

# CONSTITUTION

## The American Legion Department of Alabama June 2019

### Preamble

The Department of Alabama Constitution Preamble shall be that of the National Constitution.

### Article I – Name

**Section 1.** The name of the organization shall be “The American Legion, Department of Alabama”.

### Article II – Membership

**Section 1.** The provisions of the National Constitution of The American Legion shall govern eligibility for membership in the Department.

### Article III – Department Organization

**Section 1.** The American Legion, Department of Alabama is a constituent part of and subordinate to The American Legion, a federal corporation, organized by Act of Congress, and is a corporation organized and existing under the laws of Alabama. The Department embraces and its jurisdiction extends to the whole state of Alabama.

**Section 2.** The Department shall be divided into divisions, districts (which may be divided, at the discretion at discretion of the districts, into counties and/or zones) and posts organized as hereinafter provided.

**Section 3.** There shall be one regular annual Department Convention, which shall be the legislative body of the Department organization. There may be a special convention called in a manner hereinafter provided.

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**Section 4.** There shall be such standing Commissions and Committees as shall be provided in the Department By-Laws, members and chairmen of which shall be appointed by the Department Commander. The Department Commander may also appoint such other or special Committees, as he/she deems necessary or desirable subject to ratification by the Department Executive Committee.

**Section 5.** Bylaws shall be adopted for the government and regulation of the Department.

**Section 6.** There shall be at least one Department Conference between Department Conventions. The date and place will be decided by the Department Executive Committee.

**Section 7.** A quorum for the Department of Alabama and all subordinate units thereof shall be the lesser of five (5) members or a majority of all members of said unit unless otherwise provided by the adopted regulations of said unit.

## Article IV – Organization

**Section 1.** The legislative body of the Department shall be the Department Convention to be held annually at a time and place to be fixed by vote of a preceding convention, or in the event that a preceding convention does not fix a time or place, or if the convention city withdraws its invitation to hold the convention, or if it becomes impractical for any reason to hold the convention at the time and place designated; then the Department Executive Committee shall fix such time and place.

**Section 2.** Delegates to the Department Convention.

- a) The Department Commander, Department Adjutant, Department Senior Vice Commander, Department Junior Vice Commander, National Executive Committee Person and Alternate National Committee Person shall be delegates to the Convention.
- b) Each post shall be entitled to three (3) delegates and an additional delegate for each fifty (50) paid-up members or fraction thereof, based on the membership recorded in the Department Headquarters as of May 31<sup>st</sup>, of the current year and one alternate for each delegate. Each delegate shall be a member of the Post he/she represents. No voting privilege shall exist from a Post that has less than charter strength. All Post Department Commanders in good standing shall be delegates to the Department Convention with voice and vote. The Chairman of Post Delegation may cast the votes of all registered delegates of his/her post.
- c) Voting. Each registered delegate shall be entitled to one (1) vote. Registered alternates shall have all the privileges of the delegates except that they may vote only in the absence of the delegates from the convention hall.

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- d) No Post shall be entitled to representation at any Department Convention until all indebtedness to the Department Headquarters has been satisfied.
- e) The Convention Corporation, Convention Commission, Convention Committee or any other duly constituted body in charge of holding the annual convention shall transmit to the Finance Officer within thirty (30) days of the close of the convention a financial statement of the Department Convention.

## Article V – Delegates to the National Convention

**Section 1.** The Department Convention may elect as many Delegates and Alternates from the state at large as may be necessary to fill a quota of delegates as authorized by the National Organization. The Department Commander, Immediate Past Department Commander and Department Adjutant shall be delegates from the state at large to the National Convention. The Immediate Past Department Commander shall, at his/her option, be Chairman of the delegation and the Department Adjutant shall be the secretary of the delegation. Each District is entitled to one delegate and one alternate. The Department Commander shall be Chairman in the absence of the Immediate Past Department Commander. All vacancies for delegates or alternate delegates to the National Convention shall be filled by appointment of the Chairman of the delegation.

**Section 2.** All delegates shall carry out the will of the Department Convention and the Department Executive Committee insofar as the same has been duly expressed and notified to them.

## Article VI – Department Officers

**Section 1.** Elective Officers.

- a) The Department Convention shall elect a Department Commander, Department Senior Vice Commander, Department Junior Vice Commander, and three (3) Department Division Commander
- b) The Department Convention shall elect one (1) National Executive Committee Person and one (1) alternate to serve for a period of two (2) years as provided by the National Constitution.
- c) One Department Division Commander shall be elected from each of the three (3) Divisions of the Department by a vote of those delegates from the Division, which he/she is to represent; and such election shall be made on the floor of the convention.

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- d) In the event of a vacancy in the office of Department Commander, The Department Senior Vice Commander shall succeed to the office of Department Commander to complete the remaining term of said officer and the office of the Senior Vice Commander shall be filled by the Department Junior Vice Commander to complete the remaining term of said office. A vacancy in the office of Department Junior Vice Commander thereafter shall be filled by an election of a Legionnaire by the Department Executive Committee for the balance of the term. Should a vacancy occur in the office of National Executive Committeeman, the Alternate National Executive Committeeman shall automatically succeed to that office to fulfill the remaining term. Should a vacancy occur in the office of the Alternate National Executive Committeeman, the Department Executive Committee will fill it for the remaining term.
- e) All other vacancies shall be filled by the Department Commander and ratified by the Department Executive Committee.
- f) No person shall be eligible to succeed himself in the office of Department Commander, Senior Vice Commander, or Junior Vice Commander. A Department Division Commander shall be eligible to serve no more than two (2) consecutive years. The filling of an uncompleted term for these offices shall not count in the eligibility requirement herein stated.

