

PRINCE EDWARD ISLAND COMMAND BY-LAWS



PRINCE EDWARD ISLAND COMMAND By-Laws

**Charlottetown, PEI
As approved by Dominion Command
27 January 2020**

PRINCE EDWARD ISLAND COMMAND BY-LAWS

PREAMBLE

Name

This organization shall be known and designated as the Prince Edward Island Provincial Command of the Royal Canadian Legion.

Purposes and Objects

The purposes and objects and Articles of Faith of the Prince Edward Island Provincial Command of the Royal Canadian Legion shall be as defined in the Introduction to The General By-Laws of the Royal Canadian Legion.

Hierarchy of By-Laws

In the majority of organizations, a constitution provides the authority for the issue and implementation of by-laws. Such is not the case regarding commands of the Royal Canadian Legion. Their constitutional authority stems from The General By-Laws of the Royal Canadian Legion.

The General By-Laws of the Royal Canadian Legion authorize subordinate commands, in this case the Prince Edward Island Command, to issue and implement Provincial Command ByLaws that are not in conflict with the meaning of The General By-Laws of The Royal Canadian Legion.

Authority of By-Laws

Thus, under the authority of The General By-Laws of the Royal Canadian Legion, Prince Edward Island Command is authorized to govern its affairs by the adoption of command bylaws. Upon approval by a Command General Meeting and ratification by Dominion Command, these By-Laws shall be binding on all Branches in the Command and the Ladies Auxiliaries thereof. Simultaneously, all previous by-laws of Prince Edward Island Command are repealed. This repeal shall not affect the validity of any appointments or business undertakings made under authority of the previous by-laws.

All business of the Command not specifically covered by these by-laws shall be governed by the General By-Laws of the Royal Canadian Legion.

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ARTICLE I – GENERAL

By-Law 101 Interpretation

- (1) Unless the context otherwise requires, “The Act” means the Act to Incorporate The Royal Canadian Legion as contained the Statutes of Canada 1948 Chapter 84 and amendments thereto;
- (2) P.E.I. Act to Incorporate P.E.I. Command as contained in The Statutes of P.E.I., will be referred to as The P.E.I. Act;
- (3) In these By-Laws, unless otherwise qualified:

“LEGION” shall be The Royal Canadian Legion.

“CONVENTION” shall be the Convention of the P.E.I. Provincial Command of The Royal Canadian Legion.

“EXECUTIVE” shall be the Provincial Executive Council of the P.E.I. Provincial Command.

“SUB-EXECUTIVE” shall be the Sub-Executive Committee of Council of the P.E.I. Provincial Command.

“COMMAND” shall be the P.E.I. Provincial Command.

“ZONE EXECUTIVE” shall be a Zone Executive Council within the jurisdiction of the P.E.I. Provincial Command.

“GENDER” in these By-Laws, words indicating the masculine gender shall import the feminine where context admits.

“BRANCH” shall mean a Branch of The Royal Canadian Legion in Prince Edward Island and the Magdalene Islands, holding a charter and in good standing.

“ASSOCIATE MEMBER” shall mean a person admitted to associate membership, voting as defined in the General By-Laws of the Legion.

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“AFFILIATE VOTING MEMBER” shall mean a person admitted to affiliate voting membership as defined in the General By-Laws of the Legion.

“AFFILIATE NON-VOTING MEMBER” shall mean a person admitted to affiliate non-voting membership as defined in the General By-Laws of the Legion.

By-Law 102 Command Territory

The Command may include all Branches within the Province of Prince Edward Island and the Magdalene Islands of the Province of Quebec.

By-Law 103 Administration

The Convention shall be the supreme authority within the Command.

ARTICLE II - CONVENTIONS

By-Law 201 Convention Meetings

- (1) The Convention shall meet biennially during the alternate years to Dominion Command Convention. The Convention shall normally be held during the month of May, but the Executive Council shall have the authority to vary the date of the meeting by a maximum of three months. In emergencies, a Convention may be called at a date to be determined by the Executive, or upon request of one-third (1/3) of the Branches.
- (2) Before a Convention may be opened, there shall be present thereat duly accredited representatives from at least fifty percent of the Branches in good standing at the time of such Convention.
- (3) A quorum for the transaction of business at any P.E.I. Provincial Convention shall be the presence on the floor of the Convention Chamber of at least two-thirds (2/3) of the accredited representatives registered for the Convention. If it is shown that the required quorum is not present, the Chairman shall adjourn the Convention from time to time for the purpose of obtaining a quorum.

By-Law 202 Delegates

- (1) The Convention shall consist of delegates from Branches whose membership strength is not less than the number required to form a Branch. In addition, all members of the Executive

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shall have the standing of an Accredited Delegate. Past Provincial Presidents in attendance, who are in good standing, will be afforded the status of Accredited Delegates at no expense to Command, with the exception of the registration fee as established by Provincial Command prior to calling of a Provincial Convention.

