



AMERICAN LEGION RIDERS - DEPARTMENT OF CALIFORNIA  
PROPOSED DEPARTMENT BYLAWS REVISION REPORT  
Mark L. Rice, Judge Advocate, ALR/DOC  
10 February 2021

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A few months back, President Rey Ruiz established a Standing Committee to review our Department Bylaws for possible update recommendations. Attached is a result of the work of that committee.

It is usually required that changes be made using lining out and italics for insertions. However, when a large number of recommended changes are made, the document becomes what is considered to be a revision. In order to assure both criteria are met, the changes, or in this case the revision, is being submitted in both forms.

**Clean Copy:** This format has all the recommended changes made to include punctuation and needed capitalization and any spelling corrections. **This is the format the Convention Floor will be voting on.** Delegates will be able to make motions or submit resolutions for any further changes at that time.

**Working Copy:** This is the format that shows what was added, deleted, or moved minus capitalization and minor punctuation changes. Essentially, both copies read the same.

If anybody has any comments or questions, you can email me at [alrdocja@gmail.com](mailto:alrdocja@gmail.com). My phone number is below. Any additional changes will be addressed on the floor of the convention. If you need a copy in Word format, you can email me requesting one.

Once the Revision is approved on the floor at the convention, I will send out a new template for the Chapters to follow and will make an online training session available for Chapters redoing their Bylaws.

Respectfully Submitted

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Department of California  
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**THIS IS A CLEAN COPY FOR PROPOSED CHANGES AT THE 2021 ALR CONVENTION  
(NOTE: *The Convention floor will be voting on the CLEAN COPY.*)**

**THE AMERICAN LEGION RIDERS – DEPARTMENT OF CALIFORNIA  
BYLAWS**

**PREAMBLE**

For God and Country, we associate ourselves as members of the American Legion Family, constituting the American Legion Riders 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 associations in all 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 Goodwill on Earth;

To safeguard and transmit to posterity the principles of Justice, Freedom and Democracy;

To participate in parades and other ceremonies which are in keeping with the aims and purposes of the American Legion;

To promote motorcycle safety education programs and to provide a social atmosphere for American Legion Family members with the same motorcycle interests;

To consecrate and sanctify our association by our devotion to mutual helpfulness.

**ARTICLE I**

**NAME**

Section 1. The name of the organization shall be the American Legion Riders - Department of California hereinafter referred to as "Department".

Section 2. Permanent headquarters of The American Legion Riders - Department of California, shall be co-located with the headquarters office of The American Legion - Department of California or such city as designated by the Annual Convention of the Department or the Department Executive Committee.

**ARTICLE II**  
**NATURE**

Section 1. The American Legion Riders is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the American Legion Riders; no member shall be addressed by their military title in any convention or meeting of The American Legion Riders.

Section 2. The American Legion Riders shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment. No candidate for, or incumbent of remunerative elected public office shall hold any office in the American Legion Riders - Department of California, or subdivision thereof.

Section 3. The American Legion Riders - Department of California shall be absolutely nonsectarian.

Section 4. Each member shall perform their full duty as a citizen.

Section 5. The American Legion Riders is a program of the American Legion and is formed to promote the aims and purposes of The American Legion by members of The American Legion, the American Legion Auxiliary, and the Sons of The American Legion.

Section 6. Members are the motorcycle enthusiasts of The American Legion; with sole purpose to support The American Legion and the long standing and respected position and ideals therein. Members ride solely to promote the aims and purposes of The American Legion as a family oriented motorcycling activity for members of The American Legion the American Legion Auxiliary, and the Sons of The American Legion. It is required that members dress and act at all times in a manner that conforms with the Bylaws, Constitution and Resolutions of the American Legion Riders - Department of California and The American Legion - Department of California and further promotes a positive image beyond reproach for The American Legion and its principle., Members are reminded that they are a public face of this organization when operating in group activities or interacting with the community and shall act accordingly.

**ARTICLE III**  
**MEMBERSHIP ELIGIBILITY**

Section 1. There is one recognized "class" of involvement with the American Legion Riders as defined below. All members must be a member in good standing, of The American Legion, the American Legion Auxiliary, or the Sons of The American Legion.

Section 2. Members in the American Legion Riders must be the legally registered owner or operator of a highway legal two or three wheeled motorcycle and must possess a valid driver's license for the qualifying vehicle in their state of residence (military equivalents acceptable as well) or be the legal spouse, or registered domestic partner of an American Legion Riders member within the Chapter of application.

Section 3. Members may not be concurrent members in more than one local Chapter except that they may maintain membership in a local Chapter during the period of organization of another local Chapter. Once the new local Chapter has been officially recognized by Department, they must limit their membership to only one Chapter.

Section 4. All candidates for membership into the American Legion Riders shall be voted upon by the membership of the Chapter at a regular meeting. A majority vote of those present and voting shall elect or reject a candidate.

