior to the opening session of the Convention. Each Post shall notify their designees of their appointment to Committees by mail or email stating the time and place in the Convention City of the initial meeting of these Committees.
- VI. For each Convention Committee the standing Committee Chairman shall be assigned as Temporary Chairman by the Department Commander. Such Temporary Chairman shall at the appointed time and place, call the Committee to order, call the roll of authorized members and proceed to the election from among members of the Committee of a Convention Committee Chairman and Secretary.
- VII. Representation from a majority of the Posts shall constitute a quorum. Failing to establish an initial quorum the Committee shall adjourn to a later time for permanent organization.
- VIII. Posts shall have the right of substitution of Committee members provided proper credentials are filed with the Temporary Chairman or, later, with the Convention Committee Secretary.
- IX. The Temporary Chairman shall file, promptly, a report with the Department Adjutant stating the name and Post of the Convention Committee Chairman and Secretary and a list of the Committee members responding to the initial roll call.
- X. Committee shall proceed to business promptly under such internal organization as the Committee shall decide and under

such rules of order as it shall establish. Committees, upon their own motion, may seat as exofficio members with voice but no vote, members of related Standing Department Committees who are not otherwise designated by their Posts.

- XI.** Committees should endeavor to complete their tasks and compose their final report at least twenty-four hours in advance of their scheduled report to the Department Convention, provided all final policy forming Committee reports to be presented to the Convention shall be approved by such Committees in meetings held after the Department Convention is formally convened or, at the option of the Committee, may authorize the Chairman and Secretary of the Committee by majority vote to sign and deliver the report on the Committee's behalf. Such final reports shall be filed with the office of the Department Adjutant as promptly as possible after Committee adoption. Responsibility for assuring that reports of their Committee are made available to their Posts shall rest with Committee members.
- XII.** A Committee report shall be prepared in that form best presenting the Committee's recommendations. Particular attention shall be given to reporting the disposition of resolutions referred to the Committee. The work of Committees, however, shall not be confined solely to resolutions referred to them, but may extend to action upon any proper subject within their scope and the Committees may make comment and observation in their report upon subjects of policy and operations.
- XIII.** Reports of Committees establishing pronouncement of American Legion policy or calling for legislative or other action, shall be supported by specific resolution.
- XIV.** Committee reports in narrative form are acceptable if supported by resolutions on specific points of policy and are completely documented as to the source of material used in preparation with particular references to resolution assigned to the Committees and showing their disposition.

- XV.** A delegate desiring to appear and be heard on a subject before a Convention Committee shall apply to the Committee Chairman or Secretary.

DUTIES OF CONVENTION COMMITTEES

1. Americanism

To formulate and recommend matters of American Legion policy to the Convention, including plans and programs respecting an understanding and appreciation of the Government of the United States, its Constitution and other historic political pronouncements as well as the duties and responsibilities of citizenship there under with reference to, but not limited to, matters pertaining to patriotic devotion to the United States, assimilation of aliens as United States citizens, education and education facilities, providing protection, care and improved conditions for all children and youth, development of patriotic youth activities and other matters such as religious emphasis consistent with the aims and purposes of The American Legion in the cultivation of loyalty to the United States as expressed in the Preamble to The American Legion Constitution.

2. Constitution and Internal Affairs

To study and make recommendations to the Department Convention concerning all matters pertaining to proposed changes in the Constitution and By-laws of The American Legion. Any proposed amendments to the Constitution and By-laws of The American Legion shall first receive an affirmative vote of the Convention Committee on Constitutional Amendments of at least two-thirds of the votes cast by that Committee, in order for that Committee to adopt any such proposed Constitutional Amendment.

To formulate and recommend matters of policy to the Convention, including plans respecting promotion of American

Legion membership and all other phases of Internal Affairs of The American Legion.

3. **Credentials**

To receive from the Department Adjutant a statement of the number of delegates to which the several Posts are entitled under the Constitution, to verify and recommend approval of the same, including adjustment of disputes thereon and report to the Department Convention at its first session.

4. **Finance**

To formulate and recommend matters of policy of the Convention concerning the financial affairs of The American Legion, including reception of the reports of the Department Treasurer and the Department Finance Committee, and fixing of annual dues of the Department Organization and establishing a budget for the Fiscal Year about to begin.

5. **Legislation**

To formulate and recommend matters of American Legion policy to the Convention including plans and programs respecting State legislation including resolutions thereon not otherwise assigned to other Standing Committees of the Convention.

6. **Membership**

To formulate and recommend to the Convention policies pertaining to membership, to include suggestions and programs that would increase the membership of the Legion of Montana, evaluate resolutions submitted affecting the procurement or retention of said membership and liaison with other committees to share ideas.