- (2) For the purpose of determining the number of Accredited Delegates which a Branch shall be entitled to send to the Convention, the membership strength of a Branch shall be THE NUMBER OF FULL PAID UP VOTING MEMBERS carried on the file of the Command as of the end of the last preceding calendar year. Each Branch shall be entitled to certify TWO (2) Accredited Delegate for the first FIFTY (50) VOTING MEMBERS OR FRACTION THEREOF and ONE (1) Delegate for each ADDITIONAL ONE HUNDRED (100) or fraction thereof, provided where a Branch has received its Certificate (Charter) subsequent to the end of the last preceding calendar year, it shall be entitled to one Accredited Delegate.
- (3) Every Accredited Delegate who presents authorized credentials duly certified by or on behalf of the President of his Branch shall be registered with the Committee on Credentials.
- (4) The Committee on Credentials shall also register Observers.
- (5) The Command shall not be responsible for expenses of Branch Delegates or Observers to Convention.
- (6) No Delegate shall be registered except on payment of the registration fee which amount shall be fixed by the Convention Committee and subject to the approval of the Executive.

By-Law 203 Qualifications of Delegates

- (1) Any Voting Member in good standing shall be an Accredited Delegate upon being appointed and certified by his Branch. Accredited Delegates shall be entitled to full privileges of meetings of the Convention or Zone, including entitlement to vote.
- (2) Observers shall be Voting Members of the Legion, or members of the Ladies' Auxiliaries, who are in good standing and have complied with the registration requirements.

By-Law 204 Convention Committees

- (1) The Command shall ensure that the following Convention Committees are appointed in good time prior to the Convention:

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- (a) Committee on Convention,
 - (b) Committee on Resolutions,
 - (c) Committee on Credentials,
 - (d) Committee on Nominations.
- (2) Other Convention Committees may be appointed in a like manner if required.
- (3) The majority of any committee shall constitute a quorum for the transaction of business.
- (4) All reports of committees shall be presented in writing and signed by the Chairman.
- (5) Unless otherwise directed, all Convention Committees shall be deemed to be discharged upon the adjournment of the last session of the Convention, except for the Convention Committee which shall remain for four (4) weeks to finalize outstanding Convention business.

By-Law 205 Duties of Convention Committees

- (1) The Committee on Conventions shall make the necessary arrangements for the holding of the Convention.
- (2) The Committee on Resolutions shall receive all resolutions for combination, amendment or consolidation and report to the Convention.
- (3) The Committee on Credentials shall be charged with ensuring that authorized Credential Forms are in the hands of all Branch Secretaries not less than three weeks before the opening of the Convention. This Committee shall also examine and report upon the validity of Credentials filed by delegates. Subject to appeal, the Committee shall be the authority determining the status of every person attending the Convention.
- (4) (a) The Committee on Nominations shall present to the Convention a list of candidates willing to serve for each elected office, such list shall in no way conflict with the procedure for elections in section 302(2).
- (b) The Chairman of the Nomination Committee will be the Past President of Prince Edward Island Command. If the Immediate Past President is unable to act, then a Past President will be appointed to act as Chairman by Provincial Command. The Nomination Committee will be comprised of the four (4) current Zone Commanders.

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By-Law 206 Resolutions

- (1) Every Branch, every Zone, Command Council and every Accredited Delegate may submit resolutions.
- (2) Resolutions received at Provincial Command sixty (60) days prior to the opening of the Convention will be considered by the Resolutions Committee. Resolutions received at Provincial Command after sixty (60) days prior to the Convention will be presented as late resolutions and will require a majority vote to be considered. Resolutions non-concurred by the Resolutions Committee will be printed, indicated as non-concurred and may be brought back to the Convention if they receive 2/3 vote of the delegates present to bring the resolution back. Resolutions received sixty (60) days prior to the opening of the Convention and considered by the Resolutions Committee will be circulated to Branches at least twenty (20) days before Convention.
- (3) New resolutions placed before the Convention from the floor by an Accredited Delegate must be passed immediately in writing to the Chairman of the Convention. To be accepted for consideration, these resolutions must receive a majority vote of Delegates present.

By-Law 207 Proxy Voting

Accredited Delegates shall not be permitted to carry or exercise a proxy vote.

ARTICLE III - PROVINCIAL EXECUTIVE COUNCIL

By-Law 301 Composition and Duties

- (1) The Provincial Executive Council (Executive) shall consist of the President, First Vice President, Three Vice Presidents, Command Finance Chairman, Chairman, Vice Chairman, Immediate Past President, Ex-Officio member per PEI Command Bylaw 305 and Zone Commanders, with the provision that in special circumstances the Zone Commander may be represented by the Deputy Zone Commander.
- (2) The Executive shall have the power to perform and carry to completion work entrusted to it by the Convention or by these By-Laws, to fill vacancies occurring during recess, to rectify any omissions of the Convention, and generally to carry on the business of the Command in a manner consistent with the expressed will of the Convention.

