

**BY-LAWS**  
**of the**  
**MIDDLESEX COUNTY COMMITTEE**  
**OF THE AMERICAN LEGION, INCORPORATED**

**ARTICLE I**

**DUTIES OF COUNTY OFFICERS**

Section 1. The County Commander shall preside at all meetings of the County Committee, shall supervise and manage the affairs of the Committee and shall exercise all duties incident to this office. In cooperation with the County Committee, the County Commander shall be a member ex-officio of all committees, and serve as the Alternate Member-at-Large of the Department Executive Committee.

All Department appointments shall be submitted by the County Commander for approval of the County Committee at the May meeting and be presented to the Department by the Department Executive Committeeman or Committeewoman (DEC).

The newly elected County Commander shall be in charge of all current business. The immediate Past County Commander shall be in charge of the convention parade and county hospitality.

Section 2. The duties of the County Vice Commanders shall be such as are assigned to them by the County Commander and each County Vice Commander shall act as liaison between the County Committee and all Posts assigned to them. The County Vice Commander should contact all such Posts on all current information and programs, and endeavor to attend at least one meeting of each assigned Post yearly during their term of office. One County Vice Commander shall be assigned to each of the four districts within geographical boundaries of Middlesex County.

Section 3. The duties of the County Finance Officer shall be to receive and keep an accurate record of all monies that are property of the County Committee; pay all bills upon approval of the County Committee; and maintain a bank account in a Middlesex County bank approved by the Middlesex County Committee, withdrawals from which shall be subject to signatures of any two of four signatures as follows: County Commander, Finance Officer, Adjutant and DEC. The Finance Officer shall produce the books upon demand of the County Committee and present the books for audit at the end of the fiscal year, which is May 31. At each meeting of the County Committee, the County Finance Officer shall report the financial standing of the County Committee.

Section 4. The County Sergeant-at-Arms shall see that none but the members of the County Committee participate in the business of the County Committee and, to that end, shall be informed as to the identity of those who are members thereof, and shall, with the approval of the County Commander, appoint as many assistants pro-tempore as required of him/her by the County Commander or by enactment of the County Committee.

Section 5. The Duty of the Department Executive Committeeman/Committeewoman shall be to represent the County Committee in all meetings of the Department Executive Committee. The DEC shall perform such other duties incident to the office as may be required by the Department Executive Committee or as may be assigned by the County Commander or the County Committee. The DEC shall make a full report of his/her actions to the County Committee at each regular meeting.

Section 6. The duties of the County Adjutant shall be to keep a full and accurate record of the proceedings of the County Committee in a book or books provided for the purpose which shall be the property of the County Committee; file and preserve all reports and records; attend to all correspondence; cause notice to be given to all meetings; maintain complete and accurate roll of all members; produce his/her books and records at all meetings of the County Committee; and perform such other duties as may pertain to the office.

Section 7. The County Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by the Department Executive Committee from time to time, and conduct all devotional exercises of the County Committee. The Chaplain shall perform such other duties pertaining to the office as may be, from time to time, required.

Section 8. The County Historian shall collect from year to year all records and data of value and interest for the Middlesex County American Legion, and shall compile during the term of office a complete history of the year's activities. The Historian shall also assist Post Historians so as to coordinate and unify the work of those officers, and shall have such other duties as the Committee shall prescribe.

Section 9. The County Judge Advocate shall advise the County Committee officers and the County Committee on all legal matters, including the construction and interpretation of the County Constitution and By-laws, and shall perform such other duties as are usually incident to the office.

The Judge Advocate shall be in charge of the County Committee's papers of incorporation and, at the first regular meeting of the County Committee after the Department Convention, shall deliver the papers of incorporation to the County Commander who shall deliver them at the same meeting and from the chair to the new County Judge Advocate.

The Judge Advocate's and Parliamentarian's pronouncements on Constitutional and Parliamentary procedure are advisory and not judicial. Final interpretation and decision rests with the Commander, subject to correction by the County Committee, according to established principals of parliamentary procedures set forth in *Robert's Rules of Order* last revision.

Section 10. The County Service Officer shall have supervision of all work pertaining to service to veterans and their families; in the prosecution of all just claims relative to compensations, hospitalization, relief and other related activities; and shall distribute such monies for relief and similar purposes as may be allocated to that work by the County Committee. He/she shall contact Post Service Officers and, upon request, advise and assist them in their Post service work. A report shall be given at each regular meeting of the County Committee.

Section 11. In addition to the foregoing, each officer shall execute such additional duties as may be assigned by the County Commander and/or County Committee.

Section 12. It shall be the duty of the County Commander to report to the County Committee:

1. The failure of any officer to perform properly any or all the duties assigned to the office.
2. When an incumbent of an elected or appointed office shall absent him/herself from three consecutive regular meetings of the County Committee without proper excuse from the County Commander. Upon substantiation of such report, the County Committee, by two-thirds vote of the delegates present, shall declare the office vacant.

