

**CONSTITUTION
of the
MIDDLESEX COUNTY COMMITTEE
OF THE AMERICAN LEGION, INCORPORATED**

Preamble

For God & 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 percent 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 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 consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I

NAME and AUTHORITY

Section 1. The name of this organization shall be the Middlesex County Committee, The American Legion, Incorporated.

Section 2. This organization derives its right to function and authority by virtue of the powers granted in and by the Constitution and By-laws of The American Legion, Department of New Jersey.

ARTICLE II

OBJECTS and POWERS

Section 1. It shall be the objective of this organization to coordinate and promote the progress of The American Legion of Middlesex County, NJ, by providing a means of common council among the several Posts of The American Legion within Middlesex County, NJ, and to otherwise perform such duty and exercise such powers as shall be delegated to it under the provisions of the Constitution and By-laws of The American Legion, Department of New Jersey.

Section 2. The County Committee shall exercise supervisory powers over the Posts within its jurisdiction. It shall have power to create rules and regulations as may be essential to the proper conduct of affairs. It shall have authority to levy taxes and/or assessments on all Posts within its jurisdiction for the purpose of carrying out its proper functions.

ARTICLE III

NATURE

Section 1. The American Legion is a civilian organization; membership therein does not affect nor increase the liability for military or police service. Rank does not exist in The American Legion; no member shall be addressed by his military or naval title in any convention or meeting of The American Legion.

Section 2. This committee shall be absolutely non-political and shall not be used for dissemination of partisan principals nor for the promotion of the candidacy of any person seeking public office or preferment.

ARTICLE IV

ELIGIBILITY

Section 1. Membership in good standing of Posts of The American Legion with headquarters located within the geographical boundaries of Middlesex County, NJ, shall be eligible to membership in this committee except as otherwise herein stated.

ARTICLE V

MEMBERSHIP

Section 1. This committee shall be composed of members representing each of the Posts of The American Legion that have headquarters withing the geographical boundaries of Middlesex County, NJ.

Section 2. Each of the Posts shall be entitled to one delegate and one alternate by virtue of its Charter, and in addition thereto to one delegate and one alternate for each fifty members of the Post for whom the Post has paid all National, Department and County taxes, both past and current, that are due, prior to the date when the representation of the Post on this Committee is determined. All delegates and alternates selected to represent the respective Posts shall be considered members of this Committee.

Section 3. Any duly chartered Posts of The American Legion with headquarters in Middlesex County, NJ, shall be eligible to select delegates and alternates as members of the Committee.

Section 4. The number of members of this Committee to which a Post shall be entitled shall be based upon the number of members whose County per capita tax has been paid as of the County meeting in March. The records of the County Membership Chair and the County Finance Officer shall govern such determination. The number of members of this Committee thus established shall continue to be the representation of the Posts, provided, however, that all Posts shall be privileged to adjust their membership in this Committee as of January 31 of the current year, and monthly thereafter. Such adjustment in representation shall allow for increased Post membership, but shall not be continued beyond the County meeting in April.

Section 5. Any Post eligible to representation in this Committee may have votes equal to the number of delegates authorized for that Post provided that a sufficient number of members are present at the meeting and all per capita taxes are paid.

Section 6. Past National, Past Department and Past County Commanders resident in New Jersey while in good standing in their respective Middlesex County Posts shall be life members of the Middlesex County Committee with voice and vote, and shall be entitled to the privileges of the floor at all times. They shall be designated as Delegates-at-large.

Section 7. No registration fees shall be required for a Delegate-at-large. There is no Alternate Delegate-at-large.

ARTICLE VI

OFFICERS

Section 1. All elected officers of this Committee shall be regularly accredited delegates in order to stand for election.

Section 2. The elected officers of this Committee shall be: a Commander, a First Vice Commander, a Second Vice Commander, a Third Vice Commander, a Fourth Vice Commander, a Finance Officer, and a Department Executive Committeeman or Committeewoman (DEC), all of whom shall be elected at the biennial meeting of this Committee, except for the Department Executive Committeeman or Committeewoman, whose term shall run for three years and cannot succeed him or herself more than once, unless there is no other candidate.

The County Commander shall appoint the County Adjutant, the County Chaplain, the County Service Officer, the County Historian, the County Judge Advocate, the County Membership Officer, the County Sergeant -at-Arms, and such officers as may be created by resolution of the County Committee.

The County Commander shall also appoint a Nominating Committee of three (3) members of the County Committee in good standing. They shall present a slate of proposed officers at the April meeting of the County Committee who are to be voted on at the biennial meeting in May.