**Section 2.** Appointed Officer, Committees and Employees

- a) The Department Adjutant: The Department Commander shall nominate the Department Adjutant with approval of the Department Executive Committee. The Department Executive Committee may remove the Department Adjutant with a 2/3 vote of its total Members.
- b) The Department Commander shall appoint the following Department Officers: Chaplain, Sergeant-at-arms, Historian, Judge Advocate, Service Officer(s), Sons of the American Legion (SAL) Advisor, American Legion Riders (ALR) Advisor, Finance Officer, Internal Affairs Officer and Public Relations Officer. These officers will hold office for a like term as the Department Commander. The Department Executive Committee must ratify all appointments.
- c) Miscellaneous Appointments: The Department Commander, with the approval of the Department Executive Committee, may appoint persons to perform functions and duties of the Department in furtherance of the Legion programs as the Department Commander deems necessary.
- d) Employees: The Department Adjutant is charged with the hiring/termination of employees with the Department Headquarters, with the approval of the Department Executive Committee.

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- e) All Legionnaires serving as chairs of the Committees and Commissions listed in The American Legion Department Bylaws Article III Section 3 are considered Department Officers.

**Section 3.** The Department Executive Committee

- a) Between Department Convention the administrative power shall be vested in a Department Executive Committee which shall be composed of the Department Commander, the Immediate Past Department Commander, the Department Senior Vice Commander, the Department Junior Vice Commander, the three (3) Department Division Commanders, each District Commander, the Department Executive Committeeman elected by each District, the Department Adjutant, the National Executive Committeeman, and the Alternate Executive Committeeman. All other Past Department Commanders and Past Department Adjutants shall be members of the Department Executive Committee with voice and without vote. The District Vice Commander shall be an alternate to the Department Executive Committee for the District Commander. The Department Judge Advocate, Chaplain, Internal Affairs Officer, Finance Officer, and Sergeant-at-arms shall attend all meetings of the Department Executive Committee with voice and without vote.
- b) The Department Commander shall call the Department Executive Committee into session as soon as practical following the convention, and thereafter as the need may arise. The Department Commander shall call a meeting of the Executive Committee at the written request of eight (8) or more elected members thereof. All meetings shall be held at a place within the State of Alabama as may be designated in a call for such meeting issued by the Department Commander. The Department Commander may canvass by mail the members of the Executive Committee in any and all matters not requiring a hearing.
- c) One half of the elected members shall constitute a quorum of the Department Executive Committee.
- d) The Department Executive Committee shall adopt a budget, unless a budget is adopted by the Convention, and shall provide for a chart of accounts and conduct all financial matters between conventions.
- e) No member may hold more than one office in the DEC. An office within the DEC is automatically vacated upon the acceptance of a second office in the DEC, and said vacated office shall be filled by the appropriate authority.

**Section 4.** Eligibility of Office

- a) All persons serving as elected or appointed officers, commission and/or committee members, at any level, in The American Legion, Department of Alabama shall be a member, in good standing, of a local American Legion Post located within the

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Department of Alabama and said Post shall be a part of the District, or Division for which the Officer, Commission, or Committee member is elected or appointed.

- b) Any person appointed to a National Office, Commission and/or Committee of The American Legion from The American Legion, Department of Alabama shall be a member in good standing of a local American Legion Post within the Department of Alabama.
- c) Should a person holding an Office, Commission or Committee position resign, transfer or be expelled from a local Post or otherwise lose membership in a local Post, the Office, Commission or Committee held is immediately vacant and a replacement will be appointed by the appropriate authority to fill the vacancy.
- d) Members removed from office for cause are ineligible to be titled past holder of said office.
- e) The term Immediate Past Commander shall be the most recent Past Commander eligible, willing, and able to serve.

## Article VII – Meetings

### Section 1. Meetings

- a) All meetings of the Department Executive Committee, the Department Finance Committee, all committees, sub-committees, commissions and sub-commissions shall be open to all members of The American Legion.
- b) The presiding officer may close a meeting to discuss personnel matters, real estate transactions and disciplinary matters.
- c) Any action of a commission or committee shall take place only in open session.
- d) Legionnaires who are not members of the committees or commissions have no voice or vote.
- e) Attendees are without voice or vote and may only speak as provided by the presiding officer.
- f) Department meetings may be conducted via synchronist electronic means, such as a teleconference. This method may be used by commissions and committees as well.

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**Section 2. Minutes**

- a) The Department Adjutant shall prepare the minutes of proceedings at meetings attended within twenty (20) days of the conclusion of said proceeding.
- b) Unapproved copies of minutes shall be marked “Draft” and shall be disseminated upon request. Approved minutes shall be placed on the Department website.
- c) The minutes of proceedings of any Commission and Committee shall be furnished to any Legionnaire upon request.
- d) Minutes taken prior to the adoption of this provision will require the review of those minutes by the DEC prior to dissemination.