Section 5. No person who has been expelled from a Chapter shall be admitted to membership in another Chapter without the consent of the expelling Chapter. Where such consent has been asked for and denied by such Chapter the person may then appeal to the Department Executive Committee for permission to be admitted to membership in another Chapter and shall be ineligible for membership until such permission is granted.

Section 6. No member of the American Legion Riders in good standing shall be excluded or denied membership because of race, creed or color, in any group affiliated with the American Legion Riders that uses the prestige, name or emblem of the American Legion Riders.

Section 7. Active members in good standing who become physically incapable of operating a motorcycle or who lose a spouse to death may be granted retired status by a vote of the Chapter. The status retired, applies only to the ownership and operation of a motorcycle requirement and does not create another class of membership. All other provisions of these Bylaws will apply to members granted this status. The Chapter will communicate to the American Legion Riders Department Secretary in writing, the granting of Retired Status, the members' information, and the reason for granting retired status

**ARTICLE IV**  
**OFFICERS**

Section 1. The elected officers of this organization shall be the Director, Vice--Director, Sergeant-at-Arms, and six (6) Area Vice-Directors. The appointed officers shall be the Judge Advocate, Secretary, Treasurer, and Chaplain, Historian, Service Officer, Safety Officer, Quartermaster, Membership Officer and Parliamentarian. The six (6) Area Vice-Directors and Alternate Vice-Directors will be elected at the annual convention of the American Legion Riders by the respective Area delegates to the convention seated and present in the Area caucus. The Alternate Area Vice-Directors shall represent the Area in the absences of the Area Vice-Director.

Section 2. DEPARTMENT DIRECTOR: The Department Director shall preside at all Executive Committee Meetings and shall preside at the Annual Department Convention. The Director will be the Chief Executive Officer of the Department and shall bear ultimate responsibility. To this end, the Director will make all appointments as permitted by the Department Bylaws and approved by the Department Executive Committee. The Director shall be in attendance at Committee and Commission meetings. The Director shall represent the Department of California at various events. The Vice-Director or other Department Officers may fill-in in his absence.

Section 3. DEPARTMENT VICE-DIRECTOR: The Vice-Director will be available to represent the Director in their absence. The Vice-Director will be responsible for Membership and advise the Director on all matters regarding membership. The Vice-Director shall also perform such other duties as assigned by the Director providing there is no conflict with the Department Constitution and Bylaws.

Section 4. AREA VICE-DIRECTOR: The Area Vice-Director, or the Alternate Area Vice-Director in their absence, is the official representative of the Department Director and of the Department Vice-Director in which their Area is located and is the Executive Officer of that Area. It is the duty of the Area Vice-Director to at all times cooperate with the Officers of the Chapters in their Area and fulfill the duties outlined in Article VII, Section 2.

Section 5. SECRETARY: The Department Secretary shall be the Chief Administrative Officer of the Department. The assigned duties will be performed in accordance with the Department Constitution and Bylaws by maintaining the Department records, and publishing any necessary orders, announcements, and instructions. Both Chapter and Assistant Secretaries shall report to the Department Secretary. The Department Secretary shall also perform such

other duties as assigned by the Director providing there is no conflict with the Department Constitution and Bylaws.

Section 6. TREASURER: The Department Treasurer shall be the Chief Financial Officer of the Department and shall be a voting member of the Department Finance Committee. The duties will be performed in accordance with the Department Constitution and Bylaws. The Department Treasurer shall also perform such other duties as assigned by the Director providing there is no conflict with the Department Constitution and Bylaws.

Section 7. SERGEANT-AT-ARMS: a.) The Department Sergeant-At-Arms will be responsible for preserving order at all meetings of the Department. The Department Sergeant-At-Arms shall have custody of the Department Colors. The Department Sergeant-At-Arms shall identify all persons at Department meetings and shall be responsible for the sign in roster and introducing dignitaries and guests at all meetings.

b.) The Department Sergeant-At-Arms shall have the authority to appoint Assistant Sergeant-At-Arms to assist him at Department meetings. The Department Sergeant-At-Arms shall also perform such other duties as assigned by the Director providing there is no conflict with the Department Constitution and Bylaws.

Section 8. CHAPLAIN: The Department Chaplain shall perform such divine and nonsectarian service as outlined in the Department Constitution and Bylaws. The Department Chaplain shall be ready upon occasion to take part in dedication ceremonies and the funeral services of a comrade. The Department Chaplain shall also perform such other duties as assigned by the Director providing there is no conflict with the Department Constitution and Bylaws.

Section 9. JUDGE ADVOCATE: The Department Judge Advocate shall advise the Department Officers and the Department Executive Committee on all legal matters, including the construction and interpretation of the Department Bylaws. The Department Judge Advocate shall advise the Department Officers and the Department Executive Committee regarding parliamentary procedure when requested. The Department Judge Advocate shall also preside over the Trial Board Committee if necessary. The Department Judge Advocate shall also perform such other duties as assigned by the Director providing there is no conflict with the Department Constitution and Bylaws.

