

# AMERICAN LEGION AUXILIARY

Department of California



# BYLAWS

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**As Amended by the  
Department Convention  
Fresno Convention  
June 24-27, 2010**

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## American Legion Auxiliary

### Department of California

# Bylaws

## Article I Duties of Department Officers

### Section 1. Department President

It shall be the duty of the President to preside at all meetings of the Department Convention assembled and the Department Executive Committee; to enforce strict observance of the Constitution and Bylaws, except as hereinafter provided in (D), and with the exception of the National Security Chairman to appoint chairmen of standing committees, Hospital Representatives and their Deputies, Hospital Chairmen and their Deputies in non-VA hospitals; when requested by the District or Districts involved and the Poppy Production Managers; and create such other special committees and appoint members thereof as she deems advisable, and perform such other duties as custom and parliamentary usage requires.

#### A. Member Ex-officio of All Committees

She shall be a member ex-officio of all committees.

#### B. Shall Sign all Approved Unit Bylaws

The Department President shall sign Bylaws of all Units after approval of Department Constitution and Bylaws Chairman.

#### C. Shall Call Meetings of Executive Committees

The Department President shall call regular meetings of the Executive Committee and special meeting of Executive Committee upon written consent, or request, of not less than five (5) members of said committee.

#### D. Special Dispensation to Units and Districts

She shall be vested with authority to grant special dispensation to individual Units or Districts in extreme cases of emergency. Emergency shall be defined to mean epidemics, disaster or unusual climatic conditions when it shall become impossible to function according to Bylaws.

#### E. Appointment of Department Officers

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

## **F. Appointment of Girls State Director**

She shall annually appoint the Girls State Director from nominees recommended by the Girls State Board of Directors or Girls State Committee.

## **G. Appointment of Chairman of Girls State Committee**

She shall appoint the chairman of the Girls State Committee.

## **H. Appointment of Convention Commission**

She shall appoint the chairman of the Convention Commission.

## **I. Appointment of Director of Junior Conference.**

She shall appoint the Junior Conference Director.

## **Section 2. Department Vice President**

The Department Vice President shall act as a representative of the Department President on all matters referred to her by the Department President and shall perform such other duties as are usually incident to the office. The Vice President shall be chairman of a required standing committee, to which she shall be appointed by the Department President.

## **Section 3. Department Secretary/Treasurer**

The Department Secretary/Treasurer shall be a paid, full-time employee responsible to the Department President and Department Executive Committee. She shall be a member of the American Legion Auxiliary, and an officer of the Department of California. As a Department officer, she shall serve as a non-voting member of the Executive Committee and a voting member of the Department Convention. **The Department Secretary/Treasurer may be removed from office at any time by a majority vote of the Department Executive Committee.** She shall ensure that all duties relative to the necessary operation of the Department office be performed on a timely basis. She shall monitor all investments, record books, ledgers, and accounts, and assure they are current and accurate. (2008)

### **A. Record of Meeting**

She shall see that a record of all meetings of Department Convention and of the Department Executive Committee be kept.

### **B. Notice of Department Meetings**

She shall, under the direction of the Department President, cause due notice to be given of all Department meetings.

### **C. Attendance at National Convention**

She shall attend the National Convention at the call of the President.

#### **D. Disbursement of Budgeted Administrative Fund**

She shall have the power of disbursing any or all of the money of Department for transacting of Department business budgeted under Administrative Fund, subject to ratification of Executive Committee.

#### **E. Disbursement of Special Funds**

She shall have the power of disbursing money of special funds under direction of State Chairmen, subject to ratification of Executive Committee.

#### **F. Disbursement of Other Budgeted Funds**

She shall have the power of disbursing all other budgeted funds under supervision of Finance Committee, subject to ratification of Executive Committee. No funds in excess of the budget shall be expended by the Department Secretary/Treasurer, except by authorization of the Department President and Department Finance Committee. Provided, however, that at the time said money is expended or disbursed, she shall enter or record in a book kept for that purpose, and otherwise account for same. She shall at all times keep record books, ledgers, and accounts in readiness for auditing.

#### **G. Office of Secretary/Treasurer Shall Be Bonded**

The office of Department Secretary/Treasurer shall be bonded in a sufficient sum, to be decided upon by the Department Convention, as prescribed by National, the expense of same to be borne by Department.

