

AMERICAN LEGION AUXILIARY
INCORPORATED



Department Constitution

As amended by the Department Convention

**Ontario, California
June 25-28, 2015**

**AMERICAN LEGION AUXILIARY
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AUTHORITY

Revised 1948, San Francisco	Amended 1976, Stockton
Amended 1949, Long Beach	Amended 1977 Palm Springs
Amended 1950, Sacramento	Amended 1978, San Mateo
Amended 1951, San Diego	Amended 1979, San Diego
Amended 1952, Fresno	Amended 1980, Sacramento
Amended 1953, Long Beach	Amended 1981, Pasadena
Amended 1954, San Francisco	Amended 1984, Fresno
Amended 1955, San Diego	Amended 1987, San Bernardino
Amended 1956, Fresno	Amended 1988, Sacramento
Amended 1957, Long Beach	Amended 1989, Palm Springs
Amended 1958, Sacramento	Amended 1990, Redding
Amended 1959, Santa Monica	Amended 1993, Palm Springs
Amended 1960, San Francisco	Amended 1994, Bakersfield
Amended 1961, Long Beach	Amended 1996, Santa Clara
Amended 1962, Fresno	Amended 1997, Long Beach
Amended 1963, San Bernardino	Amended 1998, Redding
Amended 1964, Sacramento	Amended 2002, Bakersfield
Amended 1965, San Diego	Amended 2003, Riverside
Amended 1966, Bakersfield	Amended 2004, Redding
Amended 1967, San Diego	Amended 2005, Palm Springs
Amended 1968, Fresno	Amended 2006, Fresno
Amended 1969, San Diego	Amended 2007, Palm Springs
Amended 1970, Sacramento	Amended 2008, Bakersfield
Amended 1971, Los Angeles	Amended 2010, Fresno
Amended 1972, San Jose	Amended 2011, Ontario
Amended 1973, Anaheim	Amended 2012, Redding
Amended 1974, Fresno	Amended 2014, Santa Clara
Amended 1975, San Diego	Amended 2015, Ontario, CA

PREAMBLE TO THE CONSTITUTION

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 100 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.

DEPARTMENT CONSTITUTION

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American Legion Auxiliary

Department of California

Constitution

Article I – Name

The name of this organization shall be **AMERICAN LEGION AUXILIARY, Department of California.**

Article II Nature

Section 1. A Civilian Organization of Women

The American Legion Auxiliary is a civilian organization of women.

Section 2. Non-Political

The American Legion Auxiliary shall be absolutely nonpolitical and shall not be used for the dissemination of partisan nor for the promotion of the candidacy of any person seeking public office or preferment. No candidate for nomination or election to, or no incumbent of, any remunerative elective public office, shall hold any elective office or appointive office in the American Legion Auxiliary or in any Department or Unit thereof provided that members of Unit, Department or National standing or special committees shall not be affected.

Article III Eligibility

Section 1. Membership Limitation and Eligibility

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; (per National Mandate) 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 government associated with the United States during any of the said periods, and died in the line of duty or after honorable discharge; and to those who of their own right are eligible to membership in The American Legion. Note: California laws entitle stepmothers, stepdaughters, and stepsisters to above eligibility. (1998)

Section 2. Eligibility Doesn't Constitute Acceptability

Eligibility does not constitute acceptability.

Section 3. Defining Gold Star Mothers

Gold Star Members. Entitled to wear gold star pins, are mothers, wives, sisters, daughters, granddaughters, great granddaughters, and grandmothers of one who was regularly enlisted, drafted, inducted, or commissioned and who was accepted for and assigned to active duty in the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States at some time 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 (per National mandate); all dates inclusive; or who being a citizen of the United States at the time of his entry therein served on active duty in the Armed Forces of any governments associated with the United States during any of the said wars or hostilities, and who did not refuse on conscientious, political or other grounds to subject himself to military discipline or unqualified service; or who was separated from service under circumstances amounting to dishonorable discharge which has been subsequently restored to an honorable status, and who died during such service or who died prior to June 2, 1921 (the legal termination of the war), with reference to service in World War I, or prior to April 28, 1952 (the legal declaration of peace by the United States government), with reference to service to World War II or on or before January 31, 1955 (the date set by the government of the United States as the termination of hostilities for compensative purposes), with reference to service during the war which commenced June 25, 1950, or on or before May 7, 1975, (the date set by the government of the United States in Public Law 93-52 for the termination of combat activities), with reference to service during the hostilities which commenced December 22, 1961, his death being attributed to his service. (1987) The foregoing applies also to the mother, wives, sisters, daughters, granddaughters, great granddaughters **and grandmothers** of men and women who died in line of duty in WWI, WWII, Korean Conflict, Vietnam Hostilities, Grenada/Lebanon and Panama. (2007)

Section 4. Two Classes of Membership

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

A. Senior Membership Defined

Senior membership shall be composed of members over the age of eighteen (18) years; provided however, that a wife under the age of eighteen (18) years, who is eligible under Section I of this article, shall be classed as a Senior member.