## Article VIII – Territorial Division of the Department

**Section 1.** The Department shall be divided into Divisions each represented by a Department Division Commander as follows:

a) First Division

The First Division shall consist of all Posts in the territory now constituting the following twenty-two (22) counties: Lauderdale, Colbert, Franklin, Marion, Winston, Lamar, Fayette, Walker, Limestone, Madison, Lawrence, Morgan, Marshall, Cullman, Blount, Jackson, DeKalb, Etowah, Cherokee, St. Clair, Calhoun and Cleburne.

b) Second Division

The Second Division shall consist of all Posts in the territory now constituting the following eighteen (18) counties: Pickens, Tuscaloosa, Sumter, Greene, Hale, Perry, Jefferson, Bibb, Shelby, Chilton, Talladega, Clay, Randolph, Coosa, Tallapoosa, Chambers, Lee, and Russell.

c) Third Division

The Third Division shall consist of all Posts in the territory now constituting the following twenty-seven (27) counties: Choctaw, Clarke, Wilcox, Washington, Monroe, Mobile, Baldwin, Lowndes, Autauga, Montgomery, Butler, Crenshaw,

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Conecuh, Escambia, Covington, Bullock, Barbour, Pike, Coffee, Dale, Henry,  
Geneva, Houston, Dallas, Elmore, Macon, and Marengo.

**Section 2.** The Said Divisions shall be subdivided into Districts, each represented by a District Commander as follows:

a) The First Division

The Eleventh District shall consist of all Posts in the territory now constituting the following four (4) counties: Lauderdale, Colbert, Franklin and Lawrence.

The Twelfth District shall consist of all Posts in the territory now constituting the following five (5) counties: Limestone, Madison, Morgan, Cullman and Blount.

The Thirteenth District shall consist of all Posts in the territory now constituting the following four (4) counties: Jackson, Marshall, DeKalb and Cherokee.

The Fourteenth District shall consist of all Posts in the territory now constituting the following five (5) counties: Marion, Winston, Lamar, Fayette and Walker

The Fifteenth District shall consist of all Posts in the territory now constituting the following (4) counties: Etowah, St. Clair, Calhoun and Cleburne.

b) The Second Division

The Twenty-first District shall consist of all Posts in the territory now constituting Jefferson County.

The Twenty-second District shall consist of all Posts in the territory now constituting the following six (6) counties: Tuscaloosa, Pickens, Sumter, Greene, Hale and Perry.

The Twenty-third District shall consist of all Posts in the territory now constituting the following five (5) counties: Shelby, Bibb, Talladega, Chilton and Coosa.

The Twenty-fourth District shall consist of all Posts in the territory now constituting the following six (6) counties: Clay, Randolph, Tallapoosa, Chambers, Lee and Russell.

c) The Third Division

The Thirty-first District shall consist of all Posts in the territory now constituting the following six (6) counties: Choctaw, Marengo, Dallas, Wilcox, Clarke and Monroe.

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The Thirty-second District shall consist of all Posts in the territory now constituting the following six (6) counties: Autauga, Elmore, Lowndes, Montgomery, Macon and Bullock.

The Thirty-third District shall consist of all Posts in the territory now constituting the following three (3) counties: Mobile, Baldwin and Washington.

The Thirty-fourth District shall consist of all Posts in the territory now constituting the following five (5) counties: Butler, Crenshaw, Conecuh, Covington and Escambia.

The Thirty-fifth District shall consist of all Posts in the territory now constituting the following seven (7) counties: Pike, Barbour, Coffee, Dale, Henry, Geneva and Houston.

**Section 3.** Each Division and District of the Department of Alabama may from time to time be altered, merged, abolished or otherwise changed by the Department Executive Committee as ratified by the succeeding Department Convention.

## Article IX – Posts

### Section 1. Posts

- a) Those persons desiring to form a Post shall make application for a charter to the Department Commander through the District Commander, who after approval, shall forward it to the National Commander in the accordance with the procedures set forth in the National Constitution and Bylaws.
- b) The minimum membership for a Post shall be fifteen (15).
- c) Post Constitutions. Each Post shall adopt a Constitution and Bylaws, which must have the approval of the Department Judge Advocate. Each Post shall furnish a current copy of its Constitution and Bylaws to the Department Headquarters.
- d) Each Post shall positively engage in activities to accomplish the purposed embodied in the preamble of The American Legion Constitution.
- e) Each Post shall annually elect a Commander, one or more Vice Commanders, and an Executive Committeeman. The Adjutant, Chaplain, Sergeant-at-Arms and Finance Officer may be elected or appointed by the newly elected Post Commander. The Commander of each Post shall appoint such officers and committees, as the Post shall determine. The charter of any Post failing to hold annual elections shall be automatically suspended and shall be reinstated upon verification of compliance by the Department Executive Committee.

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- f) Unless provided by the Post Constitution and Bylaws, all Post officers assume their office immediately upon the close of the Department Convention.

**Section 2.** Voting

- a) All issues to be decided by the members of the Post shall be determined, at a minimum, by the affirmative vote of the majority of the members present and voting; and shall conform to the voting requirements defined by the Parliamentary Authority.