#### **Section 4. Department Chaplain**

It shall be the duty of the Department Chaplain to offer prayer at the opening of each day's business of the Department Convention; and perform such other duties as the Department President may direct.

#### **Section 5. Department Historian**

The Department Historian shall keep a complete history of the organization's activities of the year.

#### **Section 6. Department Sergeant-at-Arms and Marshal**

The Department Sergeant-at-Arms and Department Marshal shall advance the colors at the opening of Department Convention and furl them at the close, and perform such other duties as may be required by the Department President.

#### **Section 7. Department Musician**

The Musician shall furnish appropriate music at Department Convention and perform such other duties as may be required by the Department President.

#### **Section 8. Department Constitution and Bylaws Chairman**

The Department Parliamentarian may serve as the Constitution and Bylaws Chairman, but it shall not be necessary if the Department President chooses to appoint another member to serve as

Constitution and Bylaws Chairman. When a Department President appoints both a Parliamentarian and a Constitution and Bylaws Chairman, **the Constitution and Bylaws Chairman shall have a voice and vote in Executive Committee and Department Convention. The Parliamentarian shall be a non-voting member of the Executive Committee and a voting member of Department Convention.** The Constitution and Bylaws Chairman shall pass upon all Unit, District, and subsidiary Bylaws and questions arising pertaining to Department Constitution and Bylaws when requested by Units over the signature of Unit President and Secretary. Questions for higher decision shall be forwarded to National for Counsel General's final decision over the signature of the Department President or Department Secretary. (2007)

#### **A. Prepare Necessary Amendments**

It shall be the duty of the chairman to prepare necessary amendments to the Department Constitution and Bylaws and submit to the Department Office seventy-five (75) days prior to the opening of Department Convention allowing sufficient time for duplicating and mailing to the Districts and Units sixty (60) days prior to the opening of the following Department Convention. (1998)

### **Section 9. District Presidents and District Vice Presidents**

Each District President and District Vice President shall have general advisory powers over the Units in the District they represent, promote the organization of additional Units, and assist in increasing the membership and shall hold District meetings for the purpose of receiving Unit reports and to transact such other business as pertains to the District.

#### **A. Attend Department Executive Committee Meetings and Convention**

The District Presidents shall attend the Executive Committee meetings and convention; if unable to do so, she shall notify the Department and the District Vice President of her inability at least forty-eight (48) hours prior to meeting.

#### **B. President Shall Certify Application of New Unit Charters**

The District President shall certify the application for new charters after they have been approved by the Post Commander and Post Adjutant of the Post to which the Unit is to be attached.

### **Section 10. Official Visits to Units**

The District President shall make at least one (1) official visit to each Unit within the District each year, preferably at a date mutually agreed upon between Unit and District President.

### **Section 11. Responsible for District Bylaws File**

The District President shall be responsible for a District file of Unit Bylaws, and the District Constitution and Bylaws Chairman shall maintain a duplicate file.

## **Section 12. First Vice President to Act in Absence of President**

The District First Vice President shall attend Executive Committee meetings and convention in the absence of the District President; and shall, upon request of the District President, render a report of her activities within her District.

## **12A. Second Vice President to Act in Absence of President and First Vice President**

In the absence of the District President and First Vice President, the Second Vice President shall attend the Department Executive meetings and convention and shall render a written report for her District.

## **Section 13. District Secretary**

The District Secretary shall keep the District minutes and records, and the book approved District Bylaws. It shall also be her duty to see that the Bylaws are present at each District meeting.

## **Section 14. District Treasurer**

The District Treasurer shall be custodian of the District funds. The books of the Treasurer shall be audited and the office of the Treasurer shall be bonded, said bond to be paid by the District and books audited before officers assume their duties.

# **Article II Duties and Powers of Department Executive Committee**

## **Section 1. Regular and Special Meetings**

The Department Executive Committee shall meet at the convention city within twenty-four (24) hours after the adjournment of annual convention. The called personnel to attend the Post Executive Committee meeting shall be the Department President, Junior Past Department President, Department Vice President, **Members of the Finance Committee, Department Parliamentarian, if appointed, Department Secretary/Treasurer if filled, and District Presidents, Department Chairman of Standing Committees, Girls State Director, and Junior Conference Director. (2007)**

The midyear meeting shall be a two-day session and shall be called prior to the month of March.

