



## COUNTY

### Constitution and Bylaws

County Name \_\_\_\_\_

Date of County C/B Approval \_\_\_\_\_

\_\_\_\_\_  
Signature of County President

\_\_\_\_\_  
Signature of County Secretary

Date of Department Approval \_\_\_\_\_

\_\_\_\_\_  
Signature of Department Constitution & Bylaws Chairman

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

Updated 12-2-23

# 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 during all 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 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  
\_\_\_\_\_ County Committee.

## 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 the names of all who gave their lives in defense of civilization in all 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.

## **ARTICLE V COUNTY OFFICERS**

### SECTION 1.

The Officers of a County shall be a President, one or more Vice Presidents, a Secretary and a Treasurer. These Officers with not less than three (3) additional elected members shall comprise the County Executive Committee. These Officers shall be elected annually, at least thirty (30) days prior to Department Convention.

## **ARTICLE VI POWERS**

### SECTION 1.

This County Organization shall be subject to all provisions of the National and Department Constitutions of the American Legion Auxiliary.

## **ARTICLE VII AMENDMENTS**

### SECTION 1.

Amendments to this Constitution may be made at any meeting of the County by a two-thirds vote of the members present, provided that a notice of the proposed amendment has been given in the call of the meeting, provided the amendment has been read at the previous regular meeting and further provided that this Constitution shall not be amended to conflict with any rules or regulations adopted by the National or Department American Legion Auxiliary.

### SECTION 2.

The Executive Committee of this County shall have full power to amend this Constitution whenever it is necessary to immediately conform to any changes in the National or Department Constitution.

**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.*

*From The American Legion National Judge Advocate, October 11, 2019:*

*Per IRS regulation concerning auxiliaries to veteran service organizations states in part:*

*“At least 75 percent of its members are veterans, spouses of veterans, or related to a veteran within two degrees of consanguinity (i.e., grandparent, brother, sister, grandchild represent the most distant allowable relationships).”*

*In order to align with IRS regulations, the most distant allowable will be granddaughter. This means no great or great-great granddaughters can join the Auxiliary. Current members whose eligibility relationship is great-granddaughter, great-great granddaughter or direct descendent can continue being a member, as long as their dues are kept current.*

# **BY-LAWS**

## **ARTICLE I ADMINISTRATION**

### SECTION 1.

Between meetings, the administrative affairs of this County shall be under the supervision of an Executive Committee, which shall consist of at least three elected members in addition to the County Officers (President, Vice Presidents, Secretary and Treasurer).

## **ARTICLE II POWERS**

### SECTION 1.

Units in this County shall have full power to elect their representatives to the County Committee.

### SECTION 2.

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

SECTION 3. The County President, or other presiding officer, may remove from a meeting any member who does not conduct herself/himself according to the Code of Ethics adopted by the National Executive Committee.

## **ARTICLE III ELECTIONS**

### SECTION 1.

The annual election of Officers and members of the Executive Committee shall be held at least thirty (30) days prior to Department Convention.

### SECTION 2.

When a vacancy occurs in the Executive Committee or in any office of the County, it shall be filled by a majority vote of the members present at the next regular meeting, provided that five days previous notice shall have been given members, specifying that an election is to be held. A person so elected shall hold office for the unexpired term of her/his predecessor.

## **ARTICLE IV DUTIES OF OFFICERS**

## SECTION 1.

President: It shall be the duty of the President to preside at all meetings of the County and Executive Committees. She/he shall be its Chief Executive Officer, exercising a general supervision over the welfare and interest of the County and shall perform such other duties as pertain to her/his office. She/he shall be a member ex-officio of all committees. The President, with the Secretary, shall decide upon all matters for publication.

## SECTION 2.

Vice-President: It shall be the duty of each Vice-President, in her/his order, to act for the President in her/his absence or disability. It shall be her/his duty to keep in touch with activities and progress of the County.

## SECTION 3.

Secretary: It shall be the duty of the Secretary to record all proceedings of the County and Executive Committee meetings, to keep all books that are needed to successfully carry on the work of the office, to receive and answer all official mail under the direction of the President, to send and give proper notice of all meetings, and to care for the archives of the County. She/he is hereby vested with such authority as is necessary to carry out her/his duties successfully for the good of the American Legion Auxiliary.

## SECTION 4.

Treasurer: It shall be the duty of the Treasurer to receive all money belonging to the County and deposit same at such bank institutions as shall be designated by the County and to keep a record of all money received from all members for per capita, assessments or other sources. All disbursements shall be made only upon approval of the County Committee members. The Treasurer's books shall be open to inspection at all times and shall be audited as prescribed by the County but no less often than annually. All persons shall be bonded by a National policy payable through Department Headquarters.

## **ARTICLE V DUTIES OF COMMITTEES**

### SECTION 1.

Every Committee Chairman shall present a report upon request of the County President and shall send reports to the Department Chairman of her/his respective committee when required. Each committee shall follow closely the plan outlined by the Department Chairman of her/his committee.

### SECTION 2.

Veterans Affairs and Rehabilitation: It shall be the duty of the Veterans Affairs & Rehabilitation Chairman to promote programs and services that assist and enhance the lives of veterans and their families, ensuring restoration and/or transition to normally functioning lives.

### SECTION 3.

Children and Youth: It shall be the duty of the Children and Youth Chairman to ensure that the care and protection for children of veterans is carried out through service work, through direct cash assistance to needy families from County funds, and through the use of Department or National funds for temporary aid to children of veterans; to provide leadership for the Units in the County on all matters pertaining to children; and to cooperate with other responsible organizations and agencies of the community whose work is in the interest of children.

