



AMERICAN LEGION AUXILIARY

DEPARTMENT OF VERMONT

CONSTITUTION & BYLAWS

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Department of Vermont

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

PREAMBLE

For God and Country, we associate ourselves for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations during 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 goodwill on earth; to safeguard and transmit to posterity the principles of justice, freedom, and democracy; to participate in and contribute to the accomplishment of the aims and purposes of The American Legion; to consecrate and sanctify our association by our devotion to mutual helpfulness.

Article I Name

Section 1. The name of this organization shall be **American Legion Auxiliary, Department of Vermont.**

Article II Nature

Section 1. The **American Legion Auxiliary** is a civilian patriotic organization that supports the mission of The American Legion.

Section 2. The **American Legion Auxiliary** shall be absolutely non-political and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Headquarters for the **American Legion Auxiliary, Department of Vermont** shall be located in permanent headquarters jointly with The American Legion, Department of Vermont.

Article III Eligibility

Section 1. 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

1. grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941 who, being a citizen of the United States at the time of their entry therein served on active duty in the Armed Forces of any of the governments associated with the United States during either eligibility periods and died in the line of duty or after honorable discharge;

grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces during either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941 who served on active duty in the Armed Forces of the United States during either eligibility periods and died in the line of duty or after honorable discharge; and

2. To those women who of their own right are eligible for membership in The American Legion.

A woman who is eligible for American Legion membership is eligible to join The American Legion Auxiliary regardless of whether or not she is a member of The American Legion. However, eligibility of her female relatives (sister, mother, direct descendants) depends upon her membership in The American Legion.

Section 2. There shall be two classes of membership, senior and junior.

1. Senior membership shall be composed of members over the age of 18 years; provided, however, that a spouse under the age of 18 years, who is eligible under Section 1 of this article, shall be classed as a senior member.
2. Junior membership shall consist of that group under the age of 18 years, whose activities shall be supervised by the senior membership. Upon reaching the age of 18 years, junior members shall automatically be admitted into senior membership with full privileges.
3. Dues of both classes shall be paid annually or for life.

Article IV Department Officers

Section 1. The Department Convention shall elect annually a President, a Vice-President, a President from each District, a Historian, a Chaplain and five members at large, one from each District to serve as chairpersons on the Executive Committee; such officers shall serve for one (1) term or until their successors are elected.

Section 2. The National Executive Committeeperson and their Alternate shall be elected for a term of two (2) years commencing immediately following the National Convention. The National Executive Committeeperson and their Alternate shall serve a two (2) year term or until their successors are elected. In the event the Alternate National Executive Committeeperson thus assumes the office of National Executive Committeeperson, the Department Executive Committee shall fill the office of Alternate National Executive Committeeperson for the remainder of the term.

Section 3. The Department President shall nominate a Department Secretary (also known as Executive Director) and a Department Treasurer (also known as Finance Director). Both may serve an unlimited number of terms and shall be confirmed annually at the post-convention meeting by the Department Executive Committee. They shall serve without tenure and may be subject to removal by the Department Executive Committee.

Section 4. Delegates at large to the Department Convention or Special Convention shall be the elected members of the Department Executive Committee, the chairpersons (and members) of standing committees and all Past Department Presidents in good standing in their Units, with vote to be exercised with their Units.

Section 5. All Department Officers and standing committee chairpersons shall be in good standing in their Units.

Article V Department Convention

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

Section 2. Representation in the Department Convention shall be by Units. Each Unit shall be entitled to two delegates and one additional delegate for each twenty-five members or major fraction thereof whose current dues have been received by the Department Treasurer twenty

day's prior to the meeting of the Convention for which they are elected. An equal number of alternates shall be elected.

Section 3. The delegates and alternates to the Department Convention shall be elected at Unit meetings held not less than two (2) weeks prior to the Convention. Alternates shall have priority in the order of their election.

Section 4. Delegates at large to the Department Convention or Special Convention shall be the elected members of the Department Executive Committee, the chairpersons (and members) of standing committees and all Past Department Presidents in good standing in their Units, with vote to be exercised with their Units.

Section 5. Twenty-five (25) percent of the duly elected and accredited delegates to a Convention shall constitute a quorum.

Section 6. Each delegate shall be entitled to one vote.