The preconvention meeting shall be called immediately preceding the Department Convention.

Special meetings may be called upon written request of not less than five (5) members of said committee.

## **Section 2. General Supervision Over Affairs of Department and Committees**

The Department Executive Committee shall have general supervision over the affairs of the Department and all Department committees in the interim of annual meetings, without power to modify action of previous Department Convention, and shall refer, with recommendations, all proposed measures to Department Convention for decision, which shall be final, except emergency measures which may require immediate action; such action however, to be reported to Department Convention for information.

### **A. 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 should become impossible to hold a Department Convention, provided the Executive Committee in planning the nomination and election of Department officers, evolve a method permitting the Units a voice and vote in nominating and electing officers.

### **Section 3. Empowered to Use Referendum Vote**

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

### **A. Emergency Meeting of Department Executive Committee**

**In case of vacancies in the offices of Department President, Department Vice President, Department Secretary/Treasurer, simultaneously, the Junior Past President, Department Parliamentarian, and the Department Finance Chairman shall call an emergency meeting of the Department Executive Committee with thirty (30) days of such vacancies, this meeting to be held at the Department headquarters of the American Legion Auxiliary or by electronic means. (2010)**

### **B. Referendum Vote**

When referendum vote is used the Department Executive Committee, consisting of the Department President, Department Vice President, Department Secretary/Treasurer, Junior Past Department President, Past National Presidents of the Department of California, **Members of the Finance Committee**, District Presidents, Department Chairmen **of Standing Committees**, Girls State Director, **and** Junior Conference Director, shall vote. **(2007)**

## **Article III Department Standing Committees**

### **Section 1. Finance and Security**

Finance and National Security.

### **Section 2. Appointment of Chairman of Standing Committees**

The Department President shall appoint the following standing committee chairmen: (1) Americanism; (2) Auxiliary Emergency Fund; (3) Children and Youth; (4) Community Service; (5) Constitution and Bylaws; (6) Convention Commission; (7) Editor; (8) Education; (9) Girls State; (10) Junior Activities; (11) Leadership; (12) Legislative; (13) Membership; **(14) Past Presidents; (15) Poppy; (16) Public Relations; (17) Veterans Affairs and Rehabilitation. (2007)**

### **A. Appointment of Hospital Representatives and Deputies**

She shall appoint Hospital Representatives and Deputies.

### **B. Appointment of Poppy Production Managers**

She shall appoint the Poppy Production Managers.

## **Section 3. Composition of Girls State Committee**

There shall be a Girls State Committee of nine (9) members, consisting of the Department President, the Department Vice President (or in absence, their representatives appointed by the Department President), Girls State Director, Assistant Girls State Director, Girls State Chairman, and four (4) members. Annually, the Department President will appoint three (3) members of this committee, one (1) to serve a three-year term and two (2) to serve a one-year term.

### **A. Duties of Committee**

The Girls State Committee shall be the liaison between the Department, the Districts, and the Units.

### **B. Duties of Girls State Director**

The Girls State Director shall be the administrator in complete charge of the organization, operation, and functioning of the annual Girls State session. She shall be a member of the Girls State Committee.

## **Section 4. Composition of Convention Commission**

There shall be a Convention Commission of three (3) members appointed by the Department President. Of the three (3) members first appointed, one (1) shall serve for one year, one (1) for two years, and one (1) for three years; thereafter, one (1) member shall be appointed each year for a three-year term. The chairman shall be appointed by the Department President from the three(3) commission members.

### **A. Duties of Commission**

It shall be the duty of the Convention Commission to ascertain if all facilities and accommodations are adequate for Auxiliary conventions as presented by the American Legion Convention Commission and/or Corporation.

### **B. Authority to Set Convention**

In the event it is not feasible to hold a convention at the same time and place as that of The American Legion, the Convention Commission may determine by investigation where a convention could be held and report their findings to the Department Executive Committee and/or convention for consideration.

## **Section 5. Composition of Junior Conference Committee**

There shall be a Junior Conference Committee consisting of the Junior Conference Director, Junior Activities Chairman, and three (3) members. Annually, the Department President will

appoint the Junior Conference Director from members who have attended at least one Junior Conference; one committee member for a three-year term.