B. Junior Membership Defined

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 (18) years, Junior members shall automatically be admitted into Senior membership with full privileges.

C. Payment of Dues

Dues of both classes shall be paid annually **or for life.** (2007)

Section 5. Membership Limited to One Unit

No person shall at any time be a member of more than one (1) Unit.

Section 6. Applicants Accepted Shall be Obligated or Initiated

Applicants for membership in the American Legion Auxiliary shall be voted upon as provided in the approved Unit Bylaws. Applicants accepted as members shall be obligated or initiated and shall be entitled to a membership card and an Auxiliary pin.

Article IV Department Organization

Section 1. Convention, Held Annually, to Be Legislative Body. Place and Time of Convention

The legislative body of the American Legion Auxiliary, shall be the Department Convention, to be held annually, not to exceed four (4) successive days. The time and place, to be the same as that of The American Legion; provided, an invitation is extended by them, adequate accommodations are available, and their convention is held prior to the National Convention.

In the event it is not feasible to hold a convention at the same place as that of The American Legion, the time and place shall be determined by a vote of the Executive Committee.

Section 2. Personnel of Convention

The annual convention shall be composed of regularly elected and appointed Department Officers, District Presidents, Past Department Presidents in good standing in their respective Units, chairmen of Department committees, members of the Department Finance Committee, Girls State Director, Junior Conference Director, Hospital Representatives, and regularly elected delegates and alternates from each Unit. Each Unit shall be entitled to two (2) delegates and two (2) alternates for charter and one (1) additional delegate and one (1) alternate for each seventy-five (75) members or major fraction thereof, paid up in Department Headquarters forty-five (45) days prior to the opening of Department Convention. The vote of each Unit shall be equal to the total number of delegates to which the Unit is entitled, provided full registration fee has been paid for such delegates at the call of the Department **Secretary** prior to pre-convention caucus. (2015)

No delegate or delegates from any Unit shall be seated in Department Convention or pre-convention caucus unless all obligations to Department shall have been paid or satisfied.

Delegates from new Units whose application for charter shall have been signed by the Department President and forwarded to National Headquarters after designated membership closing date, but prior to the pre-convention caucus and/or the Department Convention, and whose bylaws shall have been approved, and all other Department requirements have been met, shall be seated in delegation and Department shall allow increase in District voting strength. (Note: (A) Registration fee of Department Officers, Past Department Presidents, District Presidents, and chairmen of Department committees and all other accorded voice and vote must be paid. (B) Alternates, unless registering and serving in place of regular delegates, shall not be seated with the delegation.

Section 3. Quorum for Department Convention

A quorum shall exist at Department Convention when one-third (1/3) of the Units in good standing are partially or wholly represented by duly elected delegates or alternates.

Section 4. Amendments – Constitution and Bylaws

A copy of amendments pertaining to the Constitution and Bylaws to be in Department Office not later than seventy-five (75) days prior to the opening of the following Department Convention, **triplicate copies required if via regular mail**, (2012)

A. Resolutions Pertaining to Finance

Resolutions pertaining to finance to be in the Department Office not later than sixty (60) days prior to the opening of the following Department convention. (1994)

B. Resolutions Other Than Finance

All resolutions other than the above must be in Department Office forty-five (45) days prior to the following Department Convention. Exceptions to this may be made to allow the presenting of emergency resolutions not later than noon of the second day of convention. (1994)

C. Resolutions – Numbering and Filing

All resolutions will be numbered in Department, one (1) copy to be kept in the office files, the remaining resolutions to be sent to the Department Resolutions Chairman within five (5) days after being received by Department Office. She in turn will direct them to their respective committees. (Note: Emergency resolutions are those which arise during the convention or after the date established for admitting them.)

Article V

Election and Appointment of Department Officers, One Member of the Finance Committee, District Presidents, and Vice Presidents, National Delegates and Convention Committees

Section 1. Officers Elected by Convention

The Department Convention shall elect annually a president, vice president, and one member of the Finance Committee. Department Convention shall ratify the election of District Presidents and District Vice Presidents nominated and elected by convention delegates at District pre-convention caucus to be held not earlier than forty-five (45) days nor later than fifteen (15) days prior to the opening of the following Department Convention. (1984)

A. Voting in District Pre-convention Caucus

Voting in District pre-convention caucus shall be by regularly elected delegates to Department Convention or alternates serving as delegates to the forthcoming Department Convention. Department Officers, District Presidents, Past Department Presidents, Department Chairmen, Members of the Department Finance Committee, Girls State Director, Junior Conference Director, and Hospital Representatives in good standing in their respective Units shall be entitled to vote. (1994)

Section 2. Nomination of Candidates

Candidates seeking elective Department office or Junior Member of Finance Committee shall be nominated from the convention floor.