**Section 3.** Constitution and Bylaws Amendments

- a) All amendments to the constitution and bylaws shall require Notice be delivered to all members eligible to vote.
- b) Notice shall be not less than 10 days or more than 50 days before the date of the meeting; shall include a copy of the proposed amendments.
- c) Shall require reading of the proposed amendments at the regular meeting prior to the regular meeting where said amendments shall be voted upon.
- d) Adoption of amendments shall require a two-thirds vote of those present and voting, or a majority vote of the entire membership.
- e) Notifications may be conducted via mail or email. Email notifications will be sent with a read receipt. For members without access to email, postal notice must be conducted.

## Article X – Districts

**Section 1.** The District Commander shall assign duties to the District Vice Commander and the Department Executive Committeeman within 30 days after the adjournment of the Department Convention.

**Section 2.** The legislative body of each of the Legion Districts shall be an Annual District Convention. The Annual Convention shall be held at least 30 days prior to the Department Convention at such place as the District Executive Committee shall determine. There may be as many District Conferences between District Conventions as the District Executive Committee desires.

- a) Delegates to District Conventions

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1. The District Commander, District Vice Commander, Department Executive Committeeman and the District Adjutant shall be delegates to the Convention.
  2. Each post shall have voting delegates as prescribed for the Department Convention with the exception that the number of voting delegates shall be based upon the strength of the post as recorded by the Department Adjutant in the latest weekly membership report at the time of such District Convention.
- b) The District Convention shall elect a District Commander, Vice Commander and Department Executive Committeeman.
  - c) County/Zone Caucuses shall elect County Commanders.

**Section 3.** The term of office for all District Officers shall begin upon adjournment of the Department Convention; provided, however, that in default of such election at the last District Conference held preceding the Department Convention, such elections shall be made by delegates from the respective Legion District at the Department Convention.

**Section 4.**

- a) Each District Executive Committee shall consist of the District Commander, the District Executive Committeeman, the District Vice Commander and the County Commanders of the respective Legion District. The District Commander, or in his/her absence, the District Vice Commander, shall be the Chairman of the District Executive Committee and shall attend all meetings thereof. All Past District Commanders shall be members of the District Executive Committee with voice, but no vote. The District Executive Committee shall meet at the call of the District Commander or the Department Commander. A majority of the voting members thereof constitutes a quorum.
- b) The District Executive Committee shall exercise such powers and functions as from time to time may be prescribed by the Department Convention, the Department Executive Committee or a District Conference of the respective District.
- c) In the event a vacancy exists in the office of District Commander, the District Vice Commander shall automatically succeed to the position of the District Commander to fill the remaining term.

**Section 5.** All other such vacancies that may occur shall be filled by the District Commander, provided, however that such appointment shall be confirmed by the District Executive Committee.

**Section 6.** The District Executive Committee may, if it so desires, provide for the election of a County/Zone Commander in any or all of its counties/zones.

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**Section 7.** The County/Zone Commander thus elected shall have the same term of office as the District Commander and shall perform such duties as may be assigned by the District Commander or competent authority.

**Section 8.** At the first District Conference following the establishment of the Office of County/Zone Commander in any Legion District, the members from the respective Counties/Zones shall elect County/Zone Commanders who shall serve for the remaining term of their District Commander. Thereafter in each Legion District in which the Office of County/Zone Commander has been established, the members of the respective Counties/Zones shall elect County/Zone Commanders at the District Conference at which District Commanders and Vice District Commanders are elected. Representation at County/Zone elections shall be on the same basis as provided for representation at District Conferences.

**Section 9.** Each District Commander is authorized to appoint a District Adjutant for a term not exceeding his/her own term office. This appointment must be confirmed by the District Executive Committee at its first meeting following the appointment.

**Section 10.**

- a) Unless otherwise provided by the Department approved regulations of the District:
  - 1. Each District shall have a District Finance Committee of five (5) members, not more than one of whom shall be from the same Post.
  - 2. The Finance Committee shall be appointed by the District Commander.
  - 3. The members of the original committee shall be appointed for respective terms of one, two, three, four, and five years; and thereafter one member thereof shall be appointed each year for a term of five (5) year.
  - 4. The District Commander shall appoint annually one of the members to be the Chair of the committee.
  - 5. All appointments to the District Finance Committee, or the chairmanship thereof, must be confirmed by the District Executive Committee.
- b) The duties of the District Finance Committee shall include the preparation, subject to the approval of the District Executive Committee, of an annual District budget and an accounting to the District Executive Committee and District Conference of all matters relating to District finances.
- c) District funds may be requisitioned by the District Commander from the Department Finance Officer in accordance with the District budget, a copy of which must be filed with the Department Finance Officer prior to the honoring of requisition. The

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Department Finance Officer shall not honor any requisition against any “unallocated budget reverse” unless the expenditure in question has been approved by the District Finance Committee.

- d) The Department Executive Committee shall have the authority to approve or disapprove any District budget and, if disapproved, such funds may not be requisitioned as before provided except as approved by the Department Executive Committee.

**Section 11.** When in any reorganization of the Department, a county or counties of a District is/are transferred to another District, a pre-member proportionate share of the unexpended funds of the District, multiplied by the total number of members of the Posts so transferred, shall be allotted to the District receiving the transferred members.

**Section 12.** The Convention or the Department Executive Committee may from time to time establish bylaws to be applicable to all Districts; said bylaws to include purpose and duties of all offices and committees of all Districts.