Article VI

Delegates to National Convention

Section 1. The **Delegates and alternates to the National Convention.** Each Department shall be entitled to five delegates, and one additional delegate for each 1,500 members or major fraction thereof whose current dues have been received by the National Treasurer thirty days prior to the meeting of said convention and to one alternate for each delegate.

Section 2. With a Department membership of 3,751 or over, each District shall elect one delegate and alternate at their caucus to serve as National Delegates. The remaining delegates and alternates will be voted from the floor. With a membership of less than 3,751, the incoming Department President will serve as the delegate from their District, the Alternate being elected at the District Caucus, and the other four Districts shall elect one delegate and alternate at their respective caucuses. Alternates elected at District Caucus shall serve for their delegates only. (In case of emergency, alternates elected from the floor shall serve in order named.)

Section 3. The National Executive Committeeperson shall be a delegate at large. The outgoing President shall be delegation chairperson.

Section 4. Automatic Delegates to National Convention will be the incoming Department President, Outgoing Department President, Department Secretary, National Executive Committeeperson, and if Vermont has one, the candidate for a National Office.

Article VII Amendments

Section 1. The Constitution may be amended at a Department Convention by a two-thirds vote of the certified delegates present, providing that notice of the proposed amendments shall have been issued through the Department Secretary to the Units and members of the Department Executive Committee two weeks prior to Convention and provided that notice of the proposed amendments shall have been read at such Convention within twenty-four hours before the vote thereon; and providing further, it may be amended by unanimous vote at any Convention without notice.

Section 2. The Constitution shall become effective immediately upon its adoption by the Convention.

Section 3. Amendments to this Department Constitution adopted by National Convention action shall automatically become effective in the Department.

BYLAWS OF AMERICAN LEGION AUXILIARY DEPARTMENT OF VERMONT

Article I Department Organization

Section 1. The Department of Vermont, American Legion Auxiliary, shall be composed of Units, which shall be organized into Districts corresponding to Districts of The American Legion, Department of Vermont.

Section 2. Districts and Units shall function in accordance with National and Department Constitution and Bylaws and such Standing Rules as shall be prescribed by the Department.

Article II Election of Department Officers

Section 1. The election of the following officers by the delegates to Department Convention shall be by secret ballot: Department President, Department Vice-President, five District Presidents, Department Historian, Department Chaplain, and in alternate years, a National Executive Committeeperson and their alternate. A majority of the votes cast shall be necessary to elect. When there is but one candidate for an office, the nominee may be elected by voice vote. All Department Officers elected by the Convention Body shall assume the duties of their respective office when installed at the close of Department Convention.

Section 2. The Department Secretary (also known as Executive Director) and Department Treasurer (also known as Finance Director) shall take the obligation and assume the duties of their respective office when nominated and confirmed at the post-convention meeting of the Department Executive Committee; each shall serve until their duly nominated and confirmed successor shall take office.

Section 3. A vacancy existing in any office in the Department for any cause other than the expiration of a term shall be filled for the unexpired term by appointment from the Department President with confirmation by the Department Executive Committee. A vacancy in the office of District President for any cause other than the expiration of a term shall be filled for the unexpired term by the calling of a special meeting by the Department President for the district in which the vacancy exists. Said meeting shall be held at a site within the district affected and all units within said district shall be notified of the vacancy as well as date, time and site of the special meeting. The number of delegates from each unit to the special meeting shall be the same number of delegates allotted to each unit at the prior Department Convention. Members wishing to be considered for the vacancy shall notify the Department Secretary not less than five days prior to the date of the special meeting and shall be presented to the delegates at said special meeting prior to a vote. Following election, the Department President shall administer oath of office to newly elected District President.

Section 4. At each annual Department Convention, the duly elected delegates from each District shall caucus and elect their District President from each District and shall present them at the Convention. A member at large for the Department Executive Committee shall hold a Department Committee Chairmanship as appointed by the Department President.

Section 5. The written consent of candidates, if absent, must be secured before their names are offered in nomination.

Article III Officers and Duties

Section 1. The Department President It shall be the duty of the Department President to preside at all sessions of the Department Convention and meetings of the Department Executive Committee; to appoint members of department standing and department committees; to appoint other committees as the Department President deems advisable and to appoint all other offices not otherwise provided for in the bylaws, all subject to confirmation by the Department Executive Committee. The Department President shall serve as an ex-officio member with vote of all committees, shall perform other duties as are usually incident to the office and shall have general supervision to advise the Department Chairpersons in the promotion of their programs. Upon failure of any to function on their committee, the Department President shall be empowered to withdraw their appointments and appoint a new chairperson.