All such appointments shall be subject to the approval of the County Committee.

Section 3. Any such officer, so appointed, need not be a delegate or alternate to the County Committee, but must be a member in good standing in a Post represented in this Committee. Such appointed officers, who are not delegates nor alternates of this Committee, shall be entitled to the privileges of the floor to present the business of his or her office or the Committee with voice, but without vote.

Nothing in this Constitution or By-laws shall be construed to give any officer, delegate or alternate the right to more than one vote as a member of this Committee.

Section 4. The newly elected County Commander shall submit for approval his or her County Chairpersons to the Department at the May meeting under new business.

Upon approval by the County Committee, the newly elected officers and appointed officers shall be installed at the County Convention in May.

Section 5. If a vacancy occurs in the office of the County Commander or the First, Second or Third Vice Commander, the next lower officer shall automatically advance to the next higher office.

A vacancy that may occur in any other elected office of this Committee shall be filled by the election of a successor for the unexpired term. Such election shall be held at the next regular meeting of this Committee following a declaration of a vacancy of the office. Notice of election shall be given by mail or email to each Post of this Committee not less than 10 days before the next meeting.

Section 6. All county elected and appointed officers shall be entitled to wear the Blue and White County (District) Cap.

ARTICLE VII

TAXES and ASSESSMENTS

Section 1. The County Committee shall have the authority to levy taxes and/or assessments on all Posts within its jurisdiction for the purpose of carrying out its proper functions. To set such taxes and/or assessments, a vote of members equal in number to two-thirds of the total authorized number of delegates present shall be required, provided, however, that proper notice is given to the Posts 10 days prior to the meeting at which the vote thereon shall be taken.

Section 2. Each Post shall pay to the County an annual per capita tax established by the Middlesex County Committee. Per capita tax shall be based upon the membership of the Post for which the Department and National per capita taxes shall have been paid. The amount of per capita tax shall be fixed by a two-thirds vote of the County Committee present, provided that a notice of intent to vote upon fixing of per capita shall be given to all Posts in writing one month in advance of the meeting at which the vote thereon shall be taken.

Section 3. Every Post in the County of Middlesex shall pay, or cause to be paid, an Annual Meeting Registration fee for the total number of delegates and alternates to which each of the Posts are entitled. Said registration fee will be fixed by the County Committee at a regular meeting. These registration fees shall be considered as taxes and failure to pay same shall render the Post liable to suspension as provided herein.

Section 4. Any Post, which shall fail to pay all its County per capita taxes and other taxes, shall be deprived of the right to voice and vote at the proceedings of the County Committee until such taxes are paid. The County Committee shall be the authority in such cases. County per capita taxes shall be due and payable at the same time the Department and National per capita taxes are due and payable. Failure to pay same shall render the Post liable to suspension as provided herein.

Section 5. All taxes and/or assessments payable by Posts shall be due and payable to the respective taxing bodies upon receipt by the Post of the same.

Section 6. No Post shall be allowed to sponsor or cause to be sponsored any uniformed organization to the County, Department or National Convention unless all county taxes and/or assessment and per capita taxes are paid by February 28 of the current year.

Section 7. No Post shall be entitled to voice or vote after December 31 of any year unless it has at least its Charter membership of 15 members paid to National, Department and County. NOTE: By Article X, Section 3 of the Department Constitution and By-laws, a Post that has not paid per capita for 15 members by February 28 is ipso facto suspended on February 28.

ARTICLE VIII

FINANCE

Section 1.

- (A) There shall be a Finance and Budget Committee of five members, with at least four Posts represented and at least one member of which shall be a Past County Commander, and two of which shall not be Past County Commanders. This Committee shall also prepare and present to the County Committee a budget at the July meeting.
- (B) The Finance and Budget Committee Chair shall keep a written record of all properly submitted bills and disbursements made by the Finance Officer, and the proposed budget balance due for each Committee shall be turned over with the finance record for auditing by the Budget Committee.
- (C) Any non-budgeted items shall be submitted by the Finance Committee for their recommendations at the next regular meeting. Any emergency expenses shall be put on the floor for discussion and vote.

The fiscal year shall start on June 1 and end on May 31. Books shall be audited before the end of June.

Section 2. The County Commander and DEC at the end of each year served, shall automatically be Delegates to the National Convention and shall receive \$500 for expenses and this will be paid by the County Committee. If, for any reason, the County Commander or DEC cannot or does not want to attend the National Convention, the allotted money will be returned to the County Committee.