## Article XI – Finance

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

**Section 2.** The amount of such annual dues shall be determined by the Department Convention and remain in effect until changed by action of a subsequent Convention.

**Section 3.** The annual dues, both National and Department, shall be collected by each Post and transmitted within thirty (30) days after receipt to the Department Finance Officer.

**Section 4.** Failure on the part of any Post for more than thirty (30) days to remit Department or National dues collected from members shall be cause for the suspension or revocation of the charter of such Post.

**Section 5.** There shall be a Certified Audit of the finances, accounts, property and business affairs of the Department made annually and at such other times as deemed necessary by the Department Executive Committee. Certified Audits shall be made by a Certified Public Accountant appointed by the Department Commander with the approval of the Department Finance Commission. The Finance Officer shall have on file at all times receipted bills or vouchers covering all expenditures of the office. Such records will be available at any time for examination by members of the Finance Commission. Reports of audits shall be made to the Department Executive Committee and the Department Finance Commission.

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**Section 6.** No member, officer, or committee of the Department shall have the authority to bind by contract or incur any obligation on its behalf except by the express authority of the Department Convention or the Department Executive Committee.

**Section 7.** All contracts entered into on behalf of the Department shall be in writing, executed by the Department Commander and evidenced by the corporate seal affixed by the Department Adjutant and attested by his signature.

**Section 8.** There shall be established and maintained by the Department one or more current bank accounts to serve the purpose of depository of current receipts and disbursements. Such accounts shall be established and maintained by the Finance Officer under the supervision of the Finance Commission. The following officers shall compose the Finance Commission: One (1) from each District and one (1) Past Department Commander, plus the Department Commander, Department Senior Vice Commander, Department Junior Vice Commander, Immediate Past Department Commander, and the National Executive Committeeman. The Department Adjutant and Finance Officer shall be ex-officio non-voting members of said Commission. The Commission shall meet no less than forty-five (45) days prior to the Convention to prepare the budget. All announced candidates for Department Commander shall be invited to attend the Commission meeting. The Department Commander may fill vacancies on the Department Finance Commission, subject to ratification by the Department Executive Committee at its next meeting. The Department Finance Commission shall supervise the finances of the Department and be responsible for the investment of all funds of the Department and shall exercise such other powers and duties as may be prescribed by the Department Convention or the Department Executive Committee. The Finance Commission shall set and establish policies for the investment of funds of the Department in accordance with sound business and accounting practices.

**Section 9.** There shall be allocated to the District Revolving Fund of each District an amount of three dollars and twenty-five cents (\$3.25) per capita from all dues collected by the Post within the District. The Department Executive Committee upon recommendation of the Finance Commission may authorize the Finance Officer to deduct the actual cost of the administration of District funds and programs by the Department. Upon receipt of authorized vouchers, disbursement will be made by Department Finance Officer and such disbursement shall be limited to available funds and credits. The Department Finance Officer on request shall render periodic statements of accounts to each District Commander.

**Section 10.** Expenditures for travel for all Department Officers must be requested in writing. Such authorized and approved in writing by the Department Commander.

**Section 11.** The Department Headquarters shall operate in accordance with Expense Guidelines approved by the Department Executive Committee.

## Article XII – Discipline

### Section 1. Posts

- a) The Department Executive Committee after notice and hearing, if requested, may suspend, cancel or revoke the charter of a Post failing to meet the obligation imposed upon it by the Constitution and Bylaws for ceasing to function for six (6) months as an American Legion Post, or voluntarily ceasing to function as a Post or merging one or more Posts or refusing to pay the Department and National per capita dues or under such other conditions as might make such action necessary or fails adequately to discipline any of its members. The Department Commander or Department Adjutant may provide for the government or administration of such Post during suspension or upon revocation.
- b) Upon revocation, cancellation or suspension of a charter of a Post in The American Legion, Department of Alabama said Post shall immediately cease operations and upon revocation or cancellation, shall surrender its charter to the Department Commander or the Department Executive Committee. The Department Commander or 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, property, and assets of said Post; provided, however, that nothing herein shall be construed as requiring the Department of Alabama to assume any financial responsibility as to such property. Said Department Commander or Department Executive Committee may provide for the transfer of the members of said Post to other Posts of their choice, subject to the approval of such other Post and shall take all necessary and proper steps and proceedings to wind up and close the affairs of such Post.
- c) Said Post shall immediately cease operations and shall surrender its charter to the Department Commander or Department Executive Committee. The Department Executive Committee is authorized and empowered to take control of such assets as may exist to be held; however, for the benefit of the Department or the Posts in the area as their rights may appear.
- d) Should any Post as a result of internal problems fail to have a minimum complement of officers either by resignation, neglect or refusal to serve, for carrying on the Post's business, the Department Commander or the Department Adjutant shall be authorized to appoint temporarily the necessary officers for the purposes of conducting the affairs of the Post until such time as officers may be duly elected. The Department Commander, subject to the approval of Department Executive Committee shall have the power to remove for cause any officer from office; removal of any officer must be approved by a two-thirds vote, of those present and voting, of the elected members of the Department Executive Committee.

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**Section 2. Members**

- a) Suspension or expulsion of members for cause shall be conducted in accordance with procedures set forth in the National Constitution, Bylaws and procedures.
- b) Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee; the decision of the Department Executive Committee shall be final.

