

RULES AND PROCEDURES
GOVERNING THE
DEPARTMENT EXECUTIVE COMMITTEE
THE AMERICAN LEGION DEPARTMENT OF
SOUTH CAROLINA

RULE 1:

SELF-GOVERNING

- a. The Department Executive Committee (DEC) of The American Legion, Department of South Carolina, as provided by the Department Constitution of The American Legion, will be a self-governing committee and transact business in accordance with the rules hereinafter set forth, subject only to the Constitution and By-laws of The American Legion and mandates of the National Convention, National Executive Committee and Department Convention.
- b. Between meetings of the Department Convention, the Department Executive Committee will constitute the governing body of this association, such a committee is hereby empowered to make all rules and regulations necessary and consistent with this Constitution and By-laws of this association, and to promote and carry out its aims and purposes. Nes additions, other than the Department officers duly elected by the annual Department Convention. Will be approved the 2/3's vote to the Department Executive Committee or 2/3's vote of the body of The American Legion Department Convention.
- c. All Department Officers shall continue in office until their successors are elected and qualified, unless they shall sooner resign, remove from the Department, or become otherwise disqualified.

RULE 2:

MEMBERSHIP

- a. This Department Executive committee is comprised of all Department Officers elected at the annual Department Convention. Additional membership consists of all District Commanders that are elected by their respective Districts.
- b. The Department Commander serves as the EX-Officio Chairman of the Department Executive Committee.

c. The Department Adjutant serves as the secretary. Supporting the Department Adjutant are the Department Executive Director, Assistant Executive Director, Department Judge Advocate, Department Chaplain, Department Sergeant-at-Arm, to ensure the smooth and efficient running of meeting. This will also cover any Executive Sessions that might arise.

d. All Past Department Commanders, while in good standing in their respective Posts, will be members of the Department Executive Committee without vote but will have a voice, This will also cover any Executive Sessions that might arise.

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

f. All Department Officers and members of the Department Executive Committee will within forty-five (45) days following the conclusion of the annual Department Convention, take the "American Legion Basic Training Course," and successfully complete and graduate from said course.

RULE 3:

MEETINGS

a. The Department Executive Committee shall meet at such times and places as may be agreed upon by the DEC or upon call by the Department Commander and/or the Department Adjutant, or a minimum of ten (10) members of the DEC as prescribed by the Constitution and By-laws. The Executive Committee shall not meet less than four (4)times between Department Conventions.

b. One Fifth (1/5th) of the Department Executive shall constitute a quorum of said Committee.

RULE 4:

EXECUTIVE SESSION

All elected and appointed members of the Department Executive Committee shall be permitted to be present and privileged to participate in the Executive Session of said committee. In addition, the Past Department Commanders as non-voting members of the Department Executive Committee shall be permitted to be present and privileged to participate in Executive Session. Also, any additional persons as outlined in Rule 2 (c) is permitted to attend.

RULE 5:

DUTIES AND POWERS

a. The Department Executive Committee is specifically empowered to exercise the following powers and rights, and may delegate to any Department Commission General Chairman and/or Department sub-committee that are current members of the Department

Executive Committee or sub-committee member authority to investigate and report back to the Committee on any of the following powers and rights:

1. To make decisions on all matters, executive or administrative; Provided, however, that the said action taken shall not be contrary to, nor in derogation of, actions of the National Convention, National Executive Committee, Department Convention, previous action taken by the Department Executive Committee of the Department Constitution/By-laws.

2. That any policy adopted by the National Organization of The American Legion, The American Legion Department of South Carolina by convention action shall be mandated during the year of its adoption and thereafter shall continue as the National/Department policy unless changed by subsequent Convention action or by action of the National/Department Executive Committees.

3. The Department Commander Shall name such committee as he/she deems advisable, subject ratification by the Department Executive Committee, To determine the number of members of all Department Commissions, Committees, Boards/Sub-committees of the Department Executive Committee created by the Department Commander not in conflict with the Constitution and By-laws of The American Legion Department of South Carolina, and to ratify the appointments made by the Department Commander.

4. To make decisions, when necessary, relative to expenditures for which appropriations have been made by the Department Executive Committee and to make emergency appropriations necessary to implement action by the Department Executive Committee.

5. To make appropriations from funds not otherwise appropriated of such additional amounts as may be recognized as emergency requirements.

6. To explore matters requiring the attention of the Department Executive Committee and offer recommendations thereon to the Department Executive Committee.

7. To advise the officers or Department Commissions with regard to problems arising in the performance of their duties or functions.

8. In general, to perform between Department Conventions any and all actions necessary and consistent with the exercise of administrative power by the Department Executive Committee.

9. All questions affecting the election, eligibility and conduct of Department Officers shall be referred to and determined by Department Executive Committee. All questions affecting the election, eligibility and conduct of the National Executive Committeeman/Alternate, or of Department officers or members of the Department Executive Committee, shall be referred to and determined by the Department Executive Committee.