#### **A. Duties of Junior Conference Director**

The Junior Conference Director shall serve as chairman of the Junior Conference Committee and shall be the administrator in complete charge of the organization, operation, and functioning of the annual Junior Conference.

#### **B. Junior Activities Chairman Member of Committee**

The Junior Activities Chairman shall be the liaison between the Department, Districts, and the Units.

### **Section 6. New Standing Committees**

Standing committees shall not be increased or diminished without an amendment to the Department Constitution or Bylaws when a new committee is created by National. (**Section renumbered 2008**)

## **Article IV Finance**

### **Section 1. Composition of Finance Committee**

One (1) member shall, at each convention, be elected to serve for three (3) years on the Finance Committee. She shall serve with the two (2) members now on the committee. The chairman shall automatically be dropped upon the election of the new member and the senior member then becomes the new chairman.

### **Section 2. Duties of Committee**

The Finance Committee shall prepare an annual budget covering convention to convention to be presented to and approved by legislative body in convention assembled. They shall supervise expenditures of all funds, subject to ratification of the Executive Committee. The Finance Committee shall review the expense accounts of Department officers, Department chairmen, and District Presidents. Vouchers for expenditures of Department officers and chairmen charged with disbursements of special funds, may be allowed and checks drawn in excess of the budget only upon presentation, before anticipated disbursements are made, of itemized account to the Department President and Department Finance Committee, and expenditures made only upon authorization of Department President and the Finance Committee.

### **Section 3. Committee Meeting Requirements**

The Finance Committee shall meet with the midyear meeting of the Executive Committee; and with the Convention Executive Committee; or at the call of the Department President, and/or the Chairman of the Finance Committee. (1998)

#### **Section 4. Act as Salary Reviewing Committee**

The Finance Committee shall act as a salary reviewing committee. Any recommended changes in salary must be submitted to and approved by the Department Executive Committee before becoming effective.

#### **Section 5. Responsible for Securing Accounting Firm for Audit**

The Finance Committee shall be responsible for securing the service of an accounting firm (Certified Public Accountants), who shall be responsible to that committee, and who shall audit the books of the Department annually following the Department Convention and/or at the request of the Finance Committee.

### **Article V Department Officers, Executive Committee, and Department Standing Committees' Expense**

#### **Section 1. Mileage Authorization for DEC and Convention Meetings**

**The Executive Committee as provided for in Article VII, Section 1, of the Department Constitution shall be called to the Executive Committee meeting and shall be allowed mileage to and from when in attendance. Other Department Officers and Department Chairmen as may be called to the Executive meeting by the Department President shall be allowed mileage to and from the meeting when in attendance. Delegates authorized to attend Department Convention with expenses shall be allowed mileage to and from when in attendance. (2010)**

#### **A. Mileage Authorization for Hospital Representatives**

Hospital Representatives shall be allowed mileage to and from attendance at Department Convention meetings.

#### **Section 2. Members called to the Executive Committee and Convention Meetings shall answer Roll Call and Remain Until Close of Meetings**

Members called to the Executive Committee and convention meeting shall answer roll call and remain until the close of meetings or forfeit mileage, unless excused by the Department President.

#### **Section 3. Provision for Budgeting Past President's Emblem**

A provision shall be made in annual budget for Past President's emblem.

### **Article VI National Delegates Expenses**

#### **Section 1. Department President and Junior Past Department President**

The Department President and Junior Past Department President

The Department President and the Junior Past Department President shall be allowed plane fare (economy, if possible) and travel allowance as approved in the Department annual budget while

serving as delegates and attending the National Convention. The Finance Committee shall properly budget for such expense. (2006)

## **Section 2. Registration Fees for Department Delegates**

The registration fee of all delegates from this Department to the National Convention shall be paid by the Department of California. The amount of such registration fee shall be included in the budget approved by the Department Convention.

## **Article VII Parliamentary Authority**

### **Section 1. Parliamentary Authority**

The Department organization shall be governed by *Robert's Rules of Order Newly Revised* on all points not covered by these articles.

## **Article VIII Amendments**

See Department Constitution, Article XV, for method of amendment of Department Bylaws.