



AMERICAN LEGION AUXILIARY
DEPARTMENT OF MAINE

CONSTITUTION & BY-LAWS

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**CONSTITUTION
OF THE
AMERICAN LEGION AUXILIARY
DEPARTMENT OF MAINE**

PREAMBLE

For God and Country, we associate ourselves together 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 during the Great 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 and contribute to the accomplishment of the aims and purposes of The American Legion; to consecrate and sanctify our association by our devotion to mutual helpfulness.

ARTICLE I – NAME

The name of this organization shall be American Legion Auxiliary, Department of Maine.

ARTICLE II – NATURE

Section 1. The American Legion Auxiliary is a civilian organization of women. Each member shall perform her full duty as a citizen, according to her conscience and understanding.

Section 2. The American Legion Auxiliary shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for any promotion of the candidacy of any person seeking public office or preferment.

ARTICLE III – OBJECT

Section 1. The object of the American Legion Auxiliary, Department of Maine, shall be as stated in the Preamble of the Constitution.

ARTICLE IV – ELIGIBILITY

Section 1. Membership in the American Legion Auxiliary shall be limited to the grandmothers, mothers, sisters, wives, and direct and adopted female descendants of members of The American Legion, and to the grandmothers, mothers, sisters, wives, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during any of the following periods: April 6, 1917 to November 11, 1918; December 7, 1941 to December 31, 1946; June 25, 1950 to January 31, 1955; February 28, 1961 to May 7, 1975; August 24, 1982 to July 31, 1984; December 20, 1989 to January 31, 1990; August 2, 1990 to the date of cessation of hostilities as determined by the Government of the United States; all dates inclusive, or who being citizens of the United States at the time of their entry therein, served on active duty in the Armed Forces of any of the governments associated with the United States during any of said periods, and died in line of duty or after honorable discharge; and to those women who of their own right are eligible for membership in The American Legion.

Section 2. There shall be two classes of membership, Senior and Junior.

- (a) Senior membership shall be composed of members age eighteen (18) and older; provided however, a member eligible under Section 1 of this article and who is under the age of eighteen (18) years and married shall be classified as a Senior member.
- (b) Junior membership shall consist of that group under the age of eighteen (18) years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen years, Junior members shall automatically be admitted into Senior membership with full privileges.
- (c) Dues of both classes shall be paid annually, or for life.

ARTICLE V – ORGANIZATION

Section 1. The Department of Maine, American Legion Auxiliary, shall be composed of duly constituted Units, which shall be organized into seven Districts.

Section 2. Districts and Units shall function in accordance with the National and Department Constitution and By-laws and such standing rules as shall be prescribed by the Department.

ARTICLE VI – UNIT ORGANIZATION

Section 1. Units shall be chartered by the National President and National Secretary upon receipt of the charter application properly executed and accompanied by the per capita dues and individual membership record forms. Applications for Unit charter shall be signed by the Department President and the Commander and Adjutant of The American Legion Post to which the Unit is attached. Said charter shall be closed thirty days after the application has been signed by the Commander of said American Legion Post.

Section 2. The minimum membership of a Unit shall be ten senior members.

Section 3. A Unit shall be given the name and number of The American Legion Post to which it is attached.

Section 4. When a Unit ceases to function, or its charter has been revoked or canceled, the charter and all Unit records and funds shall be immediately forwarded to Department Headquarters.

Section 5. No person may, at any time, be a member of more than one Unit.

Section 6. A member who is not subject to suspension or membership revocation under due process is eligible to transfer her membership to another Unit if she has paid her membership dues to her current Unit for either the current year or immediate past membership year. A member transferring to a new Unit must pay current year dues to either her current Unit or to the Unit into which she wishes to transfer.

Section 7. A Unit member may withdraw from membership, providing her current dues are fully paid. Upon withdrawal, however, she shall be prohibited from joining any other Unit as a new member during the remainder of the current year for which said dues are paid. In the event a member wishes to remove her membership from one Unit to another during the current year, it shall be done by transfer and not by withdrawal.