RULE 6:

DECORUM

- a. No member of the Department Executive Committee, or other person except the Department Adjutant and his/her assistants, shall visit or remain by the Adjutant's table while the yeas and nays are being called or counted during any election or voter count.
- b. No member shall speak more than twice upon the same subject without leave of the Department Executive Committee; no more than once until every member choosing to speak shall have spoken.
- c. While the Department Commander is reporting or putting a question, no one shall entertain private discourse, read, stand up, walk into, out of or across the Department Executive Committee room.
- d. No question shall be debated until it has been propounded by the Chair, and then the mover shall have the right to explain his views, in preference to any other member.
- e. While the Department Commander is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.
- f. During any debate, any Department Executive Committee member, though he/she has spoken to the matter, may arise and speak to the orders of the Department Executive Committee if they be transgressed in case the Department Commander does not; but if the Department Commander stands up at any time, he/she is first to be heard.

g. Whenever a division of vote is to be determined on any question before the Department Executive Committee, the Presiding Officer may determine division by.

1. Viva Voce vote, with right of recourse to a "teller vote" or "roll call vote" as hereinafter provided.
2. teller vote whereby the yeas and nays may be counted by a rising vote with recourse to a roll call vote as hereinafter provided.
3. roll call vote may be directed by the Presiding Officer to determine a division of vote on any question. A roll call vote shall be taken upon the request of two-thirds (2/3's) members present.
4. On any Viva Voce vote or teller vote, any member of the Department Executive Committee shall have his/her vote recorded upon his/her request.

RULE 7:

ORDER OF BUSINESS

a. If any member of the Department Executive Committee wishes to bring up any item of interest, concerns, or issues, he/she must submit in writing to the Department Adjutant ten (10) days in advance of the scheduled meeting. The Department Adjutant will notify the Department Commander for consideration of item submitted.

b. The order of business of the Department Executive Committee will be:

1. Salute to Colors
2. The Invocation
3. POW/MIA Remembrance Ceremony
4. Pledge of Allegiance
5. Preamble
6. Roll Call
7. Read the minutes of the former meeting
8. Welcome/opening remarks Department Commander

9. Dispose of letter or communication

10. Receive reports from Department Officers of The American Legion Department of South Carolina.

11. Receive reports for Department Commissions, Department Committees, Boards and Sub-committees of the Department Executive Committee.

12. Receive resolution, motions, and petitions

13. Act upon unfinished business of the preceding Department Executive Committee meeting

14. Act upon new business that has come before the Department Executive Committee for action.

15. Good of The American Legion.

16. Benediction

17. Salute the Colors

RULE 8:

FISCAL POLICY

All matters of business affecting the fiscal policy of The American Legion Department of South Carolina, or financial matters outside the scope of mandates of the Department Convention, and/or the Department Finance Committee including the making, cancellation, abrogation, or modification of any contract to which the Department is a party shall require a two-thirds (2/3rd) majority vote for approval upon the recommendation of the Department Adjutant and Finance Committee.

RULE 9:

TRANSACTION OF Business BY MAIL, E-MAIL, OR TELEPHONE

a. The Department Executive Committee, without meeting together, may transact by mail or by e-mail, or by telephone on a matter of extreme urgency not involving the establishment of any new policy and on which action cannot be delayed to the next regular meeting, by voting upon proposed actions mailed or e-mail or telephoned to them by the Department Adjutant, with the approval of the Department Commander.

b. Five (5) days shall be allowed for the return of vote by email and ten (10) days are allowed for return by mail.

c. The voting shall be considered closed at the end of the allowed time period provided, that three-fourths (3/4th) of the members of the Department Executive

Committee have returned their votes by that time, or it shall be considered closed at any prior thereto, if and when. All members shall have returned their votes.

d. That in the event that one-third (1/3rd) of the Committee in writing objects to the ballot by mail or by e-mail or by telephone, the matter shall not be decided and will be considered as the first order of business at the next regular or special meeting.

e. That votes by e-mail shall be confirmed by mail by the Department Adjutant, and that thereafter the Department Adjutant shall notify the committee of the action taken.

RULE 10:

PROCEDURE

a. Letters and communications addressed to the Department Commander, the Department Adjutant, the Department Executive Committee, or any other Department Officer and by them referred to the Department Executive committee shall be read (or published to the members, if such be import) by the Department Adjutant.

b. Reports of Department Officers shall be acted upon directly by the Department Executive Committee, except that by direction of the Department Executive Committee a report of any officer may be referred to a Subcommittee of the Department for study and report thereon its findings at the next regularly scheduled meeting of the Department Executive Committee or as directed by the Department Commander or the Department Adjutant.

c. Such letters/communications/reports shall be disposed of in one of the following ways:

1. By a motion to accept: Such a motion shall have the effect of approving the subject matter and should include specific instructions for further disposition. i.e., by directions of the Department Commander, Department Adjutant, or other proper officer; by reference to an appropriate Commission or Committee of other proper instruction.

2. By a motion to receive and file: Such a motion shall denote neither approval nor disapproval of the subject matter and shall require no action on the part of the Department Officers or others beyond a formal reply should such be required.

3. By a motion to reject or decline: Such a motion shall mean disapproval and should include specific instructions for further disposition as contemplated in paragraph 1 above.

RULE 11:

SUSPENSION OF RULES

No standing rule or order of the Department Executive Committee shall be suspended without one hour's notice being given of the motion therefor, and no rule shall be suspended except by a vote of two-thirds (2/3's) of all members present.

RULE 12:

ROBERT RULES OF ORDER TO GOVERN

Except as otherwise herein specifically provided, Robert's Rule of Order, Newly Revised, shall govern.

Approved by DEC May 18, 2025