Section 3. One Candidate for All Offices, Viva Voce

When there is but one candidate for all offices and member of the Finance Committee, the nominees shall be elected *viva voce*.

A. Quorum Determined by Roll Call

District roll call shall be taken to determine that a quorum is present at the time of roll call.

B. District Presidents Responsible for Number of Votes Cast

Each District President shall be responsible to the convention to report the number of Units in good standing partially or wholly represented by duly elected delegates or alternates present in the delegation at the time of roll call.

Section 4. More Than One Candidate for an Office

When there is more than one candidate for office or member of the Finance Committee, election shall be by written ballot.

A. Election Procedure

Procedure of election shall be written ballot cast by the delegated body. Each delegate shall cast her ballot in a sealed individual District ballot box. The District President and the District member of the Election Committee shall be in charge of said box. When balloting is completed in each District, the District President and District member of the Election Committee shall deliver the ballot box to the Department Chairman of the Election Committee who shall publicly break each seal and deposit the contents into one large box. This container shall remain on the platform in the convention hall until ballots from all Districts have been deposited.

B. Election Committee

Said Election Committee shall consist of a chairman appointed by the Department President and one (1) member appointed from each District delegation by the District President. (1994)

C. Duties of the Election Committee

It shall be the duty of said Election Committee to count the ballots without regard to District groupings and the Election Committee Chairman shall announce the number of votes cast for each candidate.

D. Votes Required to Elect

A majority of votes cast shall elect except in the case of National delegates and alternates, wherein a plurality Vote shall elect.

E. Voting Strength of Convention Obtained by District Roll Call

District roll call shall be taken for the purpose of obtaining voting strength of the convention. Each District President shall be responsible to the convention body that the number of votes cast shall not exceed the voting strength at the time of roll call. (1994)

F. No One Permitted to Enter or Leave Room During Voting

No one shall be permitted to enter or leave the meeting room during voting. (1994)

Section 5. Eligibility to Department Office

Any member in good standing, present at convention or pre-convention caucus, or who has given her written consent, is eligible to seek Department office.

Section 6. Installation of Officers

Elective Department Officers, Junior Member of Finance Committee, District Presidents and District Vice Presidents and appointed Department Officers shall be installed prior to and take office upon the adjournment of the Department Convention at which they were elected, ratified, or appointed: and serve until adjournment of the succeeding Department Convention. (2012)

Section 7. Appointed Officers

The Department President shall appoint the following Department Officers: Chaplain, Historian, Parliamentarian, Sergeant-at-Arms, Marshal, and Musician.

Section 8. Vacancies – Department President – How Filled

In case of death, resignation, or removal of the Department President, the Vice President shall immediately succeed to the office; vacancies in all other Department elective offices and Finance Committee occurring between conventions shall be filled by the Department Executive Committee.

A. Department Vice President, Secretary, Treasurer, and Other Officers – How Filled

In case of a vacancy in the office of Department Vice President or other elective **officers**, or the Department Secretary, **or Department** Treasurer, the Department President is empowered to fill such vacancies by calling an emergency Executive Committee meeting or by a referendum vote of the Department Executive Committee within **thirty** (30) days. In the event of vacancies in both the Department President and Vice President offices, the Department **Secretary** is empowered to call a meeting of the Department Executive Committee or by a referendum vote within thirty (30) days. (2015)

B. Department President, Department Vice President, *Department Secretary, and Department Treasurer* – How Filled

In case of vacancies in the offices of Department President, Department Vice President, **Department Secretary, and Department** Treasurer simultaneously, the Junior Past Department President, Department Parliamentarian, and the Department Finance Committee Chairman shall call an emergency meeting of the Department Executive Committee within **thirty** (30) days of such vacancies. This meeting shall be held in the Department Headquarters of the American Legion Auxiliary or by electronic means. (2015)

C. District Presidents – How Filled

Vacancy occurring in the office of District President shall be filled by the District First Vice President. A vacancy in the office of First Vice President shall be filled by the Second Vice President. Any other vacancy in the office shall be filled by vote of the District at a called meeting. Each Unit shall vote the value of previous convention voting strength, and shall report to the District President prior to election the names of those selected to cast said votes. Department Officers, District Presidents, Past Department Presidents, Department Chairmen, Members of Department Finance Committee, Girls State Director, Junior Conference Director,

and Hospital Representatives in good standing in their respective units in the District shall be entitled to vote. Said election shall be ratified by the Department President.