Section 2. The Department Vice-President It shall be the duty of the Department Vice-President to be the presiding officer at a meeting of the organization in the absence of the Department President. The Department Vice-President shall assume such other duties as assigned by the Department President. In the event the Department Vice-President thus assumes the office of Department President, the Department Executive Committee shall fill the office of Department Vice-President. If this term is less than six (6) months, the person so named is eligible to election by regular process to the office of Department Vice-President.

Section 3. The District Presidents The District President shall be in charge of the affairs of the American Legion Auxiliary in their respective District under the direction of the Department President. It shall be the duty of the District President to encourage and promote in every way the growth, welfare and accomplishments of the Units. The District President shall be charged with the responsibility of coordinating the activities of the Units and the organization of new Units in their District and shall preside at all District meetings during the year and at Convention District Caucuses. Any District President may preside at a Department meeting when requested to do so by the Department President. In the absence of the Department President and the Department Vice President, a District President shall preside at meetings of the Department Executive Committee.

Section 4. The Department Secretary (also known as Executive Director) shall keep the Department President apprised of all matters pertaining to department and shall conduct all official correspondence under the direction of the Department President. The Department President shall recommend to the Department Executive Committee the hiring or termination of office staff and shall assure the efficient operation of Department Headquarters in accordance with policies and directives of the Department Executive Committee and shall be expected to attend the National Convention and the Department Leadership Conference.

Section 5. The Department Treasurer (also known as Finance Director) shall be the custodian of the funds of the Department organization and ALAGMGS and account for the same. The Department Treasurer shall oversee the signing of all checks disbursing the funds as prescribed

by the Department and direct the preparation of reports on a monthly basis with ALAGMGS reporting quarterly. A qualified person with no connection to the American Legion Auxiliary shall review the accounts annually at the direction of the Finance Committee. The Department Treasurer shall promptly turn over to their successor all monies, vouchers, books and papers belonging to the Department.

Section 6. The Department Chaplain The Department Chaplain shall officiate as such at the Department Conventions and shall perform such other duties ordinarily incident to the office or which shall be assigned to the office by the Department President.

Section 7. The Department Historian It shall be the duty of the Department Historian to compile the historical records of the Department organization, and to make a report to the National Historian.

Article IV Department Executive Committee

Section 1. The Department Executive Committee shall consist of the Department President, Department Vice President, District Presidents, Department Secretary, Department Treasurer, Department Historian, Department Chaplain, five members at large, one (1) from each district, and Chairpersons of Standing Committees when called. All Past Department Presidents in good standing shall be life members with vote.

Section 2. Powers. The Department Executive Committee shall have general supervision and control over all property belonging to the Department and shall supervise the administration of the Department between Conventions, according to the Constitution and Bylaws and such other rulings as the Department may prescribe.

Section 3. The Department Executive Committee shall be empowered to call a Department Convention in case of emergency.

Section 4. The Department Executive Committee shall meet within twenty-four hours preceding the Department Convention. There shall be a post-Convention Committee Meeting of the Department each year, a Committee Meeting prior to the National Convention and at any time thereafter at the call of the Department President. Reasonable notice shall be given thereof. The Department President shall call a special meeting upon written request of no less than five Department Executive Committee Members

Section 5. Quorum. Ten Department officers and chairpersons of standing committees shall constitute a quorum.

Section 6. Absence of any member of the Executive Committee from two consecutive Committee meetings without just cause shall be noted on calls to Department Executive Committee. (This does not apply to Past Department Presidents.)

Article V Committees

Section 1. The Department President shall appoint chairpersons and members of standing committees that are named by the National President and such other committees as shall deem advisable, subject to ratification by the Department Executive Committee. The Department President shall be an ex-officio member of all Committees.