Section 8. The Department Executive Committee may recommend to the National Executive Committee the suspension or revocation of the charter of a Unit which violates the National Constitution and By-laws or the Department Constitution and By-laws or any specific action of the Department or National Convention or the Department or National Executive Committee.

ARTICLE VII – COUNTY ORGANIZATION

Section 1. Counties shall be chartered by the National President and National Secretary upon receipt of the charter application properly executed and signed by the Department Secretary and the Department President.

Section 2. When a County ceases to function, or its charter has been revoked or canceled, the charter and all County records shall be immediately forwarded to Department Headquarters.

Section 3. The Department Executive Committee may recommend to the National Executive Committee the suspension or revocation of the charter of a County which violates the National Constitution and By-laws or the Department Constitution and By-laws or any specific action of the Department or National Convention or the Department or National Executive Committee.

ARTICLE VIII – EXECUTIVE COMMITTEE

Section 1. The Department Executive Committee shall consist of the Department President, Vice President, Secretary, Treasurer, Chaplain, Historian, Sergeant-At-Arms, National Executive Committeewomen or her alternate, a District President from each District or her alternate, and other such persons as are provided by the Standing Rules of the Department of Maine.

Section 2. All Past Department Presidents in good standing in their local Units shall be members for life of the Department Executive Committee, and shall be afforded all rights of membership, including the right to make or second motions, with the exception of the specifically prohibited right to vote.

ARTICLE IX – DEPARTMENT OFFICERS

Section 1. The Department Convention shall elect a President, a Vice President, a Secretary, a Treasurer, a Chaplain, an Historian, a Sergeant-at-Arms and, every two years, a National Executive Committeewoman, and shall ratify a National Executive Committeewoman Alternate, and a District Department Vice President from each District and an alternate; these District Department Vice Presidents to serve without seniority.

Section 2. All Department Officers, members of the Department Executive Committee, and the members of Department Standing and Special Committees, must be in good standing in their Units.

ARTICLE X – DEPARTMENT CONVENTION

Section 1. The legislative body of the American Legion Auxiliary, Department of Maine, shall be the Department Convention, to be held annually at the same time and place as The American Legion, Department of Maine.

Section 2. Representation to the Department Convention shall be by Units.

Section 3. Delegates-at-large to the Department Convention shall be the members of the Department Executive Committee, which includes all Past Department Presidents in good standing in their Units, and the Chairman of Standing Committees.

ARTICLE XI – DELEGATES TO NATIONAL CONVENTION

Section 1. The Junior Past Department President at the time of National Convention shall be a delegate to National Convention and Chairman of the Delegation. The current Department Secretary at the time of National Convention shall be a delegate to the National Convention and shall serve as Secretary of the Delegation.

ARTICLE XII – FINANCE

Section 1. The revenue of the American Legion Auxiliary, Department of Maine shall be derived from the annual membership dues of both the Senior and Junior groups and from such other sources as may be determined by action of the Department Convention or by the Department Executive Committee.

Section 2. Annual dues shall be payable annually for the succeeding calendar year or for life. A member failing to pay such annual dues by January 31st shall be classified as delinquent and shall be suspended from all membership privileges. Payment of back dues, after suspension, shall reinstate such member to active membership. Any member delinquent to December 31st of the year of delinquency, shall automatically be dropped from the rolls and may not thereafter be reinstated without vote of the Unit, where the Constitution of the Unit requires a vote on applications for membership, and the payment of all past dues, or by re-establishing eligibility and making application as a new member.

ARTICLE XIII – AMENDMENTS

Section 1. The Constitution may be amended at any Department Convention by the vote of two-thirds of the total number of votes cast, provided that the proposed amendment has been read in the Convention twenty-four hours before action is taken, and further provided that the proposed amendment shall have been submitted through the Department Secretary to the Units and to the members of the Department Executive Committee by mailing same to them at least thirty days prior to said Department Convention; provided that the Constitution may be amended by unanimous vote at any Convention without notice.