Section 9. Personnel of Convention Committee

The convention committees shall be composed of one (1) member from each District of the state, and shall be appointed by the District Presidents from Unit delegates and approved at the District pre-convention caucus. Any vacancy occurring after the pre-convention caucus, shall be filled from the delegation appointment made by the District President, who shall notify the Department chairman in charge of the convention committee to which the delegate was appointed.

Section 10. Delegates/Alternates to National Convention Elected

Delegates and alternates to National Convention shall be elected at Department Convention as prescribed by the National organization. The Department President, Department President-elect, **Department Secretary** or the individual called by the Department President to serve as the **Department Secretary** to the National Convention, and National Chairmen shall be the first nominated delegates, if they are attending the National Convention. Each District will present the names of the elected delegate and/or alternate for ratification. The privilege of further nominations, provided the number of delegates and/or alternates is under the designated number, shall be given by District numerical membership strength. (2015)

Section 11. Number of Delegates/Alternates

The Department Convention shall elect annually five (5) delegates for charter and one (1) for each one thousand five hundred (1,500) members or major fraction thereof, and one (1) alternate for each delegate to the National Convention. Election shall be by ballot when the number of candidates exceeds the number designated. A plurality vote shall elect. (1994)

Section 12. National Executive Committeewoman

The retiring Department President shall automatically become the National Executive Committeewoman and *Legislative* Chairman, and the Department President her alternate. In case of vacancy in office of National Executive Committeewoman or alternate, her successor for the unexpired term shall be chosen by the Department Executive Committee. (2011)

Section 13. Endorsement for National Office

All members seeking National office shall be endorsed at a Department Convention by a majority vote not more than three (3) years prior to the date they are to be a candidate for office. *Vote shall be by viva voice unless there is more than one candidate, then vote shall be by ballot.* (2014)

Article VI Subsidiary Organizations

Section 1. Regulated by American Legion Auxiliary

Subsidiary organizations in the Department of California shall be the County Councils, and all other groups as may be organized **and listed in the Department Standing Rules** under the name and jurisdiction of the Department of California. (2015)

A. Composition

Subsidiary organization in the Department of California shall be the County Councils and all other groups as may be organized **and listed in the Department Standing Rules** under the name and jurisdiction of the Department of California. (2015)

B. All Activities Must Be Approved

All proposed activities other than those approved by action of the Department Convention or Executive Committee of the American Legion Auxiliary, or in approved bylaws and/or standing rules, as provided in Section D must be approved by the Department President.

C. Financial Statement

An annual financial statement shall be submitted to the Department President thirty (30) days prior to convention. All persons handling funds in subsidiary organizations shall be bonded said bond to be paid by the organization every *three (3) years for the ensuing three (3) years.* (2012)

D. Bylaws and Rules Must Be Approved

The bylaws and/or standing rules of all subsidiary organizations shall be approved by the Department Constitution and Bylaws Chairman and signed by the Department President. A copy shall be filed with the Department Constitution & Bylaws Chairman. No bylaws, standing rules or amendments thereof shall be in conflict with the adopted Department or National Constitution and Bylaws.

E. Submit Names and Addresses

The names and addresses of all officers of subsidiary organizations shall be sent annually, following election, to the Department President of the American Legion Auxiliary.

F. Dissolution

When by mutual consent, or on demand of the Department Executive Committee of the American Legion Auxiliary, any subsidiary organization is dissolved, said organization shall send to Department Headquarters all properties, records, and monies after organization indebtedness is paid: provided requirements of sponsoring organizations are met. (2012)

Section 2. County Councils

County Councils. It shall require a request to the Department President from the membership of a majority of the units of any county to organize a council within said county. All councils shall maintain a continuous membership of a majority of said units at all times in order to function.

Article VII Department Executive Committee

Section 1. Personnel and Powers Of

Between Department Conventions, the administrative power shall be vested in a Department Executive Committee, but without power to modify any previous Department Convention action. This committee shall be composed of the Department President, Department Vice President, Junior Past Department President, Past National President of the Department of California, District Presidents, Department Chairmen of Standing Committees, Members of the Finance

Committee, Parliamentarian, Girls State Director and Junior Conference Director. The **Department Secretary, Department Treasurer, and Parliamentarian shall be non-voting members of the Executive Committee and voting members and voting members** of the Department Convention. (2015)

Section 2. Past National Presidents

Past National Presidents, by virtue of distinguished service to the American Legion Auxiliary and to the Department of California shall be life members with voice and vote. (1994)

Section 3. Officers and Past Department Presidents Extended Courtesy to Sit in Department Executive Committee

All other Department Officers and Past Department Presidents, in good standing in their respective units, shall be notified of time and place of meetings and be extended courtesy of being seated with voice but no vote. (1994)