Section 10. MEMBERSHIP OFFICER: The Membership Officer shall maintain and update, as necessary, the membership strength of each chapter in the Department and report such information at each regular meeting of the Department and to foster and promote membership in the American Legion Riders - Department of California.

Section 11. QUARTERMASTER: The Quartermaster shall maintain an inventory of back patches, flares, berets and other such merchandise that bears the American Legion Riders and/or the American Legion Riders – Department of California logo.

Section 12. HISTORIAN: The Historian shall keep a chronological history of Department events and activities, using media such as, but not limited to, writings, video and photography.

Section 13. SERVICE OFFICER: The Service Officer shall provide information, referrals and resources on education, employment and business, death benefits and other important topics to veterans and their families.

Section 14. SAFETY OFFICER: The Safety Officer shall promote motorcycle safety education programs. They will update the American Legion Riders – Department of California Safety Handbook as needed. The Safety Officer will provide motorcycle safety training information and/or tools when requested by individual chapters and the Department Executive Committee.

Section 15. PARLIAMENTARIAN: The Parliamentarian shall as advisor to the Department Director the Department Executive Committee, chapters and members on matters regarding parliamentary procedure.

Section 16. No Area Vice-Director shall at the same time hold the Office of Director of any American Legion Riders Chapter. In that such a dual role creates a conflict of interest in the due administration of the Riders program by the Department Executive Committee. This section does not deny any Past Chapter Director the opportunity to serve as an Area Vice-Director.

## **ARTICLE V** **ORGANIZATION – CHAPTERS**

Section 1. Chapters of The American Legion Riders - Department of California shall be organized under the jurisdiction and sponsorship of the local Post of The American Legion. The local unit shall be termed the “Chapter” which must have and maintain a minimum of five (5) members at the time of signing of the application for the charter. Those who wish to form a Chapter of the American Legion Riders shall make an application to the Post Commander of the local Post of The American Legion, in which they reside. The aforementioned application shall be forwarded to the Director of the American Legion Riders - Department of California. The application shall be presented to the Department Executive Committee for final approval. After approval, the Department will issue a permanent charter.

Section 2. There shall be only one Chapter of the American Legion Riders for each Post of The American Legion – Department of California.

Section 3. The Officers of each chapter shall consist of a minimum of Director, Vice-Director, Secretary, Treasurer, and Sergeant-at-Arms. ~~and~~ The Chapters may have other officers such as a Chaplain, Judge Advocate, Safety Officer, Road Captains, Historian, Public Relations Officer, or other officers as the chapter has stated in their Bylaws. The elected officers will consist of the Director, Vice-Director, and Treasurer. Other officers may be elected or appointed at the discretion of the local Chapter Bylaws.

Section 4. The Commander of the sponsoring American Legion Post may appoint an Advisor to coordinate activities of the Chapter with the Post.

Section 5. Two rounds of nominations and elections for chapter officers shall be held between April 1<sup>st</sup> and June 30<sup>th</sup> of each year with notice given therein. Officers shall assume their duties effective July 1<sup>st</sup> and will be installed by September 1<sup>st</sup>.

Section 6. All Chapters of The American Legion Riders, Department of California, shall adopt Bylaws conforming to the Bylaws of the American Legion Riders – Department of California, and shall electronically transmit a copy of same to the Department Judge Advocate for approval, with approved copies being forwarded to Area Vice-Director and Department Secretary for filing no later than March 1<sup>st</sup> annually. If no amendments are made to the Bylaws the Chapter Secretary may notify the Department Secretary and not resend a copy.

## **ARTICLE VI** **ORGANIZATION – DISTRICTS**

Section 1. Upon the request in writing to the Department Director of three (3) or more of the Chapters with declining membership in a District with members in good standing, a District organization may be chartered by approval of the Department Executive Committee. Per capita payable to the Department shall not be diminished by this action. There cannot be more than one District organization within a Department of California District. Chapters maintaining their membership and obligations may continue to operate as a Chapter. Districts must maintain a membership of riders from at least three (3) different Posts without a Chapter.

Section 2. All other articles of these Bylaws beyond Article VI, Section 1 will apply equally to the Districts as they do to the Chapters of the American Legion Riders – Department of California.



**ARTICLE VII**  
**AREAS**

Section 1: There shall be six (6) Areas within the American Legion Riders - Department of California aligned in the same manner as the Areas in The American Legion - Department of California.

AREA ONE – To consist of Districts Nos. Numbers: 1, 2, 3, 4, 5, 6, and 7

AREA TWO – To consist of Nos. Districts Numbers: 8, 9, 10, 13, 26, and 28

AREA THREE – To consist of Districts Nos. Numbers: 11, 12, 14, 15, and 27

AREA FOUR – To consist of Districts Nos. Numbers: 17, 19 and 23

AREA FIVE – To consist of Districts Nos. Numbers: 21, 22, 25, 29 and 30

AREA SIX – To consist of Districts Nos. Numbers: 16, 18, 20 and 24

Section 2. It is the responsibility of the Area Vice-Director to obtain properly executed Certification of Chapter Officer Reports no later than July 31st annually and End of Year Chapter Reports no later than April 1st annually from the Chapter within their Area, and to electronically transmit said Reports to the Department Secretary prior to the opening of the annual Department Convention. This includes a certification of chapter Points of Contacts to be submitted by August 31<sup>st</sup>.