Section 2. Amendments shall unless otherwise stated become operative upon adoption.

Section 3. Amendments to this Department Constitution adopted by National Convention action shall automatically become effective in this Department; and this Constitution shall be amended in no way conflicting with the National Constitution and By-laws.

**BYLAWS
OF THE
AMERICAN LEGION AUXILIARY
DEPARTMENT OF MAINE**

ARTICLE I – DEPARTMENT EXECUTIVE COMMITTEE

Section 1. POWERS: The Department Executive Committee shall have general supervision and control over all property belonging to the Department and shall supervise the administration of the Department according to the Constitution and By-laws and such other rulings as the Department Convention may prescribe.

Section 2. The Department Executive Committee shall be empowered to call a Department Convention in case of an emergency.

Section 3. MEETINGS: The Department Executive Committee shall meet within twenty-four hours after the adjournment of the Department Convention, as soon as practicable after the National Convention, in January, and immediately preceding the following Department Convention upon reasonable notice thereof. The Department President may call a regular or special meeting at any time. A special meeting requires a specific agenda to be provided to the Department Secretary and sent by the Department Secretary to the members of the Department Executive Committee at least two weeks in advance of the meeting date selected. The Department President shall call a special meeting upon the written request of not less than seven members. A specific agenda must be stated in that request. Notice, including the specific agenda, must be forwarded to the Department Secretary who will provide the agenda and notice of the meeting to the members of the Department Executive Committee at least two weeks in advance of the meeting date.

Section 4. Fifty percent, plus one, of the Department Officers shall constitute a quorum of the Department Executive Committee.

ARTICLE II – ELECTION OF OFFICERS

Section 1. The election of the following officers shall be by secret ballot: Department President, Department Vice-President, Department Secretary, Department Treasurer, Department Chaplain, Department Historian, Department Sergeant-At-Arms, and National Executive Committeewoman. A majority of the votes cast shall be necessary to elect.

Section 2. Voting shall be conducted in a manner similar to public elections and governed by the Rules of Convention.

Section 3. Any candidate for office may request a recount before the Convention body on the Convention floor within one hour of announcement of the election results. Said recount shall be acted upon immediately by the previously ratified election tellers. All candidates for said office shall select two observers to be present during the recount.

Section 4. At the annual District Convention, the duly elected delegates from each Unit shall elect their District Department Vice President and her Alternate. The District Department Vice President and her Alternate shall be presented to Department Convention for ratification, and the District Department Vice President shall be installed with the Department Officers.

Section 5. All Department Officers shall assume their respective offices upon the adjournment of the Convention at which they were elected and shall serve until their successors are elected and qualified, with the exception noted in Article III, Section 10.

Section 6. A vacancy existing in any office in the Department for any cause other than the expiration of a term shall be filled for the unexpired term by a majority vote of the Department Executive Committee, with the exception noted in Article III, Section 3.

ARTICLE III – OFFICERS AND POWERS

Section 1. DEPARTMENT PRESIDENT: It shall be the duty of the Department President to preside at all meetings of the Department Convention assembled, and the Department Executive Committee; to appoint members of the Standing and any Special Committees unless otherwise provided for, and to create such other committees and appoint members thereon as she deems advisable, with the approval of the Department Executive Committee. She shall be ex-officio member of all committees and shall perform such other duties as are usually incident to the office. She shall be charged with the responsibility of executing the mandates of the Department Convention and Executive Committee. The Department President shall not waive her rights to the Department Secretary or any other person, permitting the signing of her name to applications for charter or the charters issued by National Headquarters, or any other legal document pertaining to the Department.