Section 4. Quorum

Fifteen (15) members shall constitute a quorum for the purpose of transacting business. (1994)

Section 5. Nomination of Department Secretary and Department Treasurer

The newly elected/appointed Executive Committee shall meet immediately following Department Convention. There shall be a **Department Secretary and Department Treasurer** to be nominated by the Department President and confirmed by the Department Executive Committee at the Post-Convention Department Executive Committee Meeting. **They** may be removed from office by majority vote of the Department Executive Committee. **They shall be non-voting members of the Executive Committee and voting members** of the Department Convention. **If a combined office there is just one vote permitted.** (2015)

Section 6. Powers Of – When Impossible to Hold Department Convention

The Department Executive Committee shall have the power to transact any business that would come before a Department Convention, if it becomes impossible to hold said convention. When the Department Convention is not held, the Executive Committee must provide a method of permitting the units a voice and vote in nominating and electing officers. (1994)

Article VIII Fiscal Year

The fiscal year of the American Legion Auxiliary shall be July 1st to June 30th. The legislative year shall be from Department Convention to Department Convention.

Article IX Finances

Section 1. Revenues Defined

The revenue from this Department shall be derived from the annual dues of members and from such other resources as are approved by the administrative body. All revenue shall be disbursed under budget control. The Finance

Committee will present the budget annually for approval by the convention delegates. (1994)

Section 2. Per Capita Tax

Per capita tax shall be payable in advance annually. National senior, ~~nine (\$9.00)~~, Department senior, ~~seven dollars (\$7.00)~~, Auxiliary News assessment, one dollar (\$1.00), National junior, one dollar and twenty-five cents (\$1.25), Department junior, seventy-five cents (\$.75). (2012)

Section 3. Unit Registration Fee

All units in good standing shall pay a registration fee not to exceed twenty dollars (\$20.00) per delegate. Fee shall cover full voting strength of the Unit prior to the District pre-convention caucus. (2010)

Section 4. Disbursing Officers Must Be Bonded

All Department Officers and committee chairmen who disburse funds for this organization, shall be bonded through Department. Each officer or chairman shall forward all books, canceled checks and supporting papers to headquarters for audit when requested to do so by the Department President, Department Secretary/Treasurer or Department Finance Committee. (1994)

Article X Discipline

Section 1. Defining Violations and Subsequent Procedure

For any violation of Department or National Constitution or for conduct improper and prejudicial to the welfare of the Auxiliary or The American Legion, charges against Department Officers or District Presidents, except the Department President, shall be referred to the Department President, who shall appoint an investigating committee of five (5), and their majority vote of findings and penalties shall be submitted to Department Executive Committee for final decision; provided, however, that the accused may produce new evidence within (30) days, which shall be submitted to the Department Executive Committee, and their decision, **by a majority vote**, shall be final. Defendants shall be given fifteen (15) days previous notice before trial to prepare defense. (2008)

Section 2. Charges Against a Department President - Procedure

Charges against a Department President shall be made to Department Executive Committee through Department Secretary, and if charges are sustained, the Executive Committee shall appoint an investigating committee of five (5). None of whom shall be members of Department Executive Committee, and their majority vote of findings and penalties shall be submitted to the Executive Committee for final decision; provided, however, that the accused may produce new evidence within thirty (30) days, which shall be submitted to Department Executive Committee, and their decision by two-thirds (2/3) vote, shall be final.

Section 3. Charges Against Officers or Members of Units - Procedure

Charges affecting the election, eligibility, and conduct of officers or members of Units shall be referred to and determined by the members of the Unit involved, they to proceed in the same manner as prescribed by the *Unit Handbook*.

Article XI Penalties

Section 1. Cancellation or Suspension of Charter

In addition to the revocation as provided in the National Constitution, charters may be canceled, suspended, or a Unit placed on probation. The Department Executive Committee may order the suspension of a charter for a period not to exceed beyond the closing of the next succeeding Department Convention, as a disciplinary measure, or pending action relative to final revocation, providing notice of such proposed action has been sent to the Unit from Department Headquarters, bearing the signature of the Department President, at least thirty (30) days prior to the Department Executive Committee meeting, and an opportunity is given for a hearing before action is taken. During the suspension of a charter, Department may provide for the government and administration of the Unit.

A. Probation

Prior to suspension, a Unit may be placed on probation by the Department Executive Committee, or President, under the supervision of a committee of three (3), one (1) of whom shall be the District President, and two (2) appointed by the Department President. The Department Office shall notify the Unit immediately following the date of such probation. During probationary period, Unit shall be expected to continue all programs they have previously followed and shall be accountable to the Committee for a proper report when requested.

B. Cancellation, When in Order

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 with the Department.