Section 3. It is the responsibility of the Area Vice-Director to maintain current membership information for all Chapters in their Area as the rosters change. Chapter online rosters shall be updated as needed by the chapter during the year and in January annually for the purpose of paying the correct amount of per capita.

Section 4. The Area Vice-Director shall convene an Area Meeting of all Chapters in their Area not less than twice a year. The Area Vice-Director shall Chair the meeting of the Area Caucus at the Department Convention.

Section 5. The Area Vice-Director shall lend their best efforts to investigate all applications for new Chapters and report to the Department meeting at which the application of said Chapter is to be considered, the result of their investigation and recommendation thereon; to recommend the revocation of the Charter of a Chapter for good and sufficient reasons; to encourage the amalgamation of weak Chapters into strong and representative Chapters, and to promote inter-Chapter activities and relations; to visit each Chapter in the Area at least once a year; to promote a spirit of cooperation among the Chapter in his/her their Area for the development of the principles of the American Legion Riders.

**ARTICLE VIII**  
**ADMINISTRATION**

Section 1. The legislative body of the organization shall be a Department Convention which shall be held annually.

Section 2 (a). The time and place of such convention shall be fixed by a vote of a preceding convention but may not grant any date beyond seven (7) years. In the event that a preceding convention has not fixed a time and place for the holding of the next convention, it shall be fixed by the Department Executive Committee at least one hundred and twenty (120) days whenever possible or as soon as possible thereof prior to the date for which the convention shall be called, unless there are exigent circumstances. 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.

(b) The annual Convention shall be limited to a period of four (4) consecutive days, of which one (1) day shall be a Sunday, the last two (2) of which shall be restricted to American Legion Riders business only and shall be composed of delegates and alternates for each Chapter. Each Chapter shall be entitled to (2) delegates and two (2) alternates, and one (1) additional delegate and one (1) additional alternate for each twenty (20) members or major fraction thereof paid up thirty (30) days prior to the date of the opening of the Department Convention. The Convention shall be held concurrently with or prior to the annual convention of The American Legion - Department of California. The vote of each Chapter checked in at the Convention shall be equal to the total number of delegates to which the Chapter is entitled and who are present and properly certified. Only one member shall speak for the delegation when voting unless a vote is contested.

Section 3. a. Each Chapter in the Department shall, at least thirty (30) days prior to the opening of the Annual Department Convention, elect delegates and alternates to such Convention and shall certify such election to the Department Secretary at least twenty-five (25) days prior to the opening of the Convention. Said delegate certification shall be electronically transmitted to the Department Secretary and must be authenticated by the signatures of the Chapter Director and Secretary. 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 Convention Committee on Credentials shall have the authority to accredit such delegates as can establish their election as delegates and alternates to the Convention.

b. No delegate or delegates from any Chapter shall be accredited in the Department Convention unless all obligations to the Department have been paid and satisfied no later than twenty-five (25) days prior to the Department Convention. The Chapter shall have Bylaws which have been approved by the Judge Advocate. The Department Secretary shall electronically transmit a Suspension Notice to all members of each Chapter not meeting all obligations twenty-four (24) days prior to the convening of the Convention.

Section 4. The Convention delegate fees shall be set by the Department Executive Committee at their first meeting following the previous Convention. Convention delegate fees are necessary to insure the due administration of this program. Convention delegate fees shall be a required fee to be paid by the individual member Chapters as follows: The Secretary shall bill each Chapter at the time the Chapter is notified of the number of delegates to which it is entitled by February 1st. Said sum shall be paid no later than thirty (30) days before the opening date of the Convention and no delegate shall be accredited if said sum has not been paid. Failure to timely pay Convention delegate fees as billed shall also subject the offending Chapter to disciplinary action including suspension. Three thousand dollars (\$3,000.00 from the delegate fees shall be made available to the Chapter or District hosting the convention. Any surplus remaining after all expenses have been paid shall be returned to the Department.

Section 5. All Past Department Directors and Presidents, Past Department Secretaries, incumbent members of the Department Executive Committee and all incumbent officers, except the Department Secretary, who attend and register as such, shall be delegates to the Department Convention with voice and vote, Convention delegate fee for such delegate shall be waived by the Department.

Section 6. All chairmen of the Department Standing Committees, if not elected as delegates shall have voice, but no vote.

Section 7. A quorum at a Department Convention shall consist of a majority of the Chapters partially or fully represented by duly elected delegates or alternates. No Chapter shall be represented at the Department Convention by proxy.