Section 2. NATIONAL EXECUTIVE COMMITTEEWOMAN: It shall be the duty of the National Executive Committeewoman to represent the Department at all meetings of the National Executive Committee. She shall report all actions of each meeting at the following Department Executive Committee Meeting.

Section 3. The DEPARTMENT VICE PRESIDENT shall act as the representative of the Department President on all matters referred to her by the Department President and shall perform such other duties as are incident to the office. The Vice President shall be chairman of the Membership Committee. In case of resignation or death of the Department President, the Vice

President shall automatically become President and the vacancy created in the office of Vice President shall be filled according to Article II, Section 6.

Section 4A. DISTRICT DEPARTMENT VICE PRESIDENTS: Each District Department Vice President shall be in charge of the affairs of the American Legion Auxiliary in her respective District, under the direction of the Department President. It shall be her duty to encourage and promote in every way the growth, welfare, and accomplishments of the Units; she shall be charged with the responsibility of coordinating the activities of the Units and assisting in the organization of New Units in her District. She shall preside at all District meetings during the year and at Convention caucuses. She shall report quarterly to the Department President. She shall serve as a member of the Department Membership Team under the direction of the Department Vice President acting in her role as Department Membership Chairman.

Section 4B. The ALTERNATE DISTRICT DEPARTMENT VICE PRESIDENT shall perform the duties of the District Department Vice President in the case of her absence or disability, or at the request of the District Department Vice President or the Department President.

Section 5. SECRETARY: It shall be the duty of the Department Secretary to record the proceedings of the Department in Convention assembled, and of the Department Executive Committee meetings, and to keep all books that are needed to carry on successfully the work of her office, to act as Secretary of the Department Executive Committee and to conduct her office in a business-like manner. She shall care for the archives of the Department and shall keep a record of all money received from the Units for per capita assessments and other sources. She is hereby vested with such authority as is necessary to carry out her duties successfully for the good of the American Legion Auxiliary. She shall receive all funds from the Units, record and forward them to the Department and National Treasurers; transmit all bulletins under the direction of the President, stating the functioning of the Department, these to be sent to each Unit in the Department at least once a month.

Her accounts shall be audited by a certified public accountant to be completed one week before the annual Convention. She shall deliver to her successor all vouchers, books and papers belonging to the Department upon her successor's qualification.

The Department Secretary shall make all preparations necessary for Department and National Conventions.

Section 6. TREASURER: It shall be the duty of the Treasurer to record all money belonging to the Department and to account for the same. She shall give a bond for herself and the Department Secretary in such amount as the Department Executive Committee may direct, the premium of the aforesaid bond to be paid by the Department.

The Treasurer shall pay all orders on all funds, except those otherwise provided for, which orders shall be approved by the Department President and signed by the Secretary, and shall retain these orders and vouchers together with receipted bills.

She shall keep account of her receipts and expenditures, making annual report thereof, and such other reports as may be deemed necessary by the Department Executive Committee. Her accounts shall be audited by a certified public accountant one week prior to the annual convention. She shall turn over to her successor all money, vouchers, books and papers belonging to the Department, upon the approval of said successor's bond.

Section 7. CHAPLAIN: The Department Chaplain shall officiate as such at the Department Conventions, and shall perform such other duties ordinarily incident to the office of the Department Chaplain, or which shall be assigned to her by the Department President.

Section 8. HISTORIAN: It shall be the duty of the Department Historian to compile the historical records of the Department Organization, and to make a report to the National Historian. She shall send a copy to Department Secretary to be compiled upon previous records and filed at Headquarters in order that a continuous history of the Organization may be referred to at any time.

Section 9. SERGEANT-AT-ARMS: The Department Sergeant-at-Arms is responsible for keeping order at all Department meetings, for the advancement and retirement of colors when requested by the Department President, and for their proper care. She shall be responsible for courtesies to guests and such other duties as may be assigned to her by the Department President.