Section 2. Unit Failing to Meet Obligations, To Surrender Charter

Any Unit failing to meet the obligations imposed upon it by Constitution and Bylaws, or by ruling 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 per capita tax due Department, District, and National organizations, shall, upon order of the Department President, surrender its charter. Upon failing to surrender such charter, immediate steps may be taken for its revocation.

Section 3. Appeal from Revocation of Charter

American Legion Auxiliary Units suffering revocation of their charter may appeal from the decision of the Department Executive Committee to the National Executive Committee, as hereinafter prescribed.

A. Method of Procedure In Notice of Appeal

Upon notice of appeal, the National President will, as provided in National Constitution, appointment a subcommittee of not more that five (5) members, nor less than three (3) members, of the National Executive Committee for the purpose of passing upon the action of the Department Executive Committee in revocation of said charter. This committee shall meet at least one (1) day prior to the meeting of the National Executive Committee next following such

revocation, and to this committee shall be referred the complete record, in writing, of said revocation, with such exceptions thereto as are made by the Unit of which charter has been revoked. This committee shall review the case and recommend to the National Executive Committee the action to be taken thereon.

Article XII District Organization

Section 1. District Officers

The officers of the Districts shall be President, First Vice President, Second Vice President, Junior Past President, Secretary/Treasurer, Historian, Chaplain, Sergeant-at-Arms, and such other officers as the President or the District may deem necessary. The District Secretary/Treasurer may be elected or be appointed by the District President. (Note: The office of Secretary/Treasurer may be divided. No person shall hold more than one District office at the same time.)

Section 2. Election of President and Vice President

The District President and Vice Presidents shall be elected annually, not earlier than forty-five (45) days nor later than fifteen (15) days prior to the opening of the following Department Convention.

A. District Preconvention Caucus May Be Held at Time of Legion Caucus

If the District of The American Legion shall invite the District to hold a joint preconvention caucus session, the District may accept the invitation if the election of delegates within the District has been completed and all other preconvention requirements are met.

Section 3. Voting in Preconvention Caucus

Voting in preconvention District caucus shall be by regularly elected delegates to Department Convention or alternates, serving as delegates, to the forthcoming Department Convention, Department Officers, District Presidents, Past Department Presidents, Department Chairmen, Members of the Department Finance Committee, Girls State Director, Junior Conference Director, and Hospital Representatives in good standing in their respective Units.

A. Payment of Convention Delegates Registration Fee

Registration fee covering full voting strength of the Unit must be paid prior to the District preconvention caucus.

Section 4. Required Meetings.

Each District shall hold no fewer than two (2) nor more than twelve (12) meetings per year, including the preconvention caucus.

A. District Delegated Body When Provided in the Bylaws

When District Bylaws provide for a delegated District body, the District voting delegation shall be all District Officers, District Chairmen, and such others as the District Bylaws have accorded voice and vote. All Department Officers, Past Department Presidents, Department Chairmen, Members of the Department Finance Committee, Girls State Director, Junior Conference Director, and Hospital Representatives in good standing in their own Units shall be voting members of said District.

B. District Members Entitled to Vote Unless Otherwise Provided in Bylaws

Unless District Bylaws provide for a delegated District body as in (A), all members of District present in District meetings shall be entitled to voice and vote, except in pre-convention caucus.

C. District Pre-convention Caucus

District pre-convention caucus shall nominate and elect a delegate and/or alternate for National Convention, or by vote of the District delegates by caucus assembled at Department Convention.

Section 5. Quorum

A quorum shall exist at District meetings when one-third (1/3) of the Units in good standing are wholly or partially represented.

Section 6. District Per Capita Financing

The District shall be financed by a District per capita tax not less than two cents (2¢) or more than fifty cents (50¢). This fund to be used for courtesies and operating expenses of the District. (2006)

A. District Per Capita

Said per capita tax shall be based on Unit membership forty-five (45) days prior to the opening of the Department Convention. This tax shall be due September 1st, and delinquent February 1st, providing written notice has been mailed to the Unit prior to delinquency date.

B. District Per Capita Tax – New Units

Units chartered after close of membership books shall pay District per capita tax on charter membership roll.

C. Nonpayment of Per Capita Tax

Noncompliance with this rule shall forfeit the right of the Unit so delinquent, of their pre-convention caucus and convention representation.

