



## **DEPARTMENT**

### **Constitution and Bylaws**

THE AMERICAN LEGION AUXILIARY  
Department of New York, Inc.  
1580 Columbia Turnpike, Building 1, Suite 3  
Castleton-on-Hudson, NY 12033

**This Constitution & Bylaws includes all amendments and changes as adopted at the Department of New York Annual Convention held in Buffalo, NY, July 18-20, 2019; The American Legion Auxiliary National Convention held in Indianapolis, IN, August 26-20, 2019; The American Legion National Convention held in Indianapolis, IN, August 23-29, 2019; the Department of New York Annual Convention held in Binghamton, NY, July 14-16, 2022; and all consequential changes and amendments required by adherence to the cited changes.**

# **CONSTITUTION**

## **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 per cent Americanism; to preserve the memories and incidents of our associations in all wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and masses; to make right the master of might, to promote peace and good will 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**

### **SECTION 1.**

The name of this organization shall be The American Legion Auxiliary, Department of New York, Inc.

## **ARTICLE II OBJECTS**

### **SECTION 1.**

To serve The American Legion in all its activities, to support it in all its interests, and to promote its welfare; to hold in sacred remembrance of the names of all who gave their lives in defense of civilization in the Great Wars; to lend its united efforts to the task of impressing the minds of the youth of our land, and through them the generations to come, with the necessity of a staunch and steadfast support of the Constitution of the United States, with a deep, abiding love and reverence for our Flag and all that it represents, so that the noble sacrifice and service to the whole world, by those who are now forming The American Legion, may not have been rendered in vain.

## **ARTICLE III NATURE**

### **SECTION 1.**

The American Legion Auxiliary is a civilian organization.

### **SECTION 2.**

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

## **ARTICLE IV ELIGIBILITY**

### **SECTION 1.**

Eligibility for membership in The American Legion Auxiliary is determined by The American Legion. The eligibility requirements from The American Legion governing documents shall be provided as a footnote to this Constitution for information purposes and shall be updated as appropriate.

### **SECTION 2.**

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

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

### **SECTION 3.**

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

### **SECTION 4.**

No person who is a member of an organization which has for its aim the overthrow of the U.S. Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of The American Legion Auxiliary.

### **SECTION 5.**

No person who has been expelled by a Unit shall be admitted to membership in another Unit without the consent of the expelling Unit. Where such consent has been asked for and denied by the expelling Unit, the person may then appeal to the Department Executive Committee for

permission to apply for membership. Said person shall not become a member until such permission is granted by the Department Executive Committee.

## **ARTICLE V DEPARTMENT OFFICERS**

### **SECTION 1.**

The Department Officers shall be a President and three Vice Presidents, who shall serve as First, Second and Third Vice Presidents, a Secretary, and a Treasurer. These officers shall be members of the Department Executive Committee until the close of the succeeding Department Convention.

- a) A Department President shall not succeed herself/himself after a full term of office.
- b) A full term of office is twelve (12) months.

### **SECTION 2.**

The Department Secretary and Department Treasurer shall be appointed by the President, subject to the approval of the Department Executive Committee, at the first Department Executive Committee meeting following the Department Convention and shall hold office until their successors are chosen. The Department Treasurer need not be a member of The American Legion Auxiliary.

### **SECTION 3.**

In succession, each Junior Past Department President shall become automatically the Alternate National Executive Committeeperson and shall succeed to the office of National Executive Committeeperson during the following term. Each shall hold said office until the successor has been chosen.

- a) The term of office shall be two years.
- b) Their duties shall be those prescribed by the National Organization.
- c) Vacancies in either office shall be filled by the next Past Department President in succession who is able to accept the position.
- d) A Past Department President may choose not to serve as Alternate National Executive Committeeperson and, therefore, would not be eligible to succeed to the office of National Executive Committeeperson. Should a Past Department President choose not to serve as Alternate National Executive Committeeperson, the office shall be filled by the next Past Department President in succession.

### **SECTION 4.**

All Department and District Officers, Committee Chairmen, elected or appointed at a Department Convention shall take office immediately at the adjournment of such Convention and shall serve until the adjournment of the succeeding Department Convention or thereafter until their successors are chosen.