Section 10. The District Department Vice Presidents and their Alternates are elected at the District Convention. Their terms of office shall be from the close of Department Convention immediately following their ratification to the close of the succeeding Department Convention, District Department Vice Presidents and their Alternates may serve two consecutive terms, or two years; District Department Vice Presidents and their Alternates may serve two additional non-consecutive one-year terms in this position, for a life time maximum of four elected terms, or four years in this capacity.

All officers provided for in ARTICLE IX of the Constitution, with the exception of the National Executive Committeewoman, shall be elected annually at the Department Convention and their terms of office shall be until the next Department Convention. The National Executive Committeewoman shall be elected biannually. Her term of office shall commence at the close of the National Convention immediately following her election and end at the National Convention two years hence. The term of the National Executive Committeewoman Alternate shall be from the close of the National Convention immediately following her ratification until the close of the succeeding National Convention.

Section 11. A Department Officer shall not function as an entity unto herself. She shall be responsible to the membership of the Department to uphold the Department Constitution and By-laws, Department Standing Rules, and mandates of the Department Convention and Department Executive Committee. She shall be accountable for her actions to the

Department President, and subsequently to the Department Executive Committee, as the representatives of the general membership when not in convention, as per Article I, Section 1 and Article XII, Section 1.

Section 12. Elected Department Officers shall not be eligible for re-election to any office in which they have already been elected, with the exception of the Department Secretary, Department Treasurer, Department Sergeant-at-Arms, and the National Executive Committeewoman and District Department Vice Presidents and their Alternates. The National Executive Committeewoman shall only be eligible for election to one additional non-consecutive term of office. The Department Sergeant-at-Arms shall serve no more than two consecutive one-year terms, elected annually. Additionally, the Department Sergeant-at-Arms shall only be eligible for election to two additional one-year terms in the position, with no more than any two terms served consecutively, for a life time maximum of four elected terms, or four years in this capacity. No Department Officer shall hold more than one Department Office at the same time, nor shall she be appointed to a Department Standing Committee with the exception of the Department Vice President, National Executive Committeewoman, National Executive Committeewoman Alternate and Alternate District Department Vice Presidents.

Section 13. The term of office of the Department President shall be for one year only.

Section 14. It shall be the duty of all newly elected Department Officers, including Alternate District Department Vice Presidents, and newly appointed Department Committee Chairmen, to attend the Officers and Committee Chairmen Training to be held annually as soon as practicable following Department Convention and prior to National Convention.

Section 15. The Junior Past Department President shall serve as National Executive Committeewoman Alternate and Chairman of the National Security Committee. As such, she is not eligible to run for the office of National Executive Committeewoman when the term of that office will overlap her service as National Executive Committeewoman Alternate. In her capacity as a Past Department President, she shall be a member of the Department Executive Committee with voice but no vote, unless acting in the capacity of the National Executive Committeewoman in her absence when she shall have the full privileges of committee membership including the vote.

ARTICLE IV – COMMITTEES

Section 1. The Department President shall appoint chairmen and members of standing committees which are named by the National President unless otherwise provided for, and such other committees as she shall deem advisable. In the event of a vacancy the Department President shall appoint a member to fill the unexpired term. All appointments are subject to the ratification of the Department Executive Committee. The Department President shall be ex-officio member of all committees. The Chairmen of Standing Committees shall submit quarterly reports to Department Headquarters.

Section 2. The Department President shall appoint, subject to the ratification of the Department Executive Committee, a Department Finance Committee composed of three members. Of the three members first appointed one shall serve for one year, one for two years, and one for three years. After the expiration of the first year and every year thereafter, one shall be appointed by the Department President to serve for the three-year term. Member of the Department Finance Committee are prohibited from serving consecutive terms in this position, but may serve one additional non-consecutive three year term for a life time maximum of two appointed terms or six years in this capacity. The Finance Committee shall meet when the Department Executive Committee is called, or at the call of the Department President, and as necessary to carry out its responsibilities.