## ARTICLE II

### DISCIPLINE

Section 1. Charges may be made in writing to the County Committee against a member of the County Committee for conduct unbecoming a member, or prejudicial to the Post he/she represents, the County Committee or The American Legion. Such charges, under oath, must be filed through a member of the County Committee, and the member of the County Committee filing such charges shall be considered responsible for the accuracy and legality of such charges. The County Committee shall conduct a full hearing and investigation, after notice in writing stating the charges shall have been sent to the defendant member at least 15 days prior thereof by Certified Mail, Return Receipt Requested, Deliver to Addressee Only, to their known last address or the address given by the Adjutant of such Legionnaire's Post. A two-thirds vote shall govern. If the vote does not sustain the charges, the same shall be dropped and the matter closed. If the vote sustains the charges, the County Committee shall take immediate action thereon. In case the member be ordered expelled, the County Adjutant shall immediately notify the Post that the member represents.

Section 2. Charges may be made under oath, in writing, against a Post of The American Legion under the jurisdiction of the County Committee for conduct or action prejudicial to The American Legion by filing such charges under oath with the Executive Committee. The County Committee shall, through the County Adjutant, give notice in writing by Certified Mail, Return Receipt Requested, Deliver to Addressee Only, to be mailed to the Commander and Adjutant of such Post at their last known address as shown on the records of the County Adjutant, stating the charge to the Post, and shall call a special meeting of the County Committee for the purpose of hearing the charges. The special meeting called for this purpose shall not be set for a date earlier than 15 days after the notice has been given to the defendant Post. The County Committee shall conduct a full hearing and investigation, and shall by ballot decide a result. A two-thirds vote of all members present shall govern. If the charges are sustained, the County Committee shall immediately by Resolution apply to the Department of New Jersey for revocation of the Charter of the Post, or such other action as the circumstances warrant. If the charges are not sustained, the same shall be dismissed and the matter closed.

## ARTICLE III

### MISCELLNEOUS

Section 1. The order of business at regular meetings of the County Committee shall be:

1. Roll call of Officers
2. Roll call of Posts
3. Reading of the minutes
4. Reports of Officers and Committees
5. Correspondence
6. Unfinished Business
7. New Business
8. Elections
9. Announcements & Good of The Legion
10. Adjournment

Section 2. It shall be in order upon completion and acceptance of reports to make motions and pass same that relate to a report of an Officer or Commander at the time the report is given.

Section 3. The votes of each Post at all regular and special meetings and conventions shall be equal to the number of delegates to which each is entitled, provided that all voting shall be done by delegates or alternates present and no absentee vote shall be cast.

Section 4. Voting at all meetings shall be by ayes and nays, except upon request of a delegate or delegates representing three or more Posts, the voting shall be by roll call and shall be as provided for in Section 3 of this Article.

Section 5. Upon demand of any delegate of any Post for a roll call vote of his Post's delegation, such roll call shall be conducted by the Chair, except in the County Convention, then the County Convention rules shall govern.

Section 6. Regular American Legion colors shall be used at all American Legion functions whenever possible. If, because of unusual circumstances, miniature-sized colors are used, these shall not be advanced as "colors" in the ritual, but shall be placed in position before the opening of the meeting.

Section 7. The retiring County Commander shall receive a regular Past County Commander's pin or button at the ceremony that installs the successor – or at the end of his/her first term, if reelected. The Past County Commander may choose a more expensive pin or a Past Commander's ring, allowed the cost amount of the regular pin, but must make up any cost difference. It shall be the duty of the County Finance Officer to see that the pin is provided by ordering the same and to collect, before ordering, any additional costs. The prepaid order shall be mailed not later than six weeks prior to installation.

The retiring County Commander shall, at the same time, be presented with the miniature set of colors and desk holder that were used during his/her term of office.

Section 8. At the end of the term of office, the Middlesex County Committee and the Middlesex County Auxiliary shall sponsor a Testimonial Dinner for the County Commander and County President. The selection of the Toastmaster shall be a Legionnaire or Auxiliary member and shall be the prerogative of the County Commander or the County President in alternate years with the approval of the dinner committee.

Section 9. The immediate Past County Commander shall lead the County Unit in Department Convention parades. The DEC shall march in the outside left front rank; the newly elected Commander shall march in the outside right front rank.

In all other parades where the county marches as a unit, the County Commander leads the parade in front of the marching unit or in whatever position is assigned the leader by general parade regulations.

Section 10. The elected County Officers shall immediately, after their installation, acquaint themselves with the rules for "Wearing the Legion Cap and Regalia" as given in *Post Commanders Guide*.

Section 11. All County Officers will assume their duties as of new business at the County Convention in May, except the Finance Officer who shall not assume duties until the annual audit has been approved at the July meeting.

Approved 09/27/2017