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By-Law 302 Election of Executive Council

- (1) The Provincial Executive Council shall be elected as follows:
 - (a) The Command Officers, except the Immediate Past President and Zone Commanders, shall be elected at Convention as prescribed in Sub-section two (2) of this Section.
 - (b) Zone Commanders shall be elected at their respective annual Zone Meetings.
 - (c) In the event the Provincial Convention is unable to fill any position or positions on Full Executive Council, Full Executive Council at their first regular Council meeting following the Convention consider appointing a member or members in good standing to fill any vacant position(s). The position or positions must be filled prior to the third regular Full Executive Council meeting.
- (2) The procedure of election referred to in Sub-section one (1) of this By-Law shall be as follows:
 - (a) Nominations shall be made by the Nominating Committee and further nominations, by Accredited Delegates, shall be accepted from the floor of the Convention for each elective office in the order of procedure as set out in Article 401(1).
 - (b) Upon being nominated, the Chairman shall ask each nominee present to stand and state his intention to accept or decline the nomination.
 - (c) In absence of a Nominee, a written statement signed by him indicating his willingness to accept office, if elected, shall be accepted. Such written acceptance shall not be read out by the Elections Chairman until such time as said person has been nominated. Otherwise, nominees for elective office must be present when called upon as in Sub-para (b) above.
 - (d) Upon acceptance of a nomination the nominee will be allowed three (3) minutes to address the Convention. In the absence of the nominee, the nominator may be allowed three (3) minutes to address the Convention.
 - (e) All unsuccessful candidates for the office of President will automatically be nominated for First Vice President. All candidates unsuccessful for the office of First Vice President will automatically be nominated for the office of Vice President. Following this, unsuccessful candidates must be re-nominated.

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- (f) Election, in order of precedence, shall be by secret ballot except in the cases of election by acclamation. In cases of election by acclamation the Elections Chairman will declare the candidate elected to office.
 - (g) To be elected by ballot a nominee must receive a clear majority of the full vote. That is, fifty percent of the votes cast plus at least one vote. In the case of more than two nominees and no clear majority, the nominee receiving the least number of votes shall withdraw and the votes recast until a clear majority is rendered.
- (3) Nominees for office shall be Voting Members in good standing. Such Voting Members shall have been members of the Legion for a period of not less than one year. To be eligible for election to the office of President or a Vice President, all nominees shall have held an executive office at Branch, Zone or Provincial Command level.

By-Law 303 Appointment of Salaried Officers

Command Staff will be:

- 1) Executive Director,
- 2) Provincial Service Officer.

Such officers and employees, handling funds of the Command, shall be adequately bonded, and shall be under the direct supervision of Provincial Executive Council.

By-Law 304 Appointment of Honourary Officers

- (1) During the first Executive Meeting after the Convention an Honourary President shall be appointed.
- (2) Such other Honourary Officers as may be desired may be similarly appointed by the Executive.
- (3) Honourary Officers appointed in accordance with Sub-sections (1) and (2) above, may be invited, by the Executive, to attend meetings of that body, in a non-voting capacity.

By-Law 305 Ex-Officio

Any member of this Command in good standing who is elected to a Senior Elected Officer (SEO) position on the Dominion Executive Council (DEC) shall, because of such election, become an ex-officio member of the P.E.I. Provincial Executive Council.

- a. Such ex-officio member may also stand for election to any office on the PE Command PEC.

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- b. A member of PEC who is also an ex-officio member as a result of being elected as a Senior Elected Officer on the DEC shall have only one vote and shall not be entitled to vote in his ex-officio capacity.

By-Law 306 Command Representatives

During his term as Provincial President, this Officer shall be the Provincial Representative to the Dominion Executive Council. In the event the Provincial President is not available, or the position for any reason becomes vacant in the interval between Conventions, the position shall be filled by the First Vice President.

By-Law 307 Meetings of the Executive

- (1) The Executive shall meet four times a year; the fourth Sunday in March; the fourth Sunday in June; the last Sunday in September and the first Sunday in December. The Executive shall have the authority to, by motion at the previous executive meeting, vary the meeting dates by up to three (3) weeks in either direction in order to obtain the highest attendance possible. Any member who fails to attend at least fifty (50) percent of these meetings without just cause will forfeit his office.
- (2) Special or emergency meetings of the Executive may be called by the Provincial President or by a majority of the Executive including at least one Vice President.
- (3) Copies of the minutes of all meetings of the Executive shall be mailed forthwith to the members of the Executive and to all Branches.
- (4) The Executive shall not be obligated to admit any persons other than its members to its deliberations.
- (5) Members of the Executive only, shall have the right to make or second motions, make nominations and vote at meetings of the Executive.
- (6) A majority of voting members of the Executive shall constitute a quorum competent to transact business.

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By-Law 308 Annual Meeting in off Provincial Convention Year

- (1) In order to comply with the Canada Not-For-Profit Corporations Act, in an off Provincial Convention year, there shall be an annual meeting held which will have as a minimum the following agenda:
 - (a) Presentation of the audited financial statements;
 - (b) Approval of the auditors.
- (2) The meeting will take place the June Full Council Meeting in the off Provincial Convention year.
- (3) Notice to Branches shall be provided not more than 90 days and not less than 30 days before the annual meeting.
- (4) Members wishing to make comment or raise comments on these two items may do so by written submission to Provincial Command, P.O. Box 20132, Charlottetown PE, C1A 9E3 to be received no later than 30 days prior to the meeting.
- (5) The quorum for the meeting shall the majority plus one of the members of the Full Executive Council.

By-Law 309 Members of the Sub-Executive Committee

- (1) The membership of the Sub-Executive Committee shall comprise of all current members of the Executive except the Zone Commanders and Honourary officers.
- (2) The Sub-Executive Committee shall not be obligated to admit any persons other than its members to its deliberations.