Section 7. The Treasurer's books shall be audited annually within sixty (60) days of the end of the fiscal year, prior to filing appropriate tax forms with the Internal Revenue Service and Franchise Tax Board. (2012)

Section 8. Bylaws and Standing Rules

Each District shall have Bylaws to cover the needs of the District, so long as they do not conflict with the Department or National Constitution and Bylaws or rulings. Districts may have standing rules to cover situations not covered by the bylaws, providing they do not conflict with the Department or National Constitution and Bylaws or rulings. District Bylaws and amendments before becoming effective must be approved by the Department Constitution and Bylaws Chairman, and signed by the Department President. District shall submit two (2) complete copies of bylaws and four (4) signature pages or four (4) copies of proposed amendment bearing dates of first and second reading and signature of District President and District Constitution and Bylaws Chairman with proper spacing allowed for date and signatures of Department Constitution and Bylaws Chairman and Department President. Department Chairman will keep one copy for her file, send one (1) copy to Department Office file and return

two (2) signature pages to District to be attached to District President's file and to District Constitution and Bylaws file. (2003)

Section 9. Redistricting of Districts

The Department of California, American Legion Auxiliary, shall automatically conform to the redistricting plans of The American Legion as to Districts

Article XIII Unit Organization

Section 1. Formation of Auxiliary Unit

Those who desire to form an Auxiliary Unit of this Department shall make application for charter to Department President. Application must be approved by the Commander and Adjutant of the Post to which the Unit is to be attached and certified by the District President. Application must be accompanied by at least ten (10) properly executed senior applications and required Department and National per capita tax for each as well as a charter fee of ten dollars (\$10.00). Charters must be closed thirty (30) days after they have been signed by the Commander and Adjutant of The American Legion Post.

A. Minimum Membership

The minimum membership of a Unit shall at all times be ten (10) Senior members.

Section 2. Lost or Destroyed Charter

When a charter has been lost or destroyed, a duplicate can be secured on application to the Department Secretary and payment of charter fee; duplicate charter rolls can be obtained by the same procedure.

A. Unit Must Reorganize and Apply for New Charter When Canceled or Revoked

A Unit cannot be reinstated under a charter which has been canceled or revoked. It may, however, reorganize and apply for a new charter following the procedure outlined for the organization of new Units.

B. Cancellation of Post Charter

The cancellation or revocation of a Post charter does not invalidate the charter of its Auxiliary Unit. The Unit may continue to operate, bearing the name and number of the Post to which it was attached.

Section 3. Units Surrendering or Revocation of Charter

Any Unit, whose charter is surrendered or revoked, must return charter, records, properties, and all monies remaining to Department Headquarters after Unit indebtedness has been paid. (1994)

Section 4. Regular Meetings of Units

Units must hold not fewer than nine (9) monthly meetings in order to hold their charter, except where dispensations have been granted, as hereinafter provided in Article I Section 1. D., Department Bylaws.

Section 5. New Unit May Function Under Temporary Officers

Temporary chairman should ask for nominations for following officers: President, First Vice President, Second Vice President, Secretary, Treasurer (offices of Secretary and Treasurer may be combined), and at least one (1) Executive Committeewoman. Upon their election, the permanent officers shall assume their duties and the President shall appoint chairmen of standing committees and such nonelective officers as are required by the Unit Bylaws.

Section 6. Applications for Membership Must Be Signed

Applications for Senior membership must be signed by applicants in person. Junior applicants may have their membership blanks signed by their natural or legal guardian.

Section 7. Defining Delinquent Members of Units

Annual dues shall be payable annually for the succeeding calendar year or for life. A member failing to pay such annual dues by January thirty-first (31st) shall be classed as delinquent and shall be suspended from all membership privileges, provided, however, such suspended member shall be notified in writing by the Secretary of the Unit of such suspension prior thereto. Payment of back dues, after suspension, shall reinstate such member to active membership. Any member delinquent to December thirty-first (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 application for membership and the payment of all past dues, or by reestablishing eligibility and making application as a new member.

A. Remitting Per Capita Tax Monthly

Each Unit shall remit the Department and National per capita dues promptly to the Department Office at least once a month. (2015)

Section 8. Granting Transfers to Unit Members

Any member in good standing wishing to transfer to another Unit must present to the new Unit her current membership card. Upon acceptance of the transfer applicant by the new Unit, the Unit Secretary will complete the certification of transfer. The member shall then be entitled to active membership in said Unit. No dues shall be transferred.

A. Members in Good Standing

Note: The term "good standing" is interpreted to mean that dues for the current year have been paid and the transferee holds a membership card for that year.

B. Transfer Certificates Issued by National Only

No transfer certificates shall be used except those issued by the National American Legion Auxiliary.

Section 9. Withdrawal of Membership

A Unit member may withdraw 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.

Article XIV Unit Activities

Section 1. Elected Officers

Each Unit shall elect the following officers: President, First Vice President, Second Vice President, Secretary, Treasurer, and one (1) or more Executive Committeewoman. (The offices of Secretary and Treasurer may be combined.)

A. Appointed Officers

The Historian, Chaplain, Sergeant-At-Arms, and such other officers as the Unit may deem necessary may be elected or appointed, provided Unit Bylaws shall specify which are appointive and which are elective, no member to hold more than one (1) elective office.