The Department Finance Committee shall oversee the general policy of the Department organization, subject to the approval of the Department Executive Committee. It shall be charged with the preparation of the yearly budget, and shall supervise the expenditures of funds under the budget.

Section 3. The Department President shall appoint, subject to the ratification of the Department Executive Committee, a Special Committee, to be known as the Department Long-Range Planning Committee, composed of six members. Of the six members first appointed, two shall serve for one year, two for two years, and two for three years. After the expiration of the first year, and every year thereafter, two shall be appointed by the Department President to serve for the three-year term. The Long Range Planning Committee shall meet at least four times per year and as often as deemed necessary to carry out the objectives outlined by the body.

ARTICLE V – DEPARTMENT CONVENTION

Section 1. The delegates and alternates to Department Convention shall be elected at Unit meetings held not less than sixty days prior to the Convention. Alternates shall have priority in order of their election.

Section 2. Each Unit shall be entitled to two delegates and one additional delegate for each fifty members or major fraction thereof, whose dues have been received by the Department Headquarters thirty days prior to the meeting of the Convention for which they are elected. An equal number of alternates shall be elected.

Section 3. Twenty-five percent of the number of Units in the Department shall constitute a quorum.

Section 4. Each delegate shall be entitled to one vote.

Section 5. No delegate or alternate shall be seated whose Department and National dues have not been paid and received by Department.

Section 6. Delegates at large shall cast their votes with their respective Units.

Section 7. The Department President shall, at least fourteen days prior to the date of the annual Department Convention, appoint Convention Committees chosen from the elected delegates as follows: Chairman of Pages; Constitution and Bylaws/Resolutions Committee – 5 members; Rules – 1 member; Parliamentarian; Music – 1 member; Distinguished Guests Committee – 4 members; Ways and Means – 5 members; Balloting Chairman, Co-Chairman and 6-10 tellers (based on the number of delegates registered).

Section 8. The Department Secretary shall furnish the Credentials Committee with a certified copy of the list of such delegates as her records show each Unit entitled to prior to the opening of the Convention. The Credentials Committee shall prepare a report of the registered delegates, alternates, and guests to be given at the time specified in Order of Business.

Section 9. All Resolutions shall be presented to the Resolutions Committee for their consideration.

ARTICLE VI – DELEGATES TO NATIONAL CONVENTION

Section 1. Delegates and alternates to National Convention, except those already appointed as enumerated in Article X, Section 1 of the Constitution, shall be elected at the annual Department Convention. The election shall be governed by the Rules of Convention. A majority shall be necessary to elect. If an elected delegate or alternate is unable to serve, the Chairman of the Delegation shall fill the vacancy.

Section 2. Registration of delegates to National Convention shall be paid from Department funds.

ARTICLE VII – UNIT ORGANIZATION

Section 1. CHARTERS: In addition to the revocation as provided in the Constitution, charters may be canceled or suspended. The Department Executive Committee may order the suspension of a charter for a period not to extend beyond the closing of the next succeeding Department Convention, as a disciplinary measure, or pending action relative to final revocation. A cancellation shall be in order where two or more Units merge, where a Unit voluntarily ceases to function, or under such other conditions as might make such action necessary within a Department.

Section 2. Any Unit failing to meet the obligations imposed upon it by the Constitution and By-laws or by rulings of Convention or Executive Committee or ceasing to function from one Department Convention to the next as an American Legion Auxiliary Unit or refusing to pay the per capita tax due Department and National organizations, shall, upon order of the Department President, surrender its charter. Upon failure to surrender such charter, immediate steps may be taken for its revocation.

Section 3. American Legion Auxiliary Units suffering the revocation of their charters may appeal from the decision of the Department President and the Department Executive Committee to the National Executive Committee as prescribed in National By-laws, Article XI, Unit Charters, Sections 3, 4, 5, 6, and 7.