By-Law 310 The Sub-Executive Committee

- (1) The Sub-Executive shall have the power to hold meetings, transact business and carry out the administration duties of the Executive between meetings of said Executive.
- (2) Minutes of all meetings of the Sub-Executive shall be presented at the next meeting of the Executive.

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- (3) A majority of members of the Sub-Executive shall constitute a quorum competent to transact business.
- (4) Apart from authorized recurring expenditures such as wages, rent, and telephone, the total spending authority of the Sub-Executive Committee shall be limited to not more than one thousand (\$1,000.00) dollars between meetings of the Executive.

By-Law 311 Standing Committees

- (1) The President shall, at the first meeting of the Executive after Convention, ensure that Chairmen for the Standing Committees are appointed, (excepting (g) Finance Committee as the Command Finance Chairman is Chairman). Such Chairmen shall be Voting members in good standing.
 - (a) Veterans Service/Seniors
 - (b) Membership
 - (c) Sports
 - (d) Planning and Administration
 - (e) Ritual and Awards
 - (f) Constitution and Laws
 - (g) Finance
 - (h) Leadership and Development
 - (i) Public Relations
 - (j) Liaison
- (2) Chairmen for other standing committees as from time to time required may be appointed in like manner.

By-Law 312 Special Committees

- (1) The President may from time to time appoint Ad-Hoc or Special Committees to investigate complaints or to study and report on issues pertinent to the Legion or of any interest to the Legion.
- (2) The President shall appoint a member of the Executive to act in the capacity of Liaison Officer to the Provincial Command Ladies' Auxiliary.

ARTICLE IV - COMMAND OFFICERS

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By-Law 401 Precedence of Command Officers

The Officers of the Command and the order of their precedence shall be:

President

First Vice President

Vice Presidents (Three)

Command Finance Chairman

Chairman

Vice Chairman

Immediate Past President

Zone Commanders (in special circumstances the Zone Commander may be represented by the Deputy Zone Commander.)

By-Law 402 Powers and Duties of Command Officers

- (1) Every Officer of the Command shall hold Office from one Convention to the next Convention, or until lawfully deprived of his office, is deceased, or until the office is abolished, whichever is soonest.
- (2) The President shall be a member ex-officio of all committees under direct authority of the Executive and Sub-Executive. In this regard the President may delegate any Command Officer to represent him.
- (3) The President shall preside at the opening and closing of all Conventions, Executive and Sub-Executive meetings. He shall exercise a general supervision and control over Officers, members and business of the Command. He shall call all Conventions, Executive and Sub-Executive meetings as provided by these By-Laws and by the General By-Laws of the Legion. He shall transact such other business as may by custom pertain to his office.
- (4) (a) Excepting the office of President, and when more than six months of the elective term remains, vacancies occurring in the Sub-Executive shall be filled by and from members of the Executive by ballot vote.

(b) In the absence or disability of the President all rights powers vested in the President, shall, for the time being, be vested in the First Vice President and then Vice Presidents in order of their election. In the absence or disability of the President and Vice Presidents, all rights and powers vested in the President shall, for the time being, be vested in the Chairman. In the absence or disability of the President, Vice

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Presidents and Chairman, all rights and powers of the President shall be vested in the Vice Chairman. In absence of all of the above-mentioned Officers, and if a quorum be present, the Secretary shall call the meeting to order and a temporary Chairman will be appointed by those present.

- (5) The Chairman, or in his absence, the Vice Chairman shall preside over the debate and transaction of business of Convention, Executive and Sub-Executive meetings.
- (6) In addition to the duties prescribed by the Act, the General By-Laws, and as provided for by these By-Laws, the Officers of Command shall perform such other services as may, by custom, pertain to their several offices and as may be determined by the Executive or Sub-Executive.
- (7) On special occasions where Executive members are required to be in attendance with their spouses, transportation will be provided for same.
- (8) The Command Finance Chairman shall:
 - (a) Ensure that all funds received by the Command are deposited in the appropriate account.
 - (b) Ensure that a separate account is maintained for poppy and welfare funds.
 - (c) Ensure that an accurate and true account is maintained of all monies received or paid out by the Command, and that a complete record is kept of all financial transactions of each department of the Command and the record is produced whenever required by an appropriate authority.
 - (d) Scrutinize all Command expenditures and initiate inquiries when necessary to ensure that, at all times, he has complete information at his disposal concerning all financial matters pertaining to the Command.
 - (e) Present the Annual Financial Statement to the Executive at the December Council meeting and again prior to May 15th, of a Provincial Convention year, showing actual expenditures in Comparison to the budget and draw attention to any actual or anticipated expenditure in excess of the amount included in the budgeted amount for that specific purpose.

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- (f) Report to the Executive all financial matters which, in his opinion, should be brought to their attention and to present further reports as directed by the Executive.
- (g) All payments in excess of \$25.00 made by Provincial Command shall be made by cheque.

By-Law 403 Signing Authority

Any two of the Provincial President, 1st Vice President, Provincial Secretary and Finance Chairman shall countersign all cheques issued, promissory notes, bills of exchange and other instruments involving liability of the Command.

ARTICLE V – ZONES

By-Law 501 Organization of Zones

- (1) The Command shall be organized into such Zones as the Command may determine.
- (2) The Zone is subject to the jurisdiction of the Command.
- (3) The Zone is comprised of all Branches within its territorial limits as set forth by Command.