B. Eligibility of Office

Any member in good standing, present at the nomination or election meeting, or who has given her written consent, is eligible to seek office, provided that Units may limit the number of consecutive years a member may seek election to the same office.

Section 2. Nominations and Elections

Unit officers shall be elected annually by majority vote, at a meeting designated by a vote of the Unit, provided, nominations and elections are held not earlier than April 1st or less than five (5) days prior to the opening of Department Convention. The Unit shall notify their membership and the District President of the time set for election. Officers shall be installed prior to September 1st. Officers shall continue in office until successors are installed.

Section 3. Election of Delegates and Alternates

Units shall elect delegates and alternates to the Department Convention at least fifteen (15) days prior to the date set for the District preconvention caucus, but not earlier than April 1st.

Section 4. Who Is Eligible to Install Officers

The following are eligible to install: Present and past Department Presidents, present Department Officers, present and past District Presidents and Vice Presidents, past Department Executive Committeewomen, and Unit past Presidents. Units are instructed to notify District President date of installation and name of installing officer.

Section 5. Finance Officers to be Bonded

The office of Treasurer in all units shall be bonded, said bond to be paid every three (3) years for the ensuing three (3) years. (2012)

Section 6. The Treasurer's books shall be audited annually within sixty (60) days of the end of the fiscal year, prior to filing appropriate tax forms with the Internal Revenue Service and Franchise Tax Board and renumber following Sections accordingly. (2012)

Section 7. Revision of Unit Bylaws

Each Unit must follow uniform Bylaws as provided in the adopted duplicated sets of Unit Bylaws and to be governed by the Department Constitution. Revisions or amendments other than those that must conform to National and Department constitutions, before becoming

effective must be approved by the Department Constitution and Bylaws Chairman and signed by the Department President. (2004)

A. Bylaws in Permanent Book

Each Unit shall maintain its Bylaws in a permanently bound book, or binder of substantial nature. The book of approved Bylaws shall be kept by the Unit Secretary to be present at every meeting.

B. Preparations of Bylaws and Amendments

All Unit Bylaws and Bylaw amendments shall be submitted for the approval of the Department Constitution and Bylaws Chairman and signature of the Department President. Units shall submit two (2) complete copies of Bylaws and five (5) signature pages, or five (5) copies of proposed amendment, bearing dates of first and second reading and signature of Unit President and Unit Constitution and Bylaws Chairman with proper spacing allowed for date and signatures of Department Constitution and Bylaws Chairman and Department President. After approval and signatures, the Department Bylaws Chairman will return three (3) signature pages to the Unit. The Unit will place original copy in book of approved Bylaws, and forward one (1) copy to the District President and one (1) to the District Constitution and Bylaws Chairman. Department Constitution and Bylaws Chairman will keep a copy for Chairman's file and forward one (1) copy to the Department Office file. (2003)

Section 7. Unit Invitation to District President

Each Unit shall invite the District President to attend at least one (1) regular business meeting each year.

Article XV Amendments

Section 1. Constitution May Be Amended by Department Convention

This Constitution may be amended by any Department Convention by a two-thirds (2/3) affirmative vote of the delegates present and voting; provided that the proposed amendments shall have been submitted through the Department Office, to the Unit and personnel of the Department Convention sixty (60) days prior thereto.

Section 2. Recommendations and Resolutions Submitted to Constitution and Bylaws Chairman

All recommendations and resolutions proposed by any Department Officer, Department Chairman, Unit, District or delegates affecting changes in the Department Constitution must be channeled through the chairman of the Constitution and Bylaws, to be presented in accordance with the Department Constitution and Bylaws covering amendments.

Section 3. May Be Adopted by unanimous Vote

An amendment not having been previously read and distributed as required in Section I., may be adopted by the unanimous vote of the convention body.

A. Duplicated Copies Shall Constitute First Reading

When proposed amendments have been duplicated and submitted to the Units sixty (60) days prior to convention, as provided in Article XV, Section I., and additional copies are supplied to the delegation, at the time of registration, upon request, said duplicated amendments shall constitute the first reading and the vote shall be taken following the reading by the Department Constitution and Bylaws Chairman.

B. Two-Thirds Vote required on Late Revisions

Necessary amendments which are proposed after distribution of revisions to Units as required in Section 1., may be adopted by two-thirds (2/3) vote of the delegation provided they shall have been read at one meeting of the session prior to taking the vote.

Section 4. Amended to Conform to National Convention

This Constitution shall be automatically amended to conform to National Constitution.

Section 5. Method of Amending bylaws

The above methods of amendment apply in full to Department Bylaws.

Article XVI Parliamentary Authority

Section 1.

The Department organization shall be governed by *Robert's Rules of Order Newly Revised* on all points not covered by the Department Constitution and Bylaws.