7. **National Security**

To formulate and recommend matters of American Legion policy to the Convention, including plans and programs respecting the National Security of the United States in fields of Aerospace, Conventional Armed Forces, Foreign Relations, Law and Order and Homeland Security, Military Benefits and Quality of Life, National Guard and Reserve Forces and Unconventional Forces and Intelligence and in training of the nation to the end that the military , paramilitary and industrial potential of the United States shall be maintained

8. **Resolutions and Rules**

To determine all resolutions are in proper format and germane to The American Legion.

To consider and to devise special rules of order of the Department Convention not provided for in the Standing Rules of Order as may be required or directed by the Convention for the purpose of processing issues or the special business of the Convention. Such special rules shall apply only to the Convention for which they were adopted.

9. **Education and Training**

To formulate and recommend matters of American Legion policy to the Convention, including plans and programs including Education and Training.

10. **Veterans Affairs & Rehabilitation**

To formulate and recommend to the Convention policies in all phases of veterans affairs as they concern all veterans, including but not limited to plans and programs for their physical and mental rehabilitation, their entitlement to compensation and pension benefits, and the welfare and support of their dependents and survivors.

**CONVENTION COMMITTEE
PROCEDURES**

All the Convention delegates assigned by their respective Posts to the committees will meet together on the first day they assemble and elect an overall Committee Chairman and Secretary. Thereafter each Subcommittee will meet separately and organize by electing a Chairman and Secretary. Thereafter, each Subcommittee will consider and act upon all resolutions referred to it. When the Chairmen of such separate Subcommittees have prepared their respective reports, they will submit them to the overall Chairman, who, with their cooperation, will consolidate the same, adding thereto his report on any matters. The overall Chairman will then submit the consolidated report to the Convention for action.

**ORGANIZATION OF POST
CONVENTION DELEGATIONS**

1. Post Delegations in the Department Convention shall be organized according to the following:
 - a. Each Post Delegation shall select from among its delegates a Delegation Chairman and shall designate a Delegation Secretary. Notice of such selection and designation shall be submitted in writing to the Department Adjutant not later than the opening session of the convention.
 - b. Should any Post fail to make such selection or designation the Post Commander and Post Adjutant shall be deemed to be the Delegation Chairman and Secretary respectively.
 - c. The Delegation Chairman shall preside over the Post Delegation caucuses, when convened in the Department Convention. He/She shall be recognized by the Presiding Officer as the floor leader of the delegation and shall be responsible under the Convention Rules for polling and announcing the vote of the Delegation. He/She shall be the principal authority in identifying the official delegates and alternates of the Delegation on questions of the right of the floor and shall otherwise be responsible for the proper representation of the Post Delegation in the Convention.

- d. The Delegation Secretary shall receive all formal notices or other official communications in the name of the Post Delegation. He/She shall perform such other duty in consonance with his office as may be required of him/her under the Rules of the Convention or as prescribed by the Delegation Caucus.

STANDING RULES OF CONVENTION

1. Robert's Rules of Order, Newly Revised shall be the authority on parliamentary procedure, with the following modifications.
2. A delegate desiring to make a motion or address the Convention shall rise, address the Chair as "Comrade Commander" and state his/her name and the name of the Post before proceeding.
3. Debate shall be limited to three minutes for each speaker.
4. Debate on any one subject presented to the Convention shall be limited to fifteen minutes, except under such special rule as the Convention shall adopt prior to debate.
5. But two delegates from any one delegation shall be permitted the floor on any one question. Where disagreement exists within a delegation, one delegate shall be permitted to speak on each side of the question. Upon a division of the question, however, this rule shall be applied separately for each division.
6. The floor shall be permitted but once to any individual delegate on any one question, except by two-thirds vote of the Convention. Chairmen of Convention Committees may speak as frequently as may be necessary in connection with the reports of their committees. The Presiding Officer shall not entertain any motion which will curtail further debate without affording the Committee Chairman an opportunity for rebuttal.

7. Decisions on Rules of Debate or parliamentary order by the Presiding Officer may be subject to appeal by any two delegates under a Point of Order. Such appeal shall take precedence over any pending questions and shall be decided forthwith. An appeal from the decision of the chair shall be put to the convention on the question: "Shall the Chair be sustained"?
8. When the poll of any Post Delegation is demanded by a delegate of such Post, the Convention Secretary shall poll the vote without discussion of the question being voted upon.
9. On the Roll Calls, the delegation Chairman shall poll his delegation on the floor and announce its vote.
10. In the event a delegation secretary is not an accredited delegate or alternate, he/she shall be seated with his/her delegation.
11. Past Commanders Votes shall be cast with their delegations.
12. Only accredited delegates or their alternates shall participate, directly or indirectly, in a viva voce on any subject before the Convention.
13. Post delegations may arrive at a vote in such a manner as they choose, but shall announce it in terms of full units and not in terms of a fractional part of a vote. The vote of any delegate absent and not represented by an alternate shall be cast by the majority of the delegates present from his Post.
14. There shall be no unit rule of voting.
15. Voting shall be by acclamation, except when a Roll Call is demanded by the Chairman of at least three Posts. Election of Department Officers shall be by Roll Call unless there is more than one candidate for an office. Then the vote shall be taken by written ballot.