By-Law 502 Zone Meetings

- (1) General Meetings of the Zone shall be held at least quarterly at the call of the Zone Commander, or on predetermined dates agreed at previous Zone meetings.
- (2) There shall be an Annual Meeting of the Zone. Such Annual Meeting may be held after the adjournment of the last general Meeting preceding the Convention, providing such procedure has been adopted previously in General Meetings of the Zone. Otherwise there shall be written notice of the Annual Meeting of the Zone to all Branches in the Zone and to the Command, at least thirty (30) days prior to the Annual Zone Meeting.
- (3) Voting delegates at all General and Annual Meetings of the Zone shall be comprised of five delegates accredited by each Branch, plus all members of the Zone Executive (see By-Law 505).

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- (4) Before any Zone Meeting (Regular or Annual) may be opened, there shall be present thereat, in addition to the majority of the Zone Executive, delegate entitlement representing fifty (50) percent or more of the Branches within the Zone.
- (5) For the purpose of quorum referred to in Section 502(4) the majority of Zone Executive shall refer to Zone Officers only and not to Zone Officers plus the Presidents of each Branch in the Zone. Delegate entitlement shall be defined as at least one accredited delegate from each Branch in attendance.

By-Law 503 Zone Officers

- (1) The Zone Commander, Deputy Zone Commander, Secretary Treasurer and Zone Sports Officer shall be elected for a two-year term, by ballot vote at the Biennial Zone Meeting, held at least thirty (30) days prior to the opening of the Provincial Convention.
- (2) The Zone Commander shall be installed and take office at the close of the Provincial Convention.
- (3) The other Zone Officers so elected shall be installed and take office at the first Zone Meeting following Convention.
- (4) Any Voting member in good standing, who is a Past President or has served for not less than one year on the executive of a Branch within the Zone, or not less than one year on the Zone Executive, either attending, or who in writing, has expressed his willingness to accept office if elected, shall be eligible for the office of Zone Commander or Deputy Zone Commander.
- (5) At every Biennial Zone Meeting, a member shall be appointed to act as auditor and to hold office to the next Biennial Zone Meeting.
- (6) The Zone Executive may fill any casual vacancy in the office of the member acting as an auditor.
- (7) Members of the Dominion Executive Council, Provincial Executive Council or salaried employees of the Legion shall not be eligible for appointment as auditor.
- (8) The member acting as an auditor shall submit a financial statement to the Zone annually.

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- (9) The member acting as an auditor shall have the right of access at all times, to all records, documents, books, accounts and vouchers of the Zone.
- (10) A copy of the Zone Financial Statement shall be forwarded to Provincial Command annually.

By-Law 504 Duties of Zone Officers

- (1) (a) The Zone Commander shall be Chairman of the Zone Executive and exercise general supervision over Branches within his Zone, so that the Branches may maintain harmonious relations within their communities. Except as laid down in Art. III 301 (1), he shall attend all Council meetings. Failure to attend without just cause at least fifty percent of these meetings will render "null and void" his office. He shall visit each Branch in the Zone at least once each year.
- (b) Other Duties
 1. May organize an active Zone Board, comprising representatives from each Branch within the Zone for the purposes of consultation upon mutual problems, united effort and interest.
 2. Shall check with The Branch Presidents and Secretaries to see that all correspondence and circular letters issued by Provincial Command and Dominion Command receive attention and that their purpose is conveyed to the general membership of the Branch.
 3. Shall check with the Branch Presidents and Secretaries to see that all reports, statements and questionnaires due Provincial and Dominion Command are dealt with promptly. In this regard, he shall, himself, set an example by replying promptly to all correspondence directed toward him,
 4. Shall impress upon Branch Secretaries and Secretary/Treasurers the need and importance of prompt payment of Branch accounts, particularly in payment of per capita tax which keeps a Branch in good standing and ensure receipt of Legion Magazine.
 5. Shall give particular attention to any Branch whose Membership or activities appear to be on the decline and should assist Branches to organize membership drives and special activities, paying concentrated attention to The Poppy Campaign.
 6. Shall ensure that the Branches in his Zone shall comply with the General-Bylaws and these By-Laws.

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7. Shall report on all matters at each Full Executive Council Meeting.
- (2) The Zone shall elect a Zone Secretary-Treasurer whose duties shall be to keep a record of all proceedings and perform such duties as may be directed by the Zone Commander and Zone Executive.
- (3) The Deputy Zone Commander shall assist the Zone Commander in the performance of his duties. In the absence or disability of the Zone Commander all rights and powers pertaining to the administration of the Zone vested in the Zone Commander shall, for the time being, be vested in the Deputy Zone Commander.
- (4) In the event the office of Zone Commander becomes vacant due to death, incapacity (for any reason), or resignation of the incumbent, if more than half of the elected term of office remains, a special meeting of the Zone, with representation as per By-Law 502 (3), shall be called within thirty (30) days by the Deputy Zone Commander. If less than half of the elected term of office remains, the Deputy Zone Commander will assume the office of Zone Commander and the vacancy thus created will be filled in accordance with By-Law 504 (5).
- (5) In the event the office of Deputy Zone Commander becomes vacant, the office shall be filled by appointment by the Zone Executive and ratified by the next General Meeting of the Zone.