Section 4. As a separately chartered body, the Unit will be responsible for the conduct of its own financial matters, within the rules of the Department and the laws of the State and Nation. The Unit shall obtain its own Taxpayer Identification Number from the Internal Revenue Service, request of and be granted by National the right to be included under the National Group Exemption number, and file the appropriate informational return with the Internal Revenue Service on an annual basis.

ARTICLE VIII – DISTRICT ORGANIZATION

Section 1. Organization and administration of Districts shall be in accordance with the National and Department Constitutions and the Standing Rules as prescribed by a Department Convention.

Section 2. The Units of each District shall hold one District meetings annually, the District Convention. Additional District meetings may be held at the call of the District Department Vice President, or as prescribed in the District Constitution and Bylaws.

Section 3. At the annual District Convention, the duly elected delegates from each District shall nominate the District Department Vice President and her alternate, and elect all other officers as the District may choose to provide for in the District Constitution and Bylaws.

Section 4. The District Department Vice President may arrange for and conduct their District Convention at the Department Convention for the purpose of nominating their District Department Vice President and her alternate. The District Convention must occur prior to the time of general nominations on the convention floor.

ARTICLE IX – COUNTY ORGANIZATION

Section 1. The object of this organization shall be to promote acquaintance and good fellowship among members of the American Legion Auxiliary within the territory embraced by the Council and State: To conduct such legal business as might come under the jurisdiction of the Council and to coordinate the activities of local Auxiliary units through conferences and exchange of ideas.

Section 2. CHARTERS: In addition to the revocation as provided in the Constitution, charters may be canceled or suspended. The Department Executive Committee may order the suspension of a charter for a period not to extend beyond the closing of the next succeeding Department Convention, as a disciplinary measure, or pending action relative to final revocation. A cancellation shall be in order where a County voluntarily ceases to function, or under such other conditions as might make such action necessary within a Department.

Section 3. As a separately chartered intermediary body, the Council will be responsible for the conduct of its own financial matters, within the rules of the Department and the laws of the State and Nation. The Council shall obtain its own Taxpayer Identification Number from the Internal Revenue Service, request of and be granted by National the right to be included under the National Group Exemption number, and file the appropriate informational return with the Internal Revenue Service on an annual basis.

ARTICLE X – FINANCE

Section 1. The annual Department dues shall be determined by a Department Convention.

Section 2. The National and Department dues of both Senior and Junior groups shall be collected by the Unit and transmitted to the Department Secretary, together with such sums as may be determined by the Department. Units shall make timely remittances to the Department Secretary.

Section 3. All special funds shall be approved by and administered as directed by the Department Executive Committee or by Department Convention mandate.

Section 4. There shall be no salaried officers except the Department Secretary and Department Treasurer. No other Department Officer or Committee Member shall receive compensation for her services.

Section 5. The expenses necessary for the performance of official duties shall be paid from Department funds according to action prescribed by the Department Convention or the Department Executive Committee.

ARTICLE XI – DELINQUENT MEMBERS

Section 1. Annual dues shall be payable annually for the succeeding calendar year or for life. A member failing to pay such annual dues by January 31st shall be classed as delinquent and shall be suspended from all membership privileges. Payment of back dues, after suspension, shall reinstate such member to active membership. Any member delinquent to December 31st of the year of delinquency shall automatically be dropped from the rolls and may not thereafter be reinstated without vote of the Unit, where the Constitution of the Unit requires a vote on applications for membership, and the payment of all past dues, or by reestablishing eligibility and making application as a new member.

ARTICLE XII – UNIT REGULATIONS

Section 1. The officers of a Unit shall be President, one or more Vice Presidents, Secretary, Treasurer, Chaplain, Historian, Sergeant-at-Arms, and such other officers as the Unit may designate.

Section 2. The duties of the Unit officers shall be similar to those of the corresponding Department officers as far as practicable.