Section 2. The Department President shall appoint, subject to ratification by the Department Executive Committee, a Department Finance Committee composed of five members, three rotating for three-year terms, one Past Department President (PDP) appointed annually, and the Department Treasurer. Of the three rotating members first appointed, one shall serve for one year, one for two years and one for three years. After the expiration of the first year and every year thereafter, one member shall be appointed by the Department President to serve for the three-year term, and one PDP to serve a one-year term. In case of resignation or death of any member of the Finance Committee, the Department President shall appoint a member to fill the unexpired term, subject to ratification by the Department Executive Committee. The Finance Committee shall meet monthly, or at the call of the Department President. The Department Finance Committee shall oversee the general financial policy of the Department organization, subject to the approval of the Department Executive Committee. It shall be charged with the preparation of the yearly budget and shall supervise the expenditure of funds under that budget. The Department President and Department Secretary shall attend meetings of the Department Finance Committee. A Courtesy invitation to attend all Finance Committee meetings shall be extended to the incoming Vice-President.

Section 3. The **American Legion Auxiliary Green Mountain Girls State** (hereafter referred to as ALAGMGS), Committee. The Department President shall appoint, subject to ratification by the Department Executive Committee, a Department Girls State Committee composed of three members. After the expiration of the first year and every year thereafter, one member shall be appointed by the Department President to serve for the three-year term, the other two members advancing according to seniority. The ALAGMGS Board shall consist of nine members, of which the President and Department Secretary of the American Legion Auxiliary, Department of Vermont, and the three members of the ALAGMGS Committee shall be ex-officio members with vote. The four remaining members of the ALAGMGS Board shall be elected annually by the voting members of the Department Executive Committee, American Legion Auxiliary, Department of Vermont. This committee shall assist in the development and functions of Girl State as set forth in the Constitution Bylaws of the ALAGMGS.

Section 4. The **Advisory Committee** shall consist of the outgoing Department President and two (2) additional Past Department Presidents who will serve as advisors to the current President. The current President shall appoint one (1) member, the outgoing President shall be one (1) member and those two members shall choose the third member. Should the outgoing President decline the position then said position shall be filled by the Department

Executive Committee. When there is a vacancy on the Advisory Board, the Department President shall appoint a Past Department President to fill the unexpired term.

Section 5. The **Policy and Procedure Committee** shall consist of the Department Constitution and Bylaws Chairperson, the Parliamentarian, and three Past Department Presidents with each appointment to be a one-year appointment. The chairperson shall be appointed by the Department President. This Committee will initially set up a thorough comprehensive manual covering all aspects of Department activities from the perspective of policy, procedure and protocol with further annual reviews and updates as needed. The Committee shall be answerable to the Department Executive Committee.

Section 6. The **Constitution and Bylaws Committee** The Department President shall appoint, subject to ratification by the Department Executive Committee, a Department Constitution and Bylaws Committee composed of three members, the Chairperson, the Parliamentarian, and a third member preferably, but not limited to, a Past Department President.

Section 7. The **Veteran Assistance & Rehabilitation Committee** (aka VA&R) The Department President shall appoint, subject to ratification of the Department Executive Committee, a Department VA & R committee composed of three chairpersons. The VA&R chairperson, the Rehabilitation Chairperson and the Service to Veterans Chairperson. The VA & R chairperson will serve for a three-year term; the other chairpersons to serve one-year terms. The VA & R chairperson will be assigned to the VA Voluntary Service (VAVS) program and will be the American Legion Auxiliary, Department of Vermont representative to the VA Medical Center (VAMC) director. The VA&R chairperson will assign and train the VAVS deputy representative to this board.

Article VI District Organization

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

Section 2. The Department shall be divided into Districts coinciding with those of the American Legion.

District No. 1: Addison, Franklin, Chittenden, and Grand Isle Counties.

District No. 2: Essex, Orleans, and Caledonia Counties.

District No. 3: Lamoille, Orange and Washington Counties.

District No. 4: Rutland and Bennington Counties.

District No. 5: Windsor and Windham Counties.

Section 3. The Units of each District shall hold one annual District Meeting, and more if necessary, called by the District President, who shall notify the Department President before dates, are set definitely. If District meetings are held jointly, the District President in the hosting District shall chair the meeting with assistance from the other District Presidents.

Section 4. District Presidents shall attend a school of instruction within two weeks of their election, said school to be conducted by the Department President and Department Secretary.

Section 5. No District or District officer shall collect or hold funds for the District.

Article VII Unit Organization

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

Section 2. The minimum membership of a unit shall be ten adult members.

Section 3. A unit shall be given the name and number of The American Legion Post to which it is attached, and there shall be but one unit attached to each post.