By-Law 505 Zone Executive

- (1) There shall be a Zone Executive comprised as follows:
 - Zone Commander,
 - Deputy Zone Commander,
 - Immediate Past Zone Commander,
 - President of each Branch in the Zone or his duly appointed deputy who must be a Vice President,
 - Zone Secretary-Treasurer, and
 - Zone Sports Officer.
- (2) The Zone Officers and Members of the Zone Executive shall serve without remuneration.

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By-Law 506 Zone Finances

- (1) The Zone may collect from each Branch within its jurisdiction an assessment of up to Three Hundred Dollars (\$300.00) per year.
- (2) The Secretary-Treasurer shall keep an accurate and true account of all monies received or paid out by the Zone and shall keep a complete record of all financial transactions. He shall present a financial statement at each Zone Meeting.
- (3) The Secretary-Treasurer shall ensure that copies of the Zone Meeting minutes, and copies of the Zone financial statement are forwarded to Provincial Command Office following each Zone Meeting.
- (4) The Secretary-Treasurer, together with one of either the Zone Commander or Deputy Zone Commander shall countersign all cheques issued by the Zone.
- (5) In the event a Zone is unable to elect a Secretary-Treasurer, all Zone funds will be held in trust by Provincial Command until such time as the Zone elects a Secretary Treasurer.
- (6) All monies paid by the Zone shall be by cheque.
- (7) All Officers and/or employees handling funds of the Zone shall be adequately bonded.

ARTICLE VI - BRANCHES

By-Law 601 General

- (1) Branches shall be under the discipline of Provincial Command.
- (2) Branches shall submit to Provincial Command by the 30th day of April each year, an audited financial statement for the previous year.
- (3) Branches shall be governed in accordance with the General By-Laws of the Legion, by these Provincial Command By-Laws, by their own Command approved Branch By-Laws and by such directives as from time to time are issued by Dominion and/or Provincial Command.
- (4) Elected officers and executive committee members shall take office and assume duties and functions, on or before, the first day of the month following that in which they are elected and

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shall be installed in accordance with the Ritual within 31 days of their election, and that Branch By-Laws reflect this practice.

- (5) When hearing complaints at Provincial Command level, 50% of all related costs shall be borne by the Legion Branch and 50% shall be borne by Provincial Command.
- (6) No complaint or appeal, as the case may be, under Article III of the General Bylaws shall be received by PEI Command from any Branch or member unless accompanied by the filing fee of \$100.00. The filing fee shall be returned to the complainant unless the complaint is dismissed in its entirety at the complaint hearing; or in the case of an appeal, the filing fee may be returned if the appeal is successful in whole or in part.
- (7) An assessment of 10% of the Poppy Trust Funds of each Branch as of 30th September of every year be submitted to Command on or before December 1st of that same year to support the Provincial Service Office.

By-Law 602 Branch By-Laws

- (1) Subject to these By-Laws and the General By-Laws of the Legion, Branches shall govern their affairs by the adoption of Branch By-Laws.
- (2) Branch By-Laws may provide for the Past President to hold a second executive position not at the officer level. No other executive member may hold two elected positions simultaneously. Should the Past President hold two elected executive positions, he shall have one vote on all matters.
- (3) A Branch may prepare its own By-Laws but these and any amendments thereto must receive the approval of Command before they become effective.

By-Law 603 Honours and Awards

As per Ritual, Awards and Protocol Manual.

By-Law 604 Bonding

The Executive Committee of each Branch in the Command shall be responsible to ensure that all Officers and Employees handling funds of the Branch are adequately bonded.

By-Law 605 Branch Service Officer

PRINCE EDWARD ISLAND COMMAND BY-LAWS

Every Branch shall appoint or elect a Branch Service Officer who shall be responsible for rendering to the Branch Members, their dependents and others who request his services, efficient help in ensuring that their claims for benefits under the Legislation contained in the Veterans' Charter are presented to the proper authorities.

By-Law 606 Transfers

- (1) The procedure for transfer for Ordinary and Associate Members shall be as outlined in the Membership Manual.
- (2) The transfer of Life Members may be made in a similar manner, subject to payment of Branch dues (if required) to the Branch to which he was transferred. Such dues become payable on January 1st next succeeding the transfer. Payment of Provincial and Dominion per capita tax is not required.

By-Law 607 Per Capita Tax

- (1) Per Capita Tax is levied from time to time by Dominion Convention for Dominion Command and by Provincial Convention for Provincial Command shall form part of the annual Branch dues.
- (2) Per Capita Tax shall become due and payable on the 1st day of January of each calendar year.
- (3) When a new member joins the Legion after the 30th day of June in any year, per capita tax, payable to Dominion and Provincial Command by such a member for that year, shall be one-half the per capita tax levied by the appropriate Conventions for that year.
- (4) When a new member joins the Legion after the 31st day of August in any year, the per capita tax, payable to Dominion Command and Provincial Command by such member for that year, shall be one-third the per capita tax levied by the appropriate Conventions for that year.
- (5) A member who has not paid his Annual Dues by 31st January of that year is automatically suspended and is not in good standing for any purpose.
- (6) Per Capita Tax includes payment for the Legion Magazine.