## **ARTICLE VI DEPARTMENT EXECUTIVE COMMITTEE**

### **SECTION 1.**

Between Department Conventions, the Department Executive Committee shall serve as the governing body of the organization, with fiduciary, policy, and strategic responsibility for the organization.

### **SECTION 2.**

The Department Executive Committee shall consist of: Department President, First Vice President, Second Vice President, Third Vice President, ten (10) District Presidents, and Junior Past Department President with vote. The Department Secretary and Department Treasurer shall be members of the Department Executive Committee without vote. All Past Department Presidents shall be members for life of the Executive Committee without vote. All members of the Department Executive Committee, other than the Treasurer, must be members in good standing in their respective Units within the Department of New York.

## **ARTICLE VII DEPARTMENT CONVENTION**

### **SECTION 1.**

The legislative body of The American Legion Auxiliary, Department of New York, Inc. shall be a Department Convention held annually at the same time and/or in a place as close as possible to the site of The American Legion Department Convention. In the case of an emergency, this provision of the Constitution may be set aside by action of the Department Executive Committee.

### **SECTION 2.**

The Department Convention shall elect annually a Department President and a First, Second and Third Vice-President. A Department President shall not succeed herself/himself after a full term.

- a) A full term of office is twelve months.

### **SECTION 3.**

The Department Convention shall be composed of delegates and alternates from the Units, the Department Executive Committee, and the Junior Past County Presidents or their alternates.

- a) The Department Secretary, if a member in good standing in her/his respective Unit, shall be a delegate-at-large to the Department Convention, with vote to be exercised with her/his County.
- b) The Department Treasurer, if a member in good standing in her/his respective Unit, shall be a delegate-at-large to the Department Convention, with vote to be exercised with her/his County.
- c) All Past Department Presidents in good standing in their respective Units shall be lifetime delegates-at-large to the Department Convention, with vote to be exercised with their Counties.

#### SECTION 4.

Each Unit in the Department shall be entitled to one (1) delegate and one (1) alternate for the first ten (10) members, and one additional delegate and one additional alternate for each additional one hundred (100) members or major fraction thereof, whose current dues have been paid thirty (30) days prior to the date of the Convention. Units' delegate entitlements unused by Units may be elected from the respective County's membership at the June County meeting.

#### SECTION 5.

The delegates and alternates of the Units shall be elected at a regular or special meeting not later than two (2) weeks prior to the Convention. The immediate Junior Past President of the Unit shall become the first delegate to be elected.

#### SECTION 6.

The immediate Junior Past County President or an alternate elected for the purpose shall be the delegate to the Convention and likewise Chairman of the County delegation.

#### SECTION 7.

Each delegate shall be entitled to one (1) vote. The vote of any delegate absent and not represented by an alternate shall be cast with the majority of the delegates present from the County provided the County has its full voting strength as determined by membership at the close of books.

### **ARTICLE VIII DISTRICT ORGANIZATION**

#### SECTION 1.

There shall be a District Organization in each Judicial District established by the Constitution of the State of New York, except that the 10th and 11th Judicial Districts shall comprise one District Organization to be known as the 10th District, and the 1st and 12th Judicial Districts shall comprise one District Organization to be known as the 1st District, the Officers of which shall consist of a District President, a District Vice President, both of whom shall be elected, and a District Secretary who shall be appointed. Additional officers or committees may be appointed at the discretion of the District.

#### SECTION 2.

The delegates from each District to the Department Convention shall annually elect from among their number a District President and a District Vice President who shall hold office for a term of one (1) year or until a successor is chosen. The newly elected District President shall immediately at the close of the Department Convention become a member of the Department Executive Committee.

- a) The newly elected District President and District Vice President shall be obligated at the installation of the Department Officers at the annual Department Convention.

### SECTION 3.

In case of a vacancy in the office of District President, a caucus of those elected as delegates to the previous Department Convention shall be called within thirty (30) days of such vacancy for the purpose of electing a District President.

- a) In case of the disability of the District President, the District Vice President shall take the place of the District President only until such disability ceases.

### SECTION 4.

In case of a vacancy in the office of District Vice President, a caucus of those elected as delegates to the previous Department Convention shall be called within thirty (30) days of such vacancy for the purpose of electing a District Vice President.