Section 3. Each Unit may make such laws, rules and regulations for the conduct of its business as are not inconsistent with the National and Department Constitution and By-laws of the American Legion Auxiliary and the policies of The American Legion.

Section 4. All applications for membership shall be accepted by any Unit in this Department only when accompanied by the official application form properly signed by the Post Membership Officer. If, after good effort is made, the signature of the Post Officer cannot be obtained, a signed letter from the Department Adjutant of the Department to which the veteran relative belongs may be obtained and attached to the application. If the applicant is eligible for membership in The American Legion in her own right, the Unit Secretary may verify her eligibility and sign the application. Such an applicant need not join The American Legion to establish her eligibility in the American Legion Auxiliary.

Section 5. Any member in good standing wishing to transfer to another Unit must first present her current membership card to the receiving Unit. No transfer shall be granted a member who has not paid her dues for the current year to the originating Unit. The receiving Unit Secretary shall verify through the originating Unit Secretary that the member requesting transfer is a member in good standing in that Unit. All transfers shall be reported to the Department Secretary by the receiving Unit in the format specified by the National Headquarters of

the American Legion Auxiliary. The member shall then be entitled to active membership in said Unit. No dues shall be transferred.

Section 6. All Unit officers shall be elected at the annual meeting which shall be held prior to the annual Department Convention. The Secretary shall immediately send to the Department Secretary the names of the newly elected officers. All officers shall hold their office for one year or until their successors are elected and qualified.

Section 7. All Unit officers shall assume the duties of their respective offices immediately following their election. While not mandatory, installation is recommended and should take place as soon as possible after election.

Section 8. The Installing Officer shall be a past or present Department Officer or a past Unit President.

Section 9. Unit delegates and alternates to Department Convention shall be elected by a majority vote of those present at a meeting called for that purpose not less than sixty days prior to Department Convention. The Unit Secretary shall immediately send the names of the elected delegates and alternates to the Department Secretary.

ARTICLE XIII – DISCIPLINE

Section 1. For any violation of the Department or National Constitution and By-laws or for conduct improper and prejudicial to the welfare of the American Legion Auxiliary or The American Legion, any Department Officer or any member of the Department Executive Committee, or any member of the Department may be removed from office by a two-thirds vote at a Department Executive Committee meeting duly called for that purpose. Said removal shall be binding, provided said officer or member shall have been given thirty day's notice in writing by the Department Executive Committee of the charge and the hearing thereof.

Section 2. For any violation of the Department and National Constitution and By-laws, or for conduct improper and prejudicial to the welfare of the Auxiliary or of The American Legion, any member may be expelled from membership or any officer removed from office by a two-thirds vote at a Unit meeting duly called for that purpose. Said expulsion or removal shall be binding only in the event said member or officer shall have been given thirty day's notice in writing by the Unit Executive Committee of the charges and the hearing thereon. Either party may have the right of appeal to the Department Executive Committee and its action thereon shall be final. The expense of said appeal shall be borne by the applicant.

Section 3. Expulsion from one Unit does not prevent a member from applying for membership in another Unit.

Section 4. No member or group of members shall subject this Department to liability without the authorization of this Department.

ARTICLE XIV – PARLIAMENTARY AUTHORITY

Section 1. The rules contained in the current edition of *Robert's Rules of Order, Newly Revised* shall govern this organization in all cases in which they are applicable and in which they are not inconsistent with the Department or National Constitution, Bylaws, and Standing Rules.

ARTICLE XV – AMENDMENTS

Section 1. The Bylaws of the Department may be amended at any Department Convention by the vote of two-thirds of the total number of votes cast, provided the proposed amendment shall have been read at such Convention at least twenty-four hours before the vote thereon, and further provided that the proposed amendment shall have been submitted through the Department Secretary to the Units and to the members of the Department Executive Committee by mailing same to them at least thirty days prior to said Department Convention; provided that the By-laws may be amended by unanimous vote at any Convention without notice.