By-Law 608 Branch Property

PRINCE EDWARD ISLAND COMMAND BY-LAWS

- (1) Powers and Rights with respect to the holding of property shall be in accordance with the General By-Laws of the Legion.
- (2) In accordance with the Act of Incorporation (P.E.I. 1967), a Branch shall not, without the consent in writing of the Prince Edward Island Command of The Royal Canadian Legion, hypothecate, mortgage, pledge, lease, sell, convey or otherwise dispose of its real or personal property except in the ordinary and usual course of its activities.

ARTICLE VII - GENERAL PROVISIONS

By-Law 701 Surrender of Badge

All membership badges issued to members of the Legion remain the property of the Legion, and upon the holder thereof ceasing to be a member, he shall surrender any and all membership badges to the Secretary of the Branch of which he was a member.

By-Laws 702 Financial Statement and Budget Forecast

- (1) The financial year of Prince Edward Island Command will be the calendar year.
- (2) An Audited Financial Statement of the Command accounts shall be forwarded to the Branches annually and at least two weeks prior to the Convention.
- (3) A proposed budget forecast for the succeeding year of operation shall be presented to Provincial Convention for approval of the Membership and on non-Convention years the budget will be approved by Council and be available to members through the distribution of minutes of the Annual Meeting.
- (4) All Command Committees requiring funding must submit a budget to the Command Finance Chairman at least sixty (60) days prior to the opening of Convention.

By-Laws 703 Procedures

- (1) The rules of procedure adopted by the latest Dominion Convention shall form an integral part of these By-Laws and when applicable govern all meetings of the Command, the Executive, the Sub-Executive, the Zones and the Branches.
- (2) The Ritual used by the Branches shall be in accordance with The Royal Canadian Legion's Ritual, Awards and Protocol Manual as published by Dominion Command.

PRINCE EDWARD ISLAND COMMAND BY-LAWS

- (3) The Rules of Procedure for Legion Meetings shall be in accordance with ‘THE RULES OF PROCEDURE FOR LEGION MEETINGS’ as published by Dominion Command. In cases where neither the By-Laws nor THE RULES OF PROCEDURE FOR LEGION MEETINGS makes adequate provision then, and only then
“ROBERT’S RULES OF ORDER” shall apply.

By-Law 704 Amendment of By-Laws

- (1) These By-Laws may be amended, repealed or re-enacted at any P.E.I. Command Convention by a majority vote of the whole Convention, provided one month’s notice has been given to Provincial Command of such proposed amendment unless such notice is waived by a two-thirds (2/3) vote of the Convention.
- (2) Amendments to these By-Laws processed per Section 704(1) require ratification by Dominion Command.
- (3) In the interval between Conventions the Executive shall have the authority to enact such By-Laws and Policy as may be required for proper and timely conduct of Legion activities within the Command. Unless confirmed by vote at the next Convention, such By-Laws and/or Policy cease to be effective, but this shall not invalidate commitments or contracts made under them.

By-Law 705 Recourse

Any matter which poses a problem for a Branch and which is not covered by any of the references in these By-Laws should be referred to the Command Office, for consideration by the appropriate authority.

ARTICLE VIII - LADIES’ AUXILIARY

By-Law 801 Direction and Control

- (1) A Ladies’ Auxiliary to a Branch shall be under the direction and control of the Branch.
- (2) A Ladies’ organization under any other name than Auxiliary is not permitted.
- (3) The By-Laws of Ladies’ Auxiliaries to Branches shall not become effective until they have been approved by the Branch concerned and ratified by Provincial Command, The Royal Canadian Legion.

PRINCE EDWARD ISLAND COMMAND BY-LAWS

By-Law 802 Arbitration

- (1) Where a dispute arises between the Branch and its Ladies' Auxiliary and such dispute cannot be resolved by agreement between the President of the Branch and the President of the Ladies' Auxiliary, then the President of the Branch shall appoint an investigating committee consisting of three members of the Branch, one of whom he shall appoint as Chairman, and the President of the Branch shall request the President of the Ladies' Auxiliary to appoint two members of the Ladies' Auxiliary to such investigating committee. The Investigating Committee shall meet at a time and place designated by the Chairman and shall investigate the dispute and shall report its findings, conclusions and recommendations to the Branch Executive.
- (2) Any decision of the Branch Executive after receipt of the report of the Investigating Committee shall be subject to approval of the members of the Branch at the next General meeting of the Branch.

By-Law 803 Liaison with the Branch

- (1) Every Branch that has a Ladies' Auxiliary shall appoint a Liaison Officer, who shall be a member of the Branch Executive Committee. Such Liaison Officer, at the direction of the Branch and agreement of the Ladies' Auxiliary, may attend all Ladies' Auxiliary General, Special-General and Executive Committee Meetings. The Liaison Officer shall be the official link between the Branch and the Ladies' Auxiliary to the Branch.
- (2) The Executive Committee of a Branch and the Executive Committee of its Ladies' Auxiliary shall hold a joint meeting at least twice in each year.
- (3) Minutes of the Executive Committee, General and Special-General Meetings of the Ladies' Auxiliary shall be provided to the Branch within a time frame decided by mutual agreement.

By-Law 804 Financial

- (1) A Branch may make funds available to its Ladies' Auxiliary upon receipt of a written request outlining the purpose for which the funds are required.
- (2) A Branch may by an approved By-Law limit the amount of funds that its Ladies' Auxiliary may retain at the end of each calendar year.