**Section 3. Disposal of Property**

- a) No Post shall dispose, mortgage, rent, or lease real property without prior approval of the Department Executive Committee.
- b) Any individuals that violates Article XII Section 3 para (a) shall be held liable for such expenses and/or losses.
- c) Daily rentals are authorized to provide income for the post; however total control of the post and/or property cannot transfer unless approved by the DEC.

## Article XIII – Transfer of Membership

**Section 1.** Any member in good standing in a Post desiring to transfer his/her membership to another shall be entitled to a certificate from that Post, stating his/her membership and the duration thereof. A transferred member may be a charter member of a newly organized Post.

## Article XIV – Amendments to the Constitution

**Section 1.** This Constitution may be amended at any Department Convention by a vote of two-thirds (2/3) or the delegates present and voting; provided, however that the proposed amendment shall have been submitted through Department Headquarters to be distributed to all Posts, Department Officers and members of the Department Executive Committee at least thirty (30) days prior to the convening of the Department Convention. This Constitution may be amended by a unanimous vote of any Department Convention without prior notice.

# BYLAWS

## Article I – The American Legion Programs

**Section 1.** The Department Commander and Department Executive Committee shall take necessary steps Realizing the vital importance of The American Legion Programs and in order to focus the attention of the entire Department upon said program and to coordinate all efforts.

**Section 2.** The Department Commander and Department Executive Committee shall take necessary steps to ensure adequate publicity to promote sound knowledge of the Program on the part of the general public.

**Section 3.** As soon as practical following the Department Convention, the Department Commander shall convene a conference of Post Commanders and Post Adjutants for the purpose of coordinating the duties of each Post Officer in the execution of The American Legion Program and the conduct of administrative affairs. The Department Commander shall prescribe the duration and the programs for such conference.

**Section 4.** Membership Program of the Department. An annual concerted membership effort shall constitute a part of the Legion program and this membership drive shall take place during the period from August 1<sup>st</sup> through Veterans Day (November 11<sup>th</sup>) of each year.

**Section 5.** One or more Department Conferences between conventions shall be called by the Commander on a date and place set by the Department Executive Committee of all Department, District, County, and Post Commanders and Adjutant.

## Article II – Duties of Officers

**Section 1.** The Department Commander shall be the Chief Executive Officer of the Department.

- a) It shall be the duty of the Department Commander to ensure that the Constitution and Bylaws of the Department are strictly observed and that the Officers properly execute their duties. The Department Commander shall have full power to enforce the provision of the Constitution and Bylaws and mandates of the Department Convention and Executive Committee and shall submit an annual report to the Department Convention.

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- b) The Department Commander shall be a member of the Executive Committee and shall notify all members of the Executive Committee of the time and place of all regular and called meetings at least five (5) days prior to such meetings and shall preside at the meetings of the Executive Committee.
- c) The Department Commander shall authorize all travel orders on which the Department Finance Officer shall make disbursement. The Department Commander shall prepare and execute a budget in cooperation with the Finance Commission.
- d) The Department Commander shall appoint all committee and commission members and chairmen in accordance with the Constitution and Bylaws of the Department and establish such special committees, as he/she may deem necessary for the carrying out of the Department Program. The Department Executive Committee must ratify all appointments.
- e) The Department Commander shall assign the duties of the Department Senior Vice Commander, Department Junior Vice Commander, and Division Commanders within thirty (30) days after the adjournment of the Department Convention.

**Section 2.** The Department Adjutant

- a) The Department Adjutant shall be charged with the administration of the policies and mandates of the Department Convention, the Department Executive Committee and of the Department Commander. He/she shall perform such other duties as are usually incident of the office. The Department Adjutant shall provide for the appointment and employment of such subordinate officers and employees as may be needed for the administration of the affairs of The American Legion, and he/she shall prescribe their duties. The Department Executive Committee must approve all such appointments. Insofar as practicable, all employees shall be members of The American Legion Family. The Department Adjutant is responsible for the day to day operations of the Headquarters and staff. The Adjutant is the approval of all sick/vacation days taken by the staff.
- b) The Department Adjutant shall require each Post Adjutant to make a complete accounting of all membership cards furnished their Post during the year, and to return all unused membership cards for that year to the Department as early as ten days prior but no later than the convening of the Department annual convention.

**Section 3.** The Department Finance Officer shall be the custodian of the funds of the Department organization. The Finance Officer shall submit necessary financial statements of the current year's receipts and expenditures to all the voting members of the Executive Committee, to all members of the Finance Commission and all District Finance Committees.

**Section 4.** The Department Historian shall be charged with compiling individual Posts, District, Division, and Department records and incidents of the Department and Department Officers,

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Members, etc., and shall perform such other duties as may properly pertain to the office, and as may be determined by the Department Commander or the Department Executive Committee.

**Section 5.** The Department Chaplain shall be charged with the spiritual welfare of the Department Comrades, and will offer divine, but non-sectarian services in the events of dedication, funerals, public functions, etc., and shall adhere to such ceremonial rituals as recommended by the National and/or Department Headquarters from time to time.