Section 8. Standing Committees of each Convention shall be the following: Constitution and Bylaws, Convention and Rally, Credentials, Finance, Membership, Public Relations, Resolutions, California Legacy Run, Safety, Trial Board, Uniform, Awards and Recognition, and Ways and Means. It is mandatory for the Credentials and Resolutions Committees to organize and function on the first (1st) day of the Convention not later than 1:00 p.m. The Department Executive Committee at their meeting just prior to convention as needed, may call for any other committees named in these bylaws or otherwise needed to organize and meet not later

than 6:00 p.m. on the first (1<sup>st</sup>) day of the convention. Each Committee, except Credentials, and Resolutions shall be composed of at least one (1) delegate from each Area in the Department, the member being chosen by the delegates from such Area. In addition, the chairmen and two (2) members designated by him of each corresponding Department Standing Committee shall be ex-officio members of such Convention Committees. The "Credentials", "Organization and Rules" and the Resolutions Committees, in order that the work of the Convention be expedited, shall be appointed by the Department Director in such number as he may deem advisable, from among such delegates as will be present in the city of the Convention prior to its convening.

Section 9. All Resolutions to be brought up at the convention shall be submitted and processed in accordance with Article VIII, Section 22. Resolutions shall first be presented to the Resolutions Committee, which said committee shall classify and assign such resolutions to the appropriate Committees without recommendations. After such Resolutions shall have been so classified, they shall be returned to the Department Secretary who shall retain them for the Standing Committee of the Convention to which such resolution shall have been assigned.

Section 10. At each Department Convention a budget shall be prepared by the Convention Finance Committee. Said budget after setting forth the allocation for specified items including the expenses and allowance for the Director and Secretary, shall also carry an item for contingencies not otherwise provided for. Such budget is to be presented to the Convention for its consideration. The Convention shall have the right to modify the budget as so prepared and thereafter adopt said budget as prepared or as so modified. After the adoption of the said budget no funds of the Department in excess of the budget shall be expended without the approval of a two-third (2/3) majority vote of the Department Executive Committee and an majority vote of the Department Finance Commission, provided, however, that in the event the Finance Commission by a majority vote shall disapprove of such expenditure in excess of the budget, the Department Executive Committee by a three fourths (3/4) vote may over-ride the action of the Finance Commission and approve such expenditure and such action of the Department Executive Committee shall be final; provided further that in no event shall funds of the Department be expended or disbursed in any fiscal year in excess of the current income of the Department during that fiscal year unless such expenditures are expressly authorized to be made from the reserve funds as provided in Article X, hereof. During the first (1st) six (6) months of each fiscal year, ordinary Department expenses may be made on the basis of anticipated income. After January 1st of each fiscal year the aggregate expenditures of the fiscal year must never exceed the aggregate income actually received during said fiscal year unless use of reserve funds is expressly authorized. In the event that it appears to the Department Executive Committee that the aggregate income for the fiscal year will be less than the aggregate expenditures authorized by said budget, the Department Executive

Committee shall have authority from time to time to reallocate the income available for expenditures from budget items in such manner as it shall deem for the best interests of the American Legion Riders. Such reallocation shall be made by a two-thirds (2/3) vote of the Department Executive Committee with the approval of the Department Finance Commission by a majority vote, or by a three-quarters (3/4) vote of the Department Executive Committee without the approval of the Finance Commission. The fiscal year of the Department shall be May 1st to April 30th of the following year. At the close of each fiscal year the financial records of the Department must be audited and a copy of said audit forthwith delivered to each member of the Department Executive Committee. The Department Executive Committee or the Department Director may order an audit of the financial records of the Department at such other times during any fiscal year as may be deemed necessary or advisable. The annual budget is subject to final ratification of The American Legion Department of California in annual convention assembled.

Section 13. The Department Director, the Department Vice-Director, and the Department Sergeant-at-Arms shall be elected at the regular Department Convention and shall hold office until the close of the following Department Convention. The election of the six (6) Vice-Directors representing the six (6) areas and any Alternate Vice-Directors, of the Department shall be by vote of the delegates of the Chapters of each specific Area provided further that the Area Vice-Director shall be a member of a Chapter of the specific Area they are elected to represent.

Section 14. No elected officer of the Department Executive Committee shall be elected to the same office for more than three (3) successive terms.

Section 15. All elections at Department Convention shall be by roll call. Each Chapter reporting the total votes cast for each candidate by the delegates of the Chapter that are present and voting.

Section 16. The Department Secretary, Treasurer, Judge Advocate, Chaplain, Historian, Service Officer, Safety Officer, Quartermaster, and Parliamentarian shall be appointed each year by the Department Director with the approval of the Department Executive Committee to serve until their successors are selected or until removed by the Department Executive Committee upon recommendation of the Department Director.

Section 17. A vacancy in an elective office of the Department, whether such vacancy occurs through death, or inability to act of the Department officer, shall be filled by the Department Executive Committee. The Department Director, or in the event of a vacancy in that office, the

Department Secretary shall summon the Department Executive Committee to elect a successor to fill such vacancy for the balance of said term.