PRINCE EDWARD ISLAND COMMAND BY-LAWS

- (3) A Branch shall require its Ladies' Auxiliary to provide a copy of an audited annual financial statement by the 30th day of April each year.
- (4) All expenditures other than normal operating expenditures, in excess of two hundred and fifty (250) dollars made by a Ladies' Auxiliary must be approved by the Branch at a General, Special-General or Annual Meeting prior to such expenditure being made. Notwithstanding the foregoing, the Ladies' Auxiliary may make contributions to the Legion and any ongoing activities on which a standing authority has been agreed by the Branch in General Meeting.

By-Law 805 Surrender of Charter

- (1) When a Branch surrenders its charter, or such Charter is suspended, cancelled or revoked, the Charter of its Ladies' Auxiliary shall be simultaneously surrendered, cancelled or revoked.
- (2) Should a Ladies' Auxiliary to a Branch cease to function as such, its Charter shall be surrendered to the Branch and its assets shall forthwith vest in the Branch.

By-Law 806 Direction and Control

- (1) The Ladies' Auxiliary to Provincial Command shall be under the direction and control of Provincial Command.
- (2) The By-Laws of Provincial Command Ladies' Auxiliary shall not become effective until they have been passed by The Provincial Command Ladies' Auxiliary at Convention and ratified by Prince Edward Island Provincial Command Executive, The Royal Canadian Legion.

By-Law 807 Arbitration

- (1) Where a dispute arises between Provincial Command and its Ladies' Auxiliary and such dispute cannot be solved by agreement between the Command President and the President of The Command Ladies' Auxiliary, then the Command President shall appoint an investigating committee consisting of three members from Command Council, one of whom he shall appoint as chairman, and The Command President shall request The President of Command Ladies' Auxiliary to appoint two members from The Ladies' Auxiliary Command Council to such investigating committee. The investigating committee shall meet at a time and place designated by the chairman and shall investigate the dispute and the chairman shall report its findings, conclusions and recommendations to Command Council.

PRINCE EDWARD ISLAND COMMAND BY-LAWS

- (2) After receipt of the report from the investigating committee, Provincial Command shall make a decision which shall be binding on both The Provincial Command and The Provincial Command Ladies' Auxiliary.

By-Law 808 Liaison with Provincial Command

- (1) Provincial Command shall appoint a Liaison Officer, who shall be a member of Provincial Command Executive Council. Such Liaison Officer shall, at the discretion of the Command and agreement of the Provincial Ladies' Auxiliary, attend all Ladies' Auxiliary General, Special-General, and Executive Committee Meetings. The Liaison Officer shall be the official link between The Command and The Command Ladies' Auxiliary.
- (2) Minutes of The Executive Committee, General and Special-General Meetings of The Provincial Ladies' Auxiliary shall be provided to Provincial Command within a time frame decided upon mutual agreement.

By-Law 809 Financial

- (1) With the exception of normal operating expenses, all expenditures or donations by The Provincial Command Ladies' Auxiliary in excess of five hundred (500) dollars shall require prior approval by Sub-Executive of P.E.I. Command.
- (2) The Provincial Command Ladies' Auxiliary shall forward an annual financial statement to P.E.I. Command by March 31 of each year.
- (3) The Provincial Command Ladies' Auxiliary shall at each Convention determine the amount of levy for per capita contribution to The Provincial Command Ladies' Auxiliary.

By-Law 810 Functions on Behalf of Command

- (1) Arrange and co-ordinate sports and other social events at Provincial level for members of The Ladies' Auxiliary in accordance with the wishes of the majority of the members and their ability to finance same.
- (2) Use the Zones as established by Provincial Command for organizational purposes only.
- (3) Assist Branch Auxiliaries in drawing up by-laws for approval by Branch and Command.
- (4) Promote and encourage active Ladies' Auxiliaries and elect Provincial Officers of The Provincial Command Ladies' Auxiliary.

PRINCE EDWARD ISLAND COMMAND BY-LAWS

By-Law 811 Surrender of Charter

Should The Ladies' Auxiliary to Provincial Command cease to function as such, its charter shall be surrendered to The Command and its assets shall forthwith vest in The Command.

ARTICLE IX - FINANCIAL CONTROLS

By-Law 901 Control of Capital Investments

Capital Investments owned by the Command shall not be liquidated, spent, hypothecated or otherwise disposed of either in whole or in part without direction of a duly assembled Convention.

By-Law 902 Application of Earnings

Application of earnings on Command Capital Investments shall be as directed by Convention. In the event of no direction being given by Convention, the earnings shall be reinvested and shall become part of the Command Capital Investments.

By-Law 903 Convention Expenditures

- (1) The maximum gross expenditures from Command operating revenue for any one P.E.I. Command Convention shall not exceed seven thousand (7000) dollars exclusive of registrations fees.
- (2) Invitations for any Council Officer(s) and/or the Provincial Secretary to attend an out of Province function, before acceptance, shall require approval of Provincial Executive Council. Such approval shall be based on available funds and projected cost.

By-Law 904 Wreath and Cross Pricing

Command will annually set the price for the sale of Wreathes, Crosses, Sprays and Car poppies to the public at the September Full Council Meeting.