**Section 6.** The Department Sergeant-at-Arms shall preserve order at all meetings and shall perform other duties as may be from time to time assigned by the Department Commander. Further, the Sergeant-at-Arms will be the Custodian of the Colors and shall be in charge of the Color Detail during the presentation of the Colors and retirement ceremonies of the Colors.

**Section 7.** The Department Service Officer shall supervise all matters pertaining to service comrades and the prosecution of all just claims against the United States or State Government, employment, release, etc., and shall promulgate and disseminate information to the various Post Service Officers and shall perform such other duties that are incident to his/her office or assigned by the Department Commander or the Department Executive Committee.

**Section 8.** The Department Public Relations Officer shall be charged with the promotion of public support of American Legion Programs by the establishment of proper contact with the Department and National Legion News Service, and by local publicity of Department Program and Activities. Supervise the publication of the Alabama Legionnaire, and assist the Department, District and Post Official in matters of publicity and public relations.

**Section 9.** The Department Judge Advocate shall be the legal consultant and advisor to the Department Executive Committee, the Department Commander and other departmental officers. He/she shall perform all duties incidental to the office of Judge Advocate, including but not limited to duties assigned to him/her by the Department Commander and the Department Executive Committee.

## Article III – Commissions and Committees

**Section 1.** The Department Commander shall name such Commissions and Committees as provided for under the Constitution or authorized by the Department Executive Committee. The Department Commander may appoint a committee provided that the Department Executive Committee shall ratify that said committee at its next meeting; the Executive Committee shall be empowered to authorize the establishment of new committees and commissions. The Department Commander does not have the authority to countermand the decisions of the membership or the Department Executive Committee.

**Section 2.** All Legion activities shall be assigned to Commissions and Committees, and the various committees shall be placed in appropriate groupings for the purpose of administration.

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**Section 3.** There shall be established the following:

a) COMMISSIONS

1. Finance Commission
2. Convention Commission
3. National Security Commission
  - i. ROTC Committee
  - ii. POW-MIA Committee
  - iii. Legislative & Liaison Committee
4. Veterans Affairs and Rehabilitation Commission
  - i. Gifts to VA Hospital Committee
  - ii. Veterans Employment Committee
5. War Memorial Commission
6. Boys State Commission
7. Baseball Commission
8. Membership Commission
9. Americanism Commission
  - i. Boy Scouts of America Committee
  - ii. Children and Youth Committee
  - iii. City and County Government Committee
  - iv. Education and Scholarship Committee
  - v. Oratorical Committee
  - vi. Junior Shooting Sports Program Committee

b) COMMITTEES

- i. Internal Affairs Committee
- ii. Sons of The American Legion Committee
- iii. Constitution and Bylaws Committee

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- iv. Trophies and Awards Committee
- v. Disaster Control Committee
- vi. Veterans Retreat Committee

**Section 4.** Alabama State Board of Veterans' Affairs Representatives.

- a) Each representative will serve a 4-year term.
- b) Representative seats will be determined by the membership report of June 1<sup>st</sup>. The American Legion Department of Alabama is authorized 1 seat per 7,500 members or fraction thereof. These seats will be divided evenly between the 3 Divisions. Delegate strength will be used to determine additional seats should the need arise.
- c) During Annual Convention on the 4<sup>th</sup> year of term prior to expiration of appointment each Division during caucus shall select three veterans per Division to submit to the Governor of Alabama for his/her selection to the Alabama State Board of Veterans' Affairs. Any need for additional seats will be reported to the Division Commander prior to the convening of the annual caucus should the need arise.
- d) Nominations should be made at the Mid-Winter Conference preceding the Annual Convention. However; nominations can be made from the floor of the caucus. Each nominee must submit a resume', biography, and proof of eligibility to the Department Adjutant prior to the Annual Convention & Division Caucus.
- e) After election of the three selectees in each Division, they will be ranked by the number of delegate votes they received. The one receiving the most votes will be designated as the primary selection to go forward to the Governor. The other two selections will be alternates in the order of vote count.
- f) Voting for Alabama State Board of Veterans' Affairs board representatives will be conducted in accordance with The American Legion Department of Alabama Constitution Article IV Section 2.
- g) The Department Adjutant will prepare the selection document and forward it to the Alabama Department of Veterans' Affairs, the Governor's office, and Division within 20 days of the adjournment of Annual Convention.
- h) Representatives selected by the Governor shall report actions of the Alabama State Board of Veterans' Affairs to their associated Division Commanders and the Department Commander within 7 days of the adjournment of the board.

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- i) Should a seat become vacant the Department Adjutant will prepare the selection document for the next selectee available in that Division and forward it to the Alabama Department of Veterans' Affairs, the Governor's office to the Alabama Governor and the Division within 20 days of notification there is a vacancy.

**Section 5.** The Department Executive Committee has authority to change the status of a Committee or Commission at any time.

**Section 6.** Each Commission shall be composed of one member from each District within the Department and one Past Department Commander unless established by other provisions of the Constitution or Bylaws. The Department Commander will appoint members to Commissions in a manner to provide an even flow of members, in duration of appointment, balanced as uniformly as possible across the Divisions and Districts. A quorum will not be less than half (1/2) of the members authorized for appointment. The duties of these Commissions will be as set forth by the Department Commander or the Department Executive Committee.

**Section 7.** The American Legion Alabama Boys State, Incorporated will be the governing body of the Boys State and conduct business according to its' Articles of Incorporation and Constitution and Bylaws.