Section 18. The time and place of the Annual State Convention shall be fixed such that the American Legion Riders - Department of California State Convention shall rotate the between Areas 1, 2, or 3 on odd numbered years and Areas 4, 5, or 6 on even numbered years.

Section 19. The time and place of the Annual State Rally shall be fixed such that the American Legion Riders - Department of California State Rally shall rotate the between Areas 1, 2, or 3 on even numbered years and Area's 4, 5, or 6 on odd numbered years.

Section 20. All financial, and nonfinancial information of each member Chapter will be made available upon reasonable request with reasonable notification, by the Executive Committee of their respective American Legion Post.

Section 21. Resolutions shall be presented at the Chapter level for a vote, then be presented to the Area at an Area Vice-Director meeting for a vote for approval before being submitted to the membership at convention. Resolutions passed at an Area meeting shall be given to the Department Secretary no later than 30 days prior to the opening of convention for posting on the American Legion Riders website for review by the department membership.

## **ARTICLE IX** **EXECUTIVE COMMITTEE**

Section 1. The administrative body of the Department between conventions will be the Department Executive Committee. The Department Executive Committee shall consist of the elected officers for the current year, and the Junior Past Department Director.

Section 2.-The Department Executive Committee, a two-thirds (2/3) vote of said committee being necessary to affect such removal, may remove any Officer or Committee Member for inefficiency. An officer who is absent from two (2) or more Department Executive Committee meetings may be removed, upon due investigation of the Department Executive Committee.

Section 3. The Department Executive Committee of the American Legion Riders shall meet at least twice a year, at the call of the Director. It shall also meet within 24 hours preceding the Department Convention, and within 24 hours following the Department Convention.

Section 4. The following Department Officers will receive an official call-in: Director, Vice-Director, Treasurer, Sergeant-At-Arms, Judge Advocate, and Area Vice-Directors. In addition

to the above Officers, Committee Chairman may be officially called in to report on their Committees. In addition, Assistant Sgt.-At-Arms, Assistant Secretaries and/or Assistant Judge Advocate may be officially called in as deemed necessary by the Department Director or the Department Executive Committee. Under no circumstances will any one individual receive more than (1) one call-in voucher, no matter how many titles held. The Department Director and the Department Secretary will receive a call-in; however, they are exempt from the voucher clause as they fall under a different budget line-item number. An Official call-in is defined as a paid Call-In in accordance with Article X, Section 4.

Section 5. At all Department Executive Committee Meetings, the Department Director, Vice-Director, Area Vice-Directors, Sergeant-at-Arms, and Junior Past Director shall have voice and vote. The Department Secretary, Treasurer, Judge Advocate, Chaplain, all Department Past Presidents and Directors, and other appointed Department Officers shall have voice with no vote.

## **ARTICLE X** **FINANCES**

Section 1. The revenue of The American Legion Riders, Department of California, shall be derived from the annual membership dues and from such other sources as may be approved by The American Legion Riders - Department of California, Executive Committee.

Section 2. The Amount of the annual Department per capita shall be established by a 2/3 majority vote of the Convention and payable by February 14th each year. The Department Secretary shall bill each chapter no later than January 1<sup>st</sup>.

Section 3. Each individual Chapter shall determine their annual membership dues and should not be less than the National, District and Department per capita.

Section 4. A "Call-In" check will be issued to authorized officers and committeemen reporting at, and in attendance of the entire meeting of a duly called meeting. The amount of the check will be established as part of the Department Budget established and approved at the Department Convention.

## **ARTICLE XI** **STANDING COMMITTEES**

Section 1. Subject to ratification of the Department Executive Committee, the Department Director shall appoint the members of the committees of the Department. Each committee shall

be so numerically composed that an equal number shall be selected from each Area of the Department. Each committee member shall serve a term of three (3) years, or until a successor is appointed. The Department Director and Secretary shall be ex-officio members of all Committees. Ex-Officio members may not be counted to determine a quorum.

Section 2. No person shall serve on the same Department Committee for more than one (1) consecutive terms (a term defined as three (3) years) or three (3) consecutive years.

Section 3. The Department Director shall designate, the chairman and vice chairman of each Committee, who shall serve at the pleasure of the Department Director.

Section 4. At the discretion of the Department Executive Committee, the following committees of the American Legion Riders - Department of California may be established:

Safety  
Constitution and Bylaws  
Convention and Rally  
Credentials  
Membership  
Trial Board  
Public Relations  
Resolutions  
Uniform Standards  
Awards and Recognition  
Area Commissioners  
Ways and Means  
Legacy Run

Section 5. Each active committee shall develop a statement of purpose and function to be approved by the Department Executive Committee and shall give reports when requested by the same.

## **ARTICLE XII** **PAST DIRECTORS AND PRESIDENTS CLUB**

Section 1. A Past Directors and Presidents Club is established for the primary purpose of mentoring the future leaders of the American Legion Riders. Membership in the Past Directors and Presidents Club is open to past Chapter and Department Directors and Presidents.



Section 2. Elections shall be held for the positions of Director, Vice-Director, Secretary and Sgt-at-Arms of the Past Directors and Presidents Club.