- a) In case of the disability of the District Vice President, the District President shall assume the responsibilities of the District Vice President only until such disability ceases.

### SECTION 5.

Any member in good standing in her/his Unit may sit in the District Caucus and may be nominated and elected to any office in the Department of New York, but only duly elected delegates may vote.

## **ARTICLE IX COUNTY COMMITTEE**

### SECTION 1.

In a County where two or more Units are organized, there shall be a County Committee. The Units in the County shall be represented on the County Committee by the President of the Unit and two (2) members for the first ten (10) members and one (1) additional member for each additional fifty (50) members or major fraction thereof.

### SECTION 2.

In a County with two or more Units, no County President shall be eligible for election to such office for more than two (2) consecutive full terms. A full term of office is a complete administrative year.

### SECTION 3.

The officers in a County Committee shall consist of a President, one or more Vice Presidents, a Secretary, and a Treasurer, who shall be elected annually by and from the newly elected members of the County Committee at a regular or special County meeting at least thirty (30) days prior to the opening of the Department Convention. At the close of the annual meeting, the newly elected County Officers shall assume their respective positions.

### SECTION 4.



The Department Executive Committee may prescribe provisions governing a County Committee. Additional rules desired by a County Committee shall be submitted to the Chairman of the Department Constitution and Bylaws Committee for approval before becoming effective.

**SECTION 5.**

If there is but one Unit in a County, it shall not have a County body or Committee but shall interact directly with the Department.

**ARTICLE X  
UNIT ORGANIZATION**

**SECTION 1.**

The local body shall be termed the Unit which shall have a minimum of ten (10) Senior members.

**SECTION 2.**

The Officers of a Unit shall be a President, no more than three Vice Presidents, a Secretary, and a Treasurer. These Officers with not less than (3) additional elected members shall comprise the Unit Executive Committee. These Officers shall be elected at a regular or special meeting at least 30 days prior to County elections.

**SECTION 3.**

The Department Executive Committee may revoke, cancel, or suspend Unit Charters.

**SECTION 4.**

Units shall be given the name and number of The American Legion Post to which they are attached.

**ARTICLE XI  
RULES**

**SECTION 1.**

The procedure of the Department Convention shall be governed by Department Convention Rules as adopted by the Convention body. The procedure of the Department Convention shall be governed by Robert's Rules of Order Newly Revised for all points not covered by the Department Constitution and Bylaws and the Department Convention Rules.

**ARTICLE XII  
AMENDMENTS**

**SECTION 1.**

This Constitution may be amended at any Department Convention by a two-thirds vote in the affirmative by the Department Convention delegates, provided that the proposed amendment shall have been submitted through the Department Secretary to Units and members of the Department Executive Committee at least sixty (60) days prior to the convening of the next Department Convention; provided further that it may be amended by unanimous vote at any Department Convention without notice; and provided further that all proposed amendments shall be read at a regular session of the Department Convention at least four hours before the vote is taken thereon.

## SECTION 2.

This Constitution shall be automatically amended to conform with any duly adopted amendments to this Constitution by National Convention action.

**Footnote:** *The American Legion Constitution and Bylaws, Article XIII, reads as follows:*

*Section 1. The American Legion recognizes an auxiliary organization, known as The American Legion Auxiliary.*

*Section 2. Membership in The American Legion Auxiliary shall be limited to the grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion, and to the grandmothers, mothers, sisters, spouses, 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; and any time after December 7, 1941; 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 governments associated with the United States during any of said periods, and died in the 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 3. The American Legion Auxiliary shall be governed in each Department of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by such Department of The American Legion.*

# **BYLAWS**

## **ARTICLE I NAME**

### **SECTION 1.**

The name of the organization existing under these Bylaws is The American Legion Auxiliary, Department of New York, Inc.

### **SECTION 2.**

The Headquarters of The American Legion Auxiliary, Department of New York, Inc. shall be located as close as possible to that of The American Legion, Department of New York.

## **ARTICLE II DUTIES OF OFFICERS**

### **SECTION 1.**

Department President: It shall be the duty of the Department President to preside at the Department Convention and Department Executive Committee meetings, to appoint all committees and appoint members thereon as she/he deems advisable as required by the National Organization, and to appoint all officers not otherwise provided for with the approval of the Department Executive Committee. The Department President shall be an ex-officio member of all committees except the Nominating Committee and shall perform such other duties as are incident to the office.