Section 4. 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 5. No person shall, at any time, be a member of more than one Unit.

Section 6. A member who is not subject to suspension or membership revocation under due process is eligible to transfer their membership to another unit, if they have paid their membership dues to their current unit for either the current year or immediate past membership year. A member transferring to a new unit must pay current year dues to either their current unit or to the unit into which they wish to transfer. Evidence of paid membership includes: 1) American Legion Auxiliary Membership Card; 2) Verification of membership by ALA Department or National Headquarters membership records; 3) Other documentation verifying payment of current or immediate past year dues such as a cancelled check or receipt; or 4) when verifying documentation is not available, a sworn statement that the member's membership dues payment was tendered.

Section 7. A Unit member may withdraw providing their current dues are fully paid. Upon withdrawal, however, they 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 their membership from one Unit to another during the current year, it shall be done by transfer and not by withdrawal. Transferred members shall not be counted for awards in their new Units until they have paid their membership in that Unit.

Section 8. An eligible person may apply for membership in any Unit but eligibility does not mean acceptability.

Section 9. Nomination and Election of Unit Officers shall be held annually not later than the first regular meeting in September and all officers shall hold office until their successors are elected and installed. Installation must take place before October 20th.

Section 10. All Unit Presidents in this Department shall appoint standing Chairpersons to correspond with those of Department Standing Chairpersons and such other chairpersons as are deemed necessary, subject to the approval by the Unit or the Unit Executive Board.

Section 11. No Unit in this Department or any member thereof shall poll any other Unit or any members thereof without the consent of the Department Executive Committee.

Section 12. It is mandatory that all Units have their own Unit Constitution and Bylaws and a copy is on file at Department Headquarters.

Article VIII Discipline

Section 1. For any violation of the Department or National Constitution, or for conduct improper and prejudicial to the welfare of the Auxiliary of The American Legion, any member may be expelled from membership or any officer removed from office by a two-thirds vote at a Unit meeting duly called for that purpose. Said expulsion or removal shall be binding only in that said member or officer shall have been given a thirty-day notice in writing by the Unit Executive Committee of the charges and the hearing thereon. Both parties may have the right to appeal to the Department Executive Committee and its action thereon shall be final. The expense of said appeal shall be borne by the appellant.

Section 2. Expulsion from one unit does not prevent a member from applying for membership in any other Unit.

Article IX Charters

Section 1. The Department Executive Committee may revoke, cancel or suspend Unit Charters.

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

Section 3. American Legion Auxiliary Units suffering the revocation of their charters may appeal from the decision of the Department President and the Department Executive Committee to the National Executive Committee, as prescribed in the National Constitution and Bylaws.

Section 4. The Department Executive Committee may order the suspension of a charter for a period not to extend beyond the closing of the next succeeding Department Convention as a disciplinary measure or pending action relative to final revocation.

Section 5. A cancellation of a Unit charter shall be in order where two or more Units merge, where a Unit ceases to function, or under such other conditions as might make such action necessary within a Department. In the event a Unit charter is cancelled without the consent of such Unit, it shall have the right of appeal to the National Executive Committee, under the rules prescribed in the National Constitution and Bylaws.

Section 6. A Unit may be reinstated in the Department by paying per capita tax on ten adult members if delinquent only one year.

Article X Finance

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

Section 2. A member failing to pay annual dues by January 31st shall be classed as a delinquent and shall be suspended from all privileges, provided however such suspended member shall be notified 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 31st of the year of delinquency shall automatically be dropped from the rolls and may thereafter be reinstated with the payment of all past dues or by reestablishing eligibility and making application as a new member.

Article XI Parliamentary Authority

Section 1. The Department organization shall be governed by "Robert's Rules of Order, current edition" on all points not covered by this Constitution and Bylaws.

Article XII Amendments

Section 1. The Bylaws may be amended at a Department Convention by a two-thirds vote of the certified delegates present, providing notice of such amendments is issued through the Department Secretary to the Units and members of the Department Executive Committee two weeks prior to the Convention, and provided that notice of the proposed amendments shall have been read at such Convention within twenty-four hours before the vote thereon; and provided further they may be amended by unanimous vote at any Convention without notice.

Section 2. The Bylaws shall become effective immediately upon their adoption by the Convention.

Section 3. Amendments to the Department Bylaws adopted by National Convention action shall automatically become effective in this Department.