### SECTION 4.

Historian: It shall be the duty of the Historian to prepare for posterity the records of the County and to make a report at the annual meeting.

### SECTION 5.

Chaplain: It shall be the duty of the Chaplain to conduct divine but nonsectarian service at all meetings of the County as required. She/he shall keep a record of all deaths and shall perform such other duties as are prescribed by the President.

### SECTION 6.

Sergeant-at-Arms: It shall be the duty of the Sergeant-at-Arms to guard the door, allowing no one to enter during the opening or the closing ceremonies and to perform such other duties as the President may direct.

### SECTION 7.

Color Bearers: It shall be the duty of the Color Bearers and Guards to have charge of the flags and perform whatever ceremonies are customary in meetings of the County.

### SECTION 8.

Finance/Risk & Compliance: The Finance/Risk & Compliance Committee shall have general supervision over the financial affairs of the County, shall approve all bills and audit the books of the Treasurer.

- a) The Fiscal year shall begin August 1st and end July 31st.

### SECTION 9.

Membership: The Membership Committee shall assist the Units in the recruitment of new members, the retention of current members and the reinstatement of lapsed members.

**ARTICLE VI  
DUES**

SECTION 1.

Monies from the annual dues for each member of the Units within the County shall be forwarded to the County Treasurer by the Department.

- a) The dues of Senior Members shall be set by and paid to the respective Units within the County. Of these dues, seventy-five cents will be allocated to the County.
- b) The dues of Junior Members shall be set by and paid to the respective Units within the County. Of these dues, fifty cents will be allocated to the County.

**ARTICLE VII  
PENALTIES**

SECTION 1.

An Officer or member of the Executive Committee failing to attend three consecutive meetings without a reasonable excuse shall be notified by the Secretary and the office be declared vacant by the President. The Secretary shall announce at each meeting the absent officers.

**ARTICLE VIII  
NOTICES**

SECTION 1.

Every County Committee member shall furnish to the Secretary an address to which all notices and documents may be sent and the same shall be held to have been duly sent to or served upon a member when posted or otherwise mailed to her/him at the address so furnished.

SECTION 2.

Three days previous notice shall be given of all meetings of this County and three days previous notice of all meetings of the Executive Committee except when elections occur.

SECTION 3.

When elections take place, five days previous notice shall be given members, specifying that an election is to be held.

**ARTICLE IX  
COUNTY MEETINGS**

SECTION 1.

Regular meetings of this County shall be held on the \_\_\_\_\_ of each month at \_\_\_\_\_ o'clock.

SECTION 2.

Special meetings of this County may be called by the President, a majority of the Executive Committee or upon written request of \_\_\_\_\_ Units within the County.

SECTION 3.

Representation from \_\_\_\_\_ Units shall constitute a quorum at any meeting of the County.

**ARTICLE X  
EXECUTIVE COMMITTEE MEETINGS**

SECTION 1.

The Executive Committee shall meet at the call of the President or upon written request of at least \_\_\_\_\_ members of the Executive Committee.

SECTION 2.

\_\_\_\_\_ members shall constitute a quorum of the Executive Committee.

**ARTICLE XI  
DEPARTMENT CONVENTION**

SECTION 1.

The immediate Junior Past President of the County shall become the first delegate elected and shall be Chairman of the County delegation.

- a) As funds allow, each County Organization 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 Conventions.

SECTION 2

Units within this County shall be represented in Department Convention by one (1) delegate and one(1) alternate for the first ten (10) members and one(1) additional delegate and 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. Unit delegate's entitlements unused by Units may be elected from the County's membership at the June County meeting.

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

**ARTICLE XII  
APPOINTMENTS**

SECTION 1.

The President, immediately upon taking office, shall appoint a Chaplain, Historian, Sergeant-at-Arms and Color Bearers who shall serve for one year or until their successors are chosen.

SECTION 2.

The President shall appoint the following standing committees: Veterans Affairs and Rehabilitation, Children and Youth, Finance/Audit, Membership and such other committees as the County or Department requires.

**ARTICLE XIII  
LIMITATION OF LIABILITIES**

SECTION 1.

This County shall not incur or cause to be incurred any liabilities or obligations whatever which shall subject to liability any Unit, Post, sub-division, Department Organization, Committee or group of members of the American Legion Auxiliary, The American Legion or Sons of the American Legion.

**ARTICLE XIV  
RESOLUTIONS**

SECTION 1. All resolutions of State and National scope presented to this County by a member or reported to this County by a Committee shall merely embody the opinion of this County on the subject, and a copy of the same shall be forwarded to Department Headquarters for its approval before publicity is given or action, other than passage by this County, is taken.

**ARTICLE XV  
RULES**

SECTION 1.

The rules of procedures of this Auxiliary County shall be those set forth in Robert's Rules of Order, Newly Revised, except as otherwise expressly provided therein.

**ARTICLE XVI  
AMENDMENTS**

SECTION 1.

Amendments to these Bylaws may be made at any meeting of the County by a two-thirds vote of the members present, provided that notice of the proposed amendment has been given in the call

of the meeting, provided the amendment has been read at the previous regular meeting and further provided that this Constitution shall not be amended to conflict with any rules or regulations adopted by the National or Department American Legion Auxiliary.

## SECTION 2.

The Executive Committee of this County shall have full power to amend these Bylaws whenever it is necessary to immediately conform to any changes in the National or Department Bylaws.