### **SECTION 2.**

Department Vice President: The Department First Vice President, Second Vice President and Third Vice President shall perform the duties incident to their office and such other duties as may be designated by the Department President and the Department Executive Committee.

### **SECTION 3.**

Department Secretary: It shall be the duty of the Department Secretary to record proceedings of the Department Executive Committee meetings and to keep all records of the Department Organization. The Department Secretary shall manage the Department Office and Department communications.

### **SECTION 4.**

Department Treasurer: The Department Treasurer shall be the custodian of the funds of the Department Organization and account for same; perform all duties as required by Article XII of these Bylaws and as assigned; and be given bond, or sufficient surety approved by the Department Executive Committee.

#### SECTION 5.

District President: The District President shall have general advisory power over the Counties and Units in the District and shall promote the organization of additional Units in the District. The District President shall preside over joint meetings/conferences of the Counties in the District, holding at least one (1) such meeting/conference a year, and shall perform such other duties as the Department President may direct.

#### SECTION 5.

District Vice President: The District Vice President shall be an assistant to the District President and shall perform all duties as directed by the District President. The District Vice President shall, on all occasions, serve as alternate to the District President.

### **ARTICLE III DEPARTMENT EXECUTIVE COMMITTEE**

#### SECTION 1.

In the event of a vacancy in the office of the President, the First Vice President shall become President and shall assume the duties and authority of the office; the Second and Third Vice Presidents shall become the First and Second Vice Presidents respectively. Vacancies occurring between Department Conventions in Department Offices other than Department President shall be filled by election by the Department Executive Committee. Any member of The American Legion Auxiliary in good standing in her/his Unit within the Department of New York shall be eligible for election to such vacancy, provided, however, that no Past Department President or Past Department Vice President shall be elected to fill any vacancy in these respective offices.

#### SECTION 2.

The Department Executive Committee shall hold at least four (4) meetings during the year. A meeting may be called at any time by the Department President or upon written request of five (5) members.

- a) Meetings may be held in person or via electronic means.
- b) Voting may be by voice, ballot, email, or other electronic means.

#### SECTION 3.

Ten (10) voting members shall constitute a quorum of the Department Executive Committee.

#### SECTION 4.

The Department Executive Committee is responsible for adopting the annual budget for the Department; adopting policies and standing rules; adopting strategic plans and agreements, and memorandums of understanding; reviewing financial statements, and accepting the Department's annual external audit or financial review; ratifying committees; confirming the nomination of the Department Secretary and the Department Treasurer, confirming committee and other Department appointments as well as the appointment of officials not otherwise provided for in the Department Bylaws; levying assessments as needed; adopting the cancellation of charters report; receiving, reviewing, and adopting reports from Department subsidiary organizations; and other duties and responsibilities that are the normal function of a corporate board of directors.

## SECTION 5.

The Department Executive Committee is authorized to make and publish regulations for the management and conduct of all subsidiary groups of The American Legion Auxiliary, Department of New York, Inc., the County Committee, and the Unit. Such regulations shall not be inconsistent with the Department Constitution or these Bylaws and shall be complied with by all concerned.

- a) The Department shall have signatories on all bank accounts of Department subsidiary organizations.
- b) The Department Executive Committee is responsible for receiving, reviewing, and adopting reports from American Legion Auxiliary Empire Girls State. This responsibility includes confirming the corporation's bylaws, board members, officers, and directors; reviewing program and financial reports; and ensuring the Department has signatories on all bank accounts of American Legion Auxiliary Empire Girls State.

## **ARTICLE IV COMMITTEES**

### SECTION 1.

There shall be Department Committees on Americanism, Auxiliary Emergency Fund, Chaplain, Children and Youth, Community Service, Constitution and Bylaws, Education, History, Junior Activities, Leadership, Legislation, Membership, National Security, Past Presidents Parley, Poppy/Poppy Posters, Public Relations, Veterans Affairs and Rehabilitation/Service to Veterans, Warriors Family Assistance, Convention and such other standing committees as the Department Executive Committee may determine. Those so appointed need not be Department or District Officers but must be members in good standing in their respective Units within the Department of New York. These committees shall be appointed for a term of one (1) year and shall perform such duties and exercise such powers as may be directed from time to time by the Department Executive Committee.

