

**The American Legion
Department of Nebraska**

RESOLUTION

Resolution No. 922

Subject: Department Officer Succession

Submitted by: D7

Referred to:
(1) Constitution & Bylaws CMTE

WHEREAS, Article VI, Section 4, paragraph 3 of The American Legion, Department of Nebraska Constitution does not define the seniority of the Area Vice Commanders; and

WHEREAS, Article VI, Section 5 of The American Legion, Department of Nebraska Constitution does not define the seniority of the Area Vice Commanders; now, therefore, be it

RESOLVED, By The American Legion, Department of Nebraska, in regular convention assembled in Columbus, Nebraska, on June 23, 24, 25, 26, 2022, That, Article VI of the Constitution of The American Legion, Department of Nebraska, be amended to read as appended hereto.

ARTICLE VI DEPARTMENT OFFICERS

Section 1. The Department Convention shall elect a Department Commander, one Department Senior Vice Commander, four Area Vice Commanders, and in each even numbered year a National Committeeman and an Alternate National Committeeman, all of whom shall be members of Posts within the Department of Nebraska. All Legionnaires on the ballot must be certified by the Department Adjutant prior to election using a valid document of proof. It is further provided that the Department Commander, Senior Department Vice Commander, National Committeeman, and the Alternate National Committeeman, shall be voted upon by all delegates accredited to the Department Convention, and further provided that the Area Vice Commanders shall be members of a Post within the Area which they represent and shall be nominated and voted upon only by delegates representing the Posts in the Area to be served by such Area Vice Commander.

Said areas shall be comprised of the following Districts of the Department.

Area A – Districts 3 and 8

Area B – Districts 2, 6 and 7

Area C – Districts 10, 11, 12, 13 and 15

Area D – Districts 1, 4, 5 and 9

All of the aforesaid officers, excepting the National Committeeman and the Alternate National Committeeman, shall be installed either in person or by proxy, immediately prior to the adjournment of the convention.

Section 2. No person shall be eligible for reelection to the office of Department Commander or Department Senior Vice Commander. Persons shall be eligible for reelection to the office of Area Vice Commander, provided they are not serving a consecutive term in that office.

Section 3. The Department officers mentioned in Section 1 shall serve until the adjournment of the annual Department Convention succeeding their election, or approximately one year and until their successors are elected and qualified, except that the Department National Committeeman and Alternation National Committeeman shall serve until the second annual National Convention after their election or approximately two years, or until their successors are elected and qualified.

Section 4. The Department Commander shall appoint, subject to approval of the Department Executive Committee, a Department Adjutant, Assistant Department Adjutant, Department Public Relations Officer, Department Chaplain, Department Judge Advocate, Department Historian, Department Sergeant-at-Arms, and Department

Service Officer. The Department Service Officer may be one and the same persons as one of the Nebraska State Service Officers under the State Department of Veterans Affairs. The Department commander may appoint, subject to the approval of the Department Executive Committee, an Assistant Sergeant-at-Arms.

The Department Chaplain, Department Judge Advocate, Department Sergeant-at-Arms, Assistant Department Sergeant-at-Arms, Department Public Relations Officer, Department Historian, and Department Service Officer shall hold office during the term of the Department Commander, and until their successors are appointed. The Department Adjutant and Assistant Department Adjutant shall, following appointment by the Department Commander and approval of the Department Executive Committee and after serving the period of probation determined by their employment agreement, have tenure of office and continue to serve in the office to which they were appointed until such time as they may retire or are removed from office for malfeasance or nonfeasance of duties. They may be removed from office by a two-thirds vote of the Department Executive Committee at any regular meeting or special meeting called for that purpose.

At the first meeting following the Department Convention, the Department Executive Committee shall designate the seniority of the Area Vice Commanders, **commencing in 2021 with the Area A Vice Commander and continuing annually in an alphabetic ascending rotation.** ~~and they shall in the order designated, in the event of the death, resignation or permanent incapacity of the Department Commander and the Department Senior Vice Commander, succeed to the office of Department Commander, or in the event of the temporary absence, incapacity or disability of the Department Commander and the Department Senior Vice Commander, the Area Vice Commanders, in the order designated shall assume and have the Department Commander's responsibilities, power and authority.~~

Section 5. Vacancies in all Department offices occurring between Department Conventions, shall be filled by the Department Commander, subject to the approval of the Department Executive Committee at its next meeting after such appointment, provided

(a) the vacancy in the office of Department Commander shall be supplied ~~first~~ by the Department Senior Vice Commander, ~~and secondly by the Area Vice Commanders in the order of their seniority;~~

(b) **the vacancy in the office of Department Senior Vice Commander shall be supplied by the Area Vice Commanders in the order of their seniority;**

~~(b)~~ **(c)** when the office of the National Committeeman becomes vacant, the Alternate National Committeeman shall become the National Committeeman for the full unexpired term and the Department Commander, with the approval of the Department Executive Committee, shall appoint an Alternate National Committeeman;

~~(c)~~ **(d)** when there is a vacancy in the office of any Department Executive Committeeman, the Vice Committeeman shall serve until the next district convention, when a successor shall be elected. When there is a vacancy in the office of any District Vice Commander, the position of Vice Commander shall be filled by the District Executive Committee and shall serve until the next District Convention when a successor shall be elected. Action is to be taken within 30 days of this vacancy. In case of a vacancy in the office of both District Commander and District Vice Commander in the same District, the Department Commander shall appoint such officers to serve until the next district convention.

Section 6. The Department Executive Committee shall, at its first meeting following the Department Convention, appoint a Department Finance Officer to serve for the term of one fiscal year of the Department and until his successor is appointed, and he shall be treasurer of the Department.

Section 7. The Department Executive Committee may, by a two-thirds vote, fix and pay a salary or other compensation to any Department officers, official, or member of a standing committee when in its judgment it is to the interest of the Department that same be paid.