Section 3. By-Laws for the Past Directors and Presidents Club shall be created and submitted to the Department Executive Committee of the American Legion Riders

### **ARTICLE XIII** **MEMBERS IN ARREARS**

Section 1. A member whose dues for the current year have not been paid by December 31<sup>st</sup> shall be classed as delinquent and placed on suspension. If the member's dues are paid on or before January 31<sup>st</sup>, they shall be automatically reinstated. If the member is still under such suspension on February 1<sup>st</sup> of such year, their membership in the American Legion Riders shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by a vote of the Chapter and payment of current dues for the year in which the reinstatement occurs. Provided, however, that the Chapter, Department or the National Organization may waive the provisions hereof, upon payment of dues for the year in which the reinstatement occurs, with reference to former members who have been prevented from paying their dues by reason of active military service. The chapter may elect to pay the per capita of their members serving on active duty to avoid delinquency or suspension.

Section 2. Membership in the American Legion Riders is restricted to members of The American Legion, the American Legion Auxiliary, or the Sons of the American Legion, a member may not renew their membership in the American Legion Riders unless they have also renewed their membership in their appropriate parent organization.

### **ARTICLE XIV** **DISCIPLINE**

Section 1. The American Legion Riders Department of California may suspend or revoke the Charter of any Chapter of The American Legion Riders - Department of California that violates the Constitution or Bylaws of this Department, subject to the approval of the Department Executive Committee.

Section 2. Upon the cancellation or revocation of the Charter of any Chapter of the American Legion Riders - Department of California, the property and assets belonging to such Chapters shall thereupon become property of the American Legion Post to which it was attached.

Section 3. In the event that the sponsoring Post of The American Legion to which the Chapter was attached is no longer legally Chartered, the property of that Chapter shall therefore become the property of the Department. If the sponsoring Post rescinds the sponsorship of the Chapter, the property of the Chapter becomes the property of the Post and the Charter is returned to Department.

Section 4. Members of the American Legion Riders may be suspended or expelled as provided in the Trial Manual of the American Legion Riders Department of California as adopted at 5th Annual Department Convention and subsequent amendments thereto.

Section 5. A member or Chapter may not adopt, wear, express or exhibit any apparel or other identifying material not approved by the American Legion Riders - Department of California Executive Committee.

Section 6. No member of the American Legion Riders shall wear an exposed weapon, club or fixed blade knife while wearing the American Legion Riders Emblem or shall ride, or act, or behave in any manner inconsistent with the goals and purposes of The American Legion - Department of California.

Section 7. No Chapter or member of the American Legion Riders - Department of California will affiliate with, or associate; with Outlaw Motorcycle Gangs (OMGs) or their affiliates as defined by the California Attorney General's Office or any Federal Law Enforcement agency while wearing any American Legion regalia. American Legion Riders insignias bearing the American Legion symbol on any regalia, flyers, etc. must be the insignias approved only by Emblem Sales as they are copyrighted.

Section 8. Any person who is no longer a member in good standing of the American Legion Riders will be required to return their American Legion Rider Patch with flares from the back of their vest to their Chapter or Post. They will no longer be authorized to wear the said patch or flares at any time nor to any place. They will no longer be authorized to wear any regalia that has a Chapter, District, Department identity or number.

## **ARTICLE XV** **UNIFORM**

Section 1. At all official meetings, the American Legion Riders beret or official cap of a member parent organization will be the only allowed headwear.

Section 2. Members shall wear the authorized patch of the American Legion Riders and the logo of The American Legion only in the manner prescribed by the American Legion Riders - Department of California Uniform Handbook and ratified by The American Legion - Department of California.

Section 3. The American Legion Riders is a program of The American Legion and is not a "motorcycle club," and as such, members are representatives of The American Legion. It is required that members dress in a manner that promotes a positive image for The American Legion, particularly when operating in group activities or interacting with the community. No Pins or Patches showing support for motorcycle clubs or their support organizations shall be worn on the American Legion Riders vest or jacket. Patches and pins containing profanity or representing lewd, sexual, and violent or other such behavior or subjects will not be worn by members when they are engaged in any American Legion Riders activities or when wearing the American Legion Riders patch.

Section 4. The front of the vest or jacket shall have a 50 state American flag patch high on the left-hand side. No other patch or pin will be worn higher than this patch. Such American flag shall not have any wording or other embellishment on or touching the flag except an appropriate gold or black border on or touching the flag, unless expressly approved of by the Department Executive Committee and Uniform Committee.

Section 5. The vest or jacket of the Department of California American Legion Riders will bear only the American Legion Riders Emblem as authorized by the Department of California on the back of the vest or jacket along with the Chapter Flare at the top of the Legion Riders Emblem and the members parent organization flare at the bottom of the Legion Riders Emblem. The front of the vest or jacket shall only bear patches of military branches of service, military units, in memoriam patches, American Legion Riders Convention or event patches, a name patch or tag, the American flag, a PGR patch and an elongated Post patch if desired. No military rank patches, city, state or unauthorized unit name patches, rockers or half rockers will be worn on the vest or jacket. Flares shall be affixed to the vest or jacket adjoining the patch in the style and manner as provided by the Department Quartermaster.