16. In the event a Post has not provided the method by which alternates shall be designated to serve in the place of absent delegates, the Chairman of the delegation shall make such designation.
17. Those recognized by the Department Commander shall be entitled to a respectful hearing, and the Chair shall have the Authority to clear the gallery or the floor or have the Sergeant-At-Arms escort from the Convention anyone creating a disturbance of interfering with orderly procedure.
18. None of the above rules shall be construed as preventing an alternate delegate from serving on a Convention Committee.
19. The consent of two-thirds of the voting strength of the Convention is necessary for suspension of the standing rules of the Convention.
20. Any amendment to any resolution or report originating on the floor shall be presented in writing and transmitted to the Presiding Officer at the time of the introduction of such amendment.
21. Special rules applying to specific issues or order of business, shall be written and presented to the Convention by the Rules Committee and Resolutions Committee for adoption by majority vote at least one hour before such issue, or order, is to be considered unless such rule agreed by the unanimous consent of the final session.
Special rules shall prevail only in the Convention adopting them. Any delegate may apply for a special rule to the Rules Committee and Resolutions Committee or may appeal to the Convention for such special rule provided the rule be presented in writing, be read once from the platform, and shall lay upon the table at least one hour before the vote thereon is taken.

Elections

1. Prior to the election of Department Officers, the Department Commander shall appoint, subject to approval of the Convention, a Judge of Election who shall be a Past Department Commander and such number of tellers as he/she deems necessary, provided that the total tellers so appointed shall be an odd number. In a contested election, each candidate going to the ballot shall be entitled to one teller of his choice.
2. Nominations for Department Officers shall be from the floor on Roll Call of the Posts numerically arranged. Each Post may present as many candidates as it chooses.
3. Nominating speeches for Department Officers shall be limited to five minutes each. Not more than two seconding speeches shall be made for any candidate, and said speeches shall be limited to two minutes. At the conclusion of Nomination speeches and prior to the casting of the First Ballot, the Commandeer shall direct the Sergeant-At-Arms to secure the doors and prevent departure and entry of all members until conclusion of the election.
4. When more than two candidates are nominated for any office, balloting shall continue until one candidate receives a majority of the votes of the Convention.
5. In a contested election, balloting shall continue until (a) majorities and (b) pluralities are established for one candidate.
6. The Convention will nominate and elect the Department Commander and a Department Vice Commander in this Sequence
7. At the conclusion of balloting on Vice Commander, each Post Delegation Chairman shall deliver a written ballot to the tellers. Such ballots shall be in the hands of the tellers before communication is made to the Department Commander for announcement of the results.

**RESOLUTIONS TO BE CONSIDERED
BY THE CONVENTION**

1. Resolutions shall be submitted upon a proper form and shall be numbered for identification as provided by the Department Adjutant.
2. Resolutions shall be approved by a Post, the Department Executive Committee or any standing or Special Committee of the Convention. Resolutions submitted in advance of the Convention by Posts and the Department Executive Committee shall be filed with the Department Adjutant who shall refer them to the Department Convention Resolutions Assignment Committee.
3. Resolutions emanating from a District shall be forwarded to the Department Adjutant to be in his hands fourteen (14) days prior to the opening session of the Department Convention. The only exception to this rule is in the case of a Post Convention held on a date that renders it physically impossible to comply with the restricted time limit.
4. Resolutions originating with and approved by a Convention Committee shall be received, assigned, and processed which shall identify each Resolution by number, indicate the Committee to which the Resolution was referred, and the originating source.
5. The Department Adjutant shall maintain a Convention Register of all Resolution received, assigned, and processed which shall identify each Resolution by number, indicate the Committee to which the Resolution was referred, and the originating source. The Department Adjutant shall post a copy of each Resolution one hour prior to each Convention session.
6. In the disposition of resolutions considered, Convention Committees shall present them in the following manner: Approved, Approved as Amended, Consolidated, Referred, Received and Recorded and Rejected. The term "Received and Recorded" shall be applied to resolutions which reiterate or reaffirm a present policy position of The American Legion.

7. All Resolutions assigned to, or originating with Convention Committees, shall be identified in the committee Reports to the Convention with a statement of Committee disposition.

**AMENDMENTS TO THE
UNIFORM CODE OF PROCEDURE**

This Uniform Code of Procedure may be amended:

1. By majority vote of the total authorized representation at a Department Convention on a resolution properly before it, or
2. By action of the Department Executive Committee.