- a) 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 to perform such other duties as the Department President may direct.
- b) It shall be the duty of the Department Historian to compile the historical records of the Department Organization.

### SECTION 2.

The Department President shall appoint a Department Finance/Risk & Compliance Committee composed of three (3) members, subject to the ratification of the Department Executive Committee. The term of office of the Finance/Risk & Compliance Committee shall be from annual Convention to annual Convention. Of these three (3) members first appointed, one shall serve for three (3) years, one for two (2) years and one for (1) year. Thereafter, one (1) member shall be appointed yearly to a term of three (3) years by the Department President, subject to the ratification of the Department Executive Committee.

- a) The Department President shall designate a Chairman of the Finance/Risk & Compliance Committee.

### SECTION 3.

The Department President shall appoint an American Legion Auxiliary Empire Girls State Committee composed of three (3) members, subject to the ratification of the Department Executive Committee. The term of office of the American Legion Auxiliary Empire Girls State Committee shall be from annual Department Convention to annual Department Convention. Of these three (3) members first appointed, one shall serve for three (3) years, one for two (2) years and one for (1) year. Thereafter, one (1) member shall be appointed yearly to a term of three (3) years by the Department President, subject to the approval of the Department Executive Committee.

- a) The Department President shall designate a Chairman of the American Legion Auxiliary Empire Girls State Committee.
- b) Duties of the committee members shall be as described in the American Legion Auxiliary Empire Girls State Constitution, Bylaws, and Standing Rules.

## **ARTICLE V DEPARTMENT CONVENTION**

### SECTION 1.

The Department Secretary shall notify all Units and Counties no later than June 1st in advance of the time and place of the Department Convention.

### SECTION 2.

A quorum shall exist at a Department Convention when sixty percent of the Counties are represented.

### SECTION 3.

Alternates shall have the privilege of voting on the floor of the Convention only in the absence of the regularly elected delegate, but they shall have all other privileges of the delegates, including the right to serve on Convention committees.

## **ARTICLE VI REPRESENTATION AT THE NATIONAL ORGANIZATION LEVEL**

### SECTION 1.

The Department of New York shall be represented on the National Executive Committee by one (1) member and/or alternate. The term of office of National Executive Committee person shall be two years, commencing immediately following the adjournment of the National Convention and ending at the adjournment of the National Convention two years hence.

### SECTION 2.

Representation in the National Convention shall be by Departments. Each Department shall be entitled to five (5) delegates and one (1) additional delegate for each fifteen hundred (1,500) members or major fraction thereof, whose current dues have been received by the National

Treasurer thirty (30) days prior to the meeting of said Convention, and to one (1) alternate for each delegate. The delegates and alternates shall be elected by Department Convention, to be held not less than two (2) weeks before the National Convention, provided that the Department hosting the National Convention shall be privileged to hold its Department Convention and select its delegates at the time and place designated by its Department of The American Legion.

- a) The following shall be elected delegates to the National Convention: the Department President, the Junior Past Department President, the First Vice President, the Second Vice President, the Third Vice President, the Secretary, the ten (10) Junior Past District Presidents, the Department Convention Chair, the Alternate National Executive Committeeperson, any member from the Department of New York serving as a National Committee Chair, National Convention Committee Members, and the Department's endorsed candidate or candidates for National Office in the year each is to be nominated and participate in the National election.
- b) The Junior Past Department President shall be the Chairman of the Delegation at National Convention.
- c) Expenses for delegates shall be determined by the Department Executive Committee at the first meeting following the close of the Department Convention.

## **ARTICLE VII UNIT ORGANIZATION**

### **SECTION 1.**

Each member shall be required to file with the Unit Secretary one (1) copy of the membership application properly filled out and certified. This application will be retained by the Unit as a permanent record.

### **SECTION 2.**

Each Unit of The American Legion Auxiliary shall be the judge of its own membership, subject to the restrictions of the Constitution and Bylaws.