Section 3. Other delegates to the National Convention will receive a stipend of \$350 to cover expenses.

ARTICLE IX

MEETINGS

Section 1. Regular meetings of this Committee shall be held according to a schedule provided in June with the July, September, October, February and April meetings held on the fourth Wednesday of the month. There will be no meetings on the fourth Wednesday in January, March, June, August or December. The November meeting will be held on the first Wednesday after Thanksgiving.

Section 2. The biennial meeting of the County Committee shall be scheduled for the first Saturday in May, unless otherwise authorized by a meeting of the County Committee.

Section 3. Special meetings of the County Committee may be called by the County Commander or the County Committee, at their discretion or upon the written request of the delegates of at least three Posts in good standing, provided that a minimum notice of three days shall be given to all delegates and that such notices shall state the purpose for which the special meeting is called, and provide further that no other business shall be transacted at the special meeting.

Section 4. A quorum to do business at any regular or special meeting shall be the representation of 10 eligible Posts of the county present at the meeting.

Section 5. *Robert's Rules of Order*, latest revision, shall be the Authority on Parliamentary procedure, except where they shall conflict with this Constitution and By-laws or with the National and Department Constitutions and By-laws of The American Legion.

ARTICLE X

ELECTIONS

Section 1. Elective officers shall be elected by vote equal in number to a majority of the total authorized delegates present. No member shall run for two offices at the same time. Elections will start with the County Commander, followed by the First Vice Commander, Second Vice Commander, Third Vice Commander, Fourth Vice Commander and Finance Officer, all of whom shall be elected to a two-year term, and a Department Executive Committeeman or Committeewoman (DEC), who shall be elected to a three-year term.

Section 2. In order to be eligible for the election to the office of County Commander or DEC, it is recommended that the member of the Committee shall have served as Post Commander and/or served as an elected or appointed County Officer.

Section 3. The order of County Elections of Elective Officers shall be as follows:

- Final nomination of County Commander and election of one;
- Final nomination of First Vice Commander and election of one;
- Final nomination of Second Vice Commander and election of one;
- Final nomination of Third Vice Commander and election of one;
- Final nomination of Fourth Vice Commander and election of one;
- Final nomination of Finance Officer and election of one;
- Final nomination of DEC and election of one for a term of three years.

Section 4. County Delegates and Alternates to the National Convention shall be elected by Delegate vote at the February meeting of the County Committee.

ARTICLE XI

POSTS

Section 1. The government and administration of each Post shall be in accordance with the Constitution and By-laws adopted by it, to the extent that the same do not conflict with any provisions of the National or Department Constitutions and By-laws.

Section 2. Each Post shall be the judge of the qualifications of its membership therein.

Section 3. Any member of a Post desiring to transfer to another Post shall be entitled to do so providing:

- (A) The member's dues for the current year and all arrearage of dues and assessments have been paid to date;
- (B) The member is in good standing and has no charges pending against him or her;
- (C) The member's application for the transfer in writing on the form prescribed by the National Organization.

Section 4. Any group wishing to organize a new Post with headquarters in Middlesex County shall submit application thereof to the Adjutant of the County Committee, whose duty shall be to announce the receipt of such application at the next regular meeting of the County Committee.

At the meeting following that which receipt of the application shall have been announced, the Committee shall consider said application. The recommendation of the County Committee thereon shall be forwarded to the Department Executive Committee. Notice of such recommendation of the County Committee shall at the same time be given to the applicants.

ARTICLE XII

AUXILIARY

Section 1. The Middlesex County Committee of The American Legion, Inc., recognizes an Auxiliary Organization known as the Middlesex Committee of The American Legion Auxiliary.

Section 2. The Auxiliary shall be governed within this county of the Department of New Jersey by such rules and regulations as may be prescribed by the National Executive Committee and approved by the Department of New Jersey and the Middlesex County Committee of The American Legion, Inc.

ARTICLE XIII

AMENDMENTS

Section 1. This Constitution and By-laws may be altered, amended or repealed at any regular or special meeting of the County Committee by a two-thirds vote of the qualified members present, provided such alteration, amendment or repealer shall have been submitted in writing at a preceding meeting of the County Committee.

Section 2. A notice of intent to alter, amend or repeal shall be included in the written notice of the meeting at which the vote thereon shall be taken.

Section 3. A copy of an approved amendment to the Constitution and By-laws shall be filed with the Adjutant and copies given to the County Commander and County Judge Advocate for reference.

Approved 09/27/2017

Revision to update preamble 02/25/2020