**Section 8.** The American Legion Baseball, Incorporated will be the governing body of Baseball and conduct business according to its Articles of Incorporation and Constitution and Bylaws.

**Section 9.** A vacancy in a Commission or Committee shall occur when a member is absent from three (3) consecutive announced Commission or Committee meetings without a valid reason.

## Article IV – Conventions

**Section 1.** Department Conventions shall compromise a period of three (3) days and shall begin on Friday and shall end on the following Sunday upon completion of the business of that day; provided, however, that the Executive Committee shall have the power to alter this time to conform with available accommodations and considerations.

**Section 2.** Registration Fees. The Department Executive Committee shall establish the registration fee for Department Conventions annually. This is to be accomplished not later than the close of the annual Mid-Winter Conference. The Commander may adjust the registration fees for the Convention with the approval of the Department Executive Committee.

**Section 3.**

- a) Registration of Delegates. Notice concerning registration must be sent to Department, District, and Post Officers and any other officers thirty (30) days prior to the opening date of the convention. Post delegates and alternates to the Department Convention

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must be registered by the close of business ten (10) days prior to the opening date of the Convention, by furnishing the Department Adjutant a list of delegates and alternates, together with the required registration fee.

- b) Late Registration of Delegates. Posts that miss the ten (10) business day deadline may register delegates and alternates up to one (1) hour prior to the official start of the convention. The penalty for late registration will be the registration fee for one delegate per post.

**Section 4. Memorial Hour**

- a) During each annual convention of the Department, there shall be a Memorial Hour, at which time the names of all members of the Department, as furnished by the Posts, who have died during the year shall be compiled, printed and distributed during the Memorial Hour and appropriate tribute be paid to their memory and that of all other dead comrades by a Memorial Speaker. The Memorial Ceremony shall close with a prayer by the Department Chaplain.

**Section 5. Convention Procedure**

- a) Standing committees of the Department shall act as convention committees, but the Department Commander is authorized to supplement the membership of such committees to ensure sufficient representation at the convention.
- b) The Department Commander shall appoint Resolutions, Rules and other such committees to serve the Convention, as he/she shall deem necessary.
- c) The Department Executive Committee upon the recommendation of the Department Commander and Department Convention and Department Convention Commission or Committee shall determine the times and place of the conference. The Department Adjutant, working with the appropriate Commission, shall establish workshops on leadership conferences on The American Legion Programs.

## Article V – Revenue and Finance

**Section 1.** Annual Department Dues shall be prescribed by Convention resolution.

**Section 2.** All Department Officers and Department Headquarters Employees having custody of American Legion Funds shall be bonded in an amount to be determined by the Department Finance Commission, but no less than the amount required by the Insurance/Bonding Company.

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**Section 3.** The expenses of the Department Commander, Immediate Past Department Commander, and the Department Adjutant, may be paid to attend the National Convention each year.

**Section 4.** The expenses of the Department Commander, Immediate Past Department Commander, The Department Adjutant and office employees, as required, may be paid to attend the Department Convention and Conferences.

**Section 5.** Reimbursement for mileage and per diem for Department Officers will be at a rate established by the Department Executive Committee using the current GSA portal as a guide.

**Section 6.** The Department Adjutant or a designated representative is hereby authorized to audit the books of any Post, official, or activity of the Department.

## Article VI – Rules and Procedures

**Section 1.** In all meeting and conferences of any unit of The American Legion, the current Robert's Rules of Order shall be followed, except as noted in Section 2 below, and except where a special Rules Committee, with the approval of the Convention, may designate other rules of procedure to be followed at appropriate times. Orders of business shall be prescribed in the Manual of Ceremonies.

**Section 2.** Voting on all nominations for District and County shall be conducted in the same mode and fashion as outlined for voting at Department Conventions with the exception that the number of voting delegates shall be based upon the strength of the Post as recorded by the Department Adjutant at the time of such District or County Conference.

## Article VII – Wearing of the Uniform

**Section 1.** Wearing of the uniform of the American Legion, or any part thereof, is prohibited except in attendance on official business of the Department, District, County, or of a Post of the Legion. Nothing herein contained, however, shall be construed as prohibiting the wearing of the official membership button on any and all occasions or of other pins designed for street wear on civilian cloths and not ceremonial in nature. Elected Department Officers and the Department Adjutant, Department Judge Advocate, Department Historian, Department Service Officer, and Department SAL Advisor are authorized to wear the white cap. District Officers including Department Executive Committeeman, District Adjutants, District Judge Advocate, Zone Commanders, and County Commanders throughout the Department are authorized to wear the blue and white cap. The caps worn by the County/Zone Commanders shall have affixed thereto a patch with lettering denoting County/Zone Commander. Cap patches affixed to the regulation Legion caps may be used to denote membership on Department Commissions and District Committees when authorized by the Department or the various Districts.

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**Section 2.** These Bylaws may be amended or revised by any Department Convention of The American Legion, by two-thirds vote of the duly qualified delegates thereto, present and voting, providing that the proposed amendment or revision shall been submitted to the Department Adjutant at least twenty-four (24) hours before they vote thereon.

>>>>>original signed on file<<<<<<<

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Department Judge Advocate  
June 15, 2019