### **SECTION 3.**

Any member in good standing in a Unit shall be entitled to transfer to another Unit. No person who has been expelled by a Unit shall be admitted to membership in another Unit without the consent of the expelling Unit. Where such consent has been asked for and denied by the expelling Unit, the person may then appeal to the Department Executive Committee for permission to apply for membership. Said person shall not become a member until such permission is granted by the Department Executive Committee.

### **SECTION 4.**

A member who is not subject to suspension or membership revocation under due process is eligible to transfer her/his membership to another unit if she/he has paid membership dues to the current unit for either the current or immediate past membership year. A member transferring to a new unit must pay current year dues to either the current unit or to the unit into which she/he wishes to transfer. Transfer is final upon verification of eligibility, evidence of paid membership, and acceptance of the transferee by the new Unit. Evidence of paid membership shall be as

defined in the National Standing Rules. Such member shall be considered in good standing and shall be entitled to full membership rights, privileges, and benefits in the new Unit. No dues shall be transferred.

#### SECTION 5.

A Unit member may withdraw providing the current dues are fully paid. Upon withdrawal, however, such individual 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 membership from one Unit to another during the current year, it shall be done by transfer and not by withdrawal.

#### SECTION 6.

As funds allow, each Unit shall pay from the funds remaining in its hands after payment of the amount required to be paid per member to the County Committee, and Department and National Organizations, necessary transportation of its delegates to annual Department Conventions, as well as the necessary and actual lodging expenses of such delegates while in actual attendance at such Department Conventions.

#### SECTION 7.

All persons shall be bonded by a National policy payable through Department Headquarters.

#### SECTION 8.

Unit meetings shall not be held at the same time as County meetings.

### **ARTICLE VIII COUNTY COMMITTEE**

#### SECTION 1.

The County Committee shall be that prescribed in the Department Constitution.

#### SECTION 2.

Each County Committee shall operate under a set of County Committee Rules which shall be approved by the Department Constitution and Bylaws Chairman before becoming effective.

#### SECTION 3.

The County Committee is to serve as a clearinghouse for all monies and reports transmitted to Department. Units are to transmit all monies, other than those designated to be sent directly to Department, to the County Treasurer for disbursement.

#### SECTION 4.

As funds allow, each County Committee shall pay from the funds remaining in its hands necessary transportation of the Chairman of the County Delegation to all annual Department Conventions, as well as the necessary and actual lodging expenses of such delegate while in actual attendance at such Department Conventions.



- a) Expenses for Units' delegate entitlements unused by Units and elected from the respective County's membership to be at the discretion of the respective County, to be determined by vote at the June County meeting.

## **ARTICLE IX DISTRICT ORGANIZATION**

### **SECTION 1.**

In addition to the duties prescribed by the Department Constitution, the District President shall preside at all District Caucuses and other District meetings in the District, shall maintain liaison between the Department and the County Committees in the District, shall act in such advisory or other capacities to the County Committees and Units in the District as may from time to time be required by the Department President or the Department Executive Committee, and, when called upon, shall report to the Department President and the Department Executive Committee as to the condition of the District and the County Committees and the Units located therein.

### **SECTION 2.**

The District Secretary and other officers or committees required by a District shall be appointed by the District President.

### **SECTION 3.**

Districts assembled in meetings/conferences may petition the Department. The District President, Department Officers, all members in attendance who are representing a County or a Unit, as well as Past Department Presidents and Past District Presidents, who are members in good standing in their respective Units within the District, shall be those entitled to cast votes at the District meetings/conferences.

## **ARTICLE X DISCIPLINE OF UNITS**

### **SECTION 1.**

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

### **SECTION 2.**

The Department Executive Committee may suspend, cancel, or revoke Unit charters for good cause to it appearing.

### **SECTION 3.**

Any Unit that fails to meet the obligations imposed upon it by the governing documents, policies, or requirements of the National Organization or Department, or ceases to function as an American Legion Auxiliary Unit from one Department Convention to the next, shall surrender its charter at the direction of the Department President. When a Unit so directed to surrender its

charter fails to do so, the Department Executive Committee may take immediate steps to revoke the charter.