Section 6. The bottom flare designates the member's organization status as follows:  
Post members – "Veteran": Auxiliary Unit members – "Auxiliary": Sons of the Legion members – "Squadron".

Section 7. The top flare will designate the respective chapter number or district number that the member belongs to.

Section 8. No unauthorized pins or patches showing support for motorcycle clubs or their support organizations shall be worn on the American Legion Riders vest or jacket or on any other apparel while wearing the American Legion Riders vest or jacket. Motorcycle club is defined as an organization using the term “MC” or “motorcycle club” in its name or as part of its patch or is commonly known as such.

Section 9. Members at the time of the first annual convention in Fresno, March 31-April 1, 2007, may continue to wear their existing vests and jackets without change if they do not comply with this ARTICLE except for Sections 3, 5 or 8.

Section 10. The center patch and flares must be obtained through the Quartermaster store in accordance with the agreement between the American Legion Riders - Department of California and the Quartermaster. Each Chapter will designate appointed points of contact who will order the patch set from the Quartermaster. The Quartermaster will not fill orders except to designees authorized by a Chapter.

Section 11. Member’s compliance with these regulations shall be at the sole discretion of The American Legion - Department of California Executive Committee and California American Legion Riders Department Executive Committee through the elected and appointed members thereon, or such other persons as expressly appointed thereby.

Section 12. The ‘AMERICAN LEGION RIDERS DEPARTMENT OF CALIFORNIA UNIFORM MANUAL’ as adopted by Resolution at Convention on April 19, 2015, with all current updates, is the official statement of the American Legion Riders - Department of California for the proper display of the beret and vest regalia by individual members and its regulation, terms and conditions are incorporated herein by reference. All members of the American Legion Riders - Department of California shall bring all berets and vests displaying the American Legion Riders Emblem containing The-American Legion emblem into compliance as stated therein on or before June 19, 2015 and shall at all future times maintain compliance with the regulation, terms and conditions therein subject to any amendments duly made after April 19, 2015.

Section 13. All regalia worn must be compliant with the Uniform Handbook approved by the Department Executive Committee.

## **ARTICLE XVI**

### **ELECTRONIC MEETINGS AND CORRESPONDENCE**

Section 1. Electronic meetings are authorized for all official meetings of the Department, Areas, Districts and Posts including, but not limited to Commission/Committees, using one of the following formats:

Full-featured Internet, or combination Internet/telephone, meeting services that integrate audio (and optionally video), text, and voting capabilities.

Telephone meetings, with Internet services for conducting secret votes and sharing documents.

A speakerphone in the meeting room to allow members who are not physically present to participate by telephone.

Telephone meetings without Internet support (and without any central meeting room).

Section 2. Electronic correspondence is authorized for all notification of special meetings and official business.

## **ARTICLE XVII** **PARLIAMENTARY AUTHORITY**

When not inconsistent with these bylaws or any special rules of order the Department may adopt along with Federal and State regulations, the rules contained in the current edition of Robert's Rules of order Newly Revised will govern The American Legion Riders – Department of California.

## **ARTICLE XVIII** **AMENDMENTS**

Section 1. These Bylaws may be amended at any Department Convention by submitting a Resolution in accordance with ARTICLE VIII, Section 22, submitting the proposed amendment to the Annual Department Convention and securing an affirmative vote of two-thirds (2/3), together with a majority vote of the chapters/districts represented in the convention. Any changes in these Bylaws shall not be in final effect until ratified by The American Legion - Department of California in annual convention assembled but shall be in temporary enforcement until then.

Section 2. Any Department special committee appointed to study and revise the Department Bylaws will make known its recommendations for proposed changes to the Department Secretary by mail or electronic means by February 1<sup>st</sup> of the year and the secretary shall notify each Chapter and District of the recommendations by mail, with a postmark date no later than March 1<sup>st</sup> or electronic means to the Chapter Point of Contact, so Chapters and Districts have time to study the changes and inform their delegates to Department Convention in regards to the proposed changes. This requirement will not be construed as to preclude further Bylaws changes being recommended by any delegate or Committee at any Department Convention.

Section 3. Any provision of this document will be automatically amended to conform to The American Legion National Constitution and/or bylaws of The American Legion – Department of California which said amendment affects this department in its internal organization.

Section 4. Hereafter all proposed changes to this document, and its component parts, when printed by the Department will be shown in a manner such as italics, strike-through, or underline type as to make obvious the proposed changes from the document adopted by previous Department Convention.

Section 5. Adoption of these Department Bylaws supersedes all previous additions and amendments.

Section 6. All future amendments to the Department of California - American Legion Riders Bylaws will be reviewed by the Department of California - American Legion Riders Commissioners and The American Legion - Department of California Judge Advocate for approval.

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