#### SECTION 4.

Upon suspension of an American Legion Auxiliary Unit charter, the Department Executive Committee is authorized, empowered, and directed, by and through its duly authorized agents, to take possession, custody and control of all records, assets, property, and belongings of the Unit and to provide for the governance and administration of the Unit during said suspension.

#### SECTION 5.

With regard to suspensions, cancellations, and revocations of Unit charters, in no event shall the Department Organization be required to assume any financial obligation regarding records, assets, property, and belongings.

#### SECTION 6.

Cancellation of a Unit charter shall be in order when two (2) or more Units merge, when a Unit ceases to function, or under such other conditions as might make such action necessary within a Department.

#### SECTION 7.

An American Legion Auxiliary Unit whose charter has been suspended, cancelled, or revoked by the Department without the consent of such Unit may appeal the decision of the Department Executive Committee to the National Executive Committee, as provided in the National Standing Rules.

### **ARTICLE XI DISCIPLINE OF UNIT MEMBERS**

#### SECTION 1.

The Unit Executive Committee shall be empowered to remove any officer who does not satisfactorily fill her/his respective position.

#### SECTION 2.

The Unit President, or other presiding officer, shall be empowered to remove from a meeting any member who does not conduct herself/himself according to the Code of Ethics adopted by the National Executive Committee.

#### SECTION 2.

Members may be suspended or expelled from the Unit only upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duties, dishonesty, and conduct unbecoming a member of The American Legion Auxiliary. All charges must be under oath, in writing, by the accuser(s). No member in good standing shall lose her/his membership until given a fair trial, in accordance with the procedures prescribed by the National Organization.

### SECTION 3.

Annual dues shall be payable following Convention for the succeeding calendar year. A member failing to pay such annual dues by January 31st shall be classed as delinquent and shall be suspended from all membership privileges, provided, however, such suspended member shall be notified by the Secretary of the Unit in writing of such suspension prior thereto. 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 payment of all past dues or by reestablishing eligibility and making application as a new member.

## **ARTICLE XII FINANCE**

### SECTION 1.

The revenue of The American Legion Auxiliary, Department of New York, Inc. shall be derived from the annual membership dues of Senior and Junior members in a per capita amount established by the Department Convention Delegates and from such other sources as may be determined by the Department Executive Committee.

### SECTION 2.

Annual dues shall be payable following Convention for the succeeding calendar year or for life.

### SECTION 3.

Each Unit shall pay annually to the Department Treasurer for each of its members the per capita amounts as provided in the Standing Rules.

### SECTION 4.

Modification to the Department per capita dues for members shall require a two-thirds vote in the affirmative by the Department Convention delegates.

### SECTION 5.

If necessary, the Department Executive Committee may, by a two-thirds vote in the affirmative, charge a per-member fee to each Unit.

- a) Such fee shall be paid by the Unit within sixty (60) days after an official notification.

### SECTION 6.

All money designated for Children & Youth and Veterans Affairs and Rehabilitation contributed by Units, Counties, Districts, and all other sources, shall be sent to the Department Treasurer.

### SECTION 7.

From the funds remaining after payment of the annual National per capita dues per member to the National Treasurer of The American Legion Auxiliary, the Department Treasurer is authorized to pay the current expenses as may be directed by the Finance/Risk & Compliance

Committee. The Department Treasurer is also authorized to pay such funds as authorized by the Department Executive Committee to the delegates to the annual National Convention.

**SECTION 8.**

All persons handling funds of the Department Organization shall be bonded.

**SECTION 9.**

The fiscal year shall begin August 1<sup>st</sup> and end July 31<sup>st</sup>.

**ARTICLE XIII  
RULES**

**SECTION 1.**

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

**ARTICLE XIV  
AMENDMENTS**

**SECTION 1.**

These Bylaws may be amended at any Department Convention by a two-thirds vote in the affirmative by the Department Convention delegates, provided that the proposed amendment shall have been submitted through the Department Secretary to Units and members of the Department Executive Committee at least sixty (60) days prior to the convening of the next Department Convention; provided further that they may be amended by unanimous vote at any Department Convention without notice; and provided further that all proposed amendments shall be read at a regular session of the Convention at least four hours before the vote is taken thereon.

**SECTION 2.**

These Bylaws shall be automatically amended to conform with any adopted amendments to the Bylaws by National Convention action.