



**THE AMERICAN LEGION AUXILIARY**

**DEPARTMENT OF GEORGIA**

**CONSTITUTION AND BY-LAWS**

Revised October 20, 2021

Updated C/BI & Standing Rules 2021

**CONSTITUTION AND BY-LAWS**

**Revised 2021**

**Anitia Owens**

**Committee Members**

**Department President: Susan Hall**

**Dept. First Vice President: Patricia Morgan**

**Dept. Second Vice President: Cheryl Jackson-Sinkler**

**Dept. Historian: Cheryl Wainwright**

**Dept. Chaplain: Denise Smith**

**All District Presidents**

# CONSTITUTION OF THE AMERICAN LEGION AUXILIARY

## DEPARTMENT OF GEORGIA

### PREAMBLE

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

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

### ARTICLE I - NAME

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

### ARTICLE II – NATURE

Section 1. The American Legion Auxiliary is a civilian patriotic service 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 dissemination of partisan principals, or for the promotion of the candidacy of any person seeking public office or preferment.<sup>1</sup>

### ARTICLE III - ELIGIBILITY

Section 1. Eligibility for membership in the American Legion Auxiliary is determined by The American Legion. The eligibility requirements from The American Legion governing documents shall be provided as a footnote to this Constitution for information purposes and shall be updated as appropriate.

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Membership in the American Legion Auxiliary shall be limited to the:

- (1) Grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and
- (2) 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;
- (3) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United Sates 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 ellgibility periods and died in the line of duty or after honorable discharge; and
- (4) to those women who of their own right are eligible for membership in The American Legion.

Section 2. There shall be two classes of membership, Senior and Junior,

(a) Senior membership shall be composed of members over the age of eighteen (18); provided, however, that a wife under the age of eighteen (18) years, who is eligible under Section 1 of this article shall be classed as a Senior member,

(b) Junior membership shall consist of that group under the age of eighteen (18) years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen (18) years, junior members shall automatically be admitted into senior membership with full privileges,

(c) Dues of both classes shall be paid annually or for life.

#### **ARTICLE IV - DEPARTMENT OFFICERS**

Section 1. The Department Convention shall elect a President, National Executive Committee-woman and her Alternate, First Vice-President, Second Vice President, Historian, Chaplain and certify the Presidents elected by the membership of each District.

Section 2. The Secretary/Treasurer as well as other office staff is hired by the Department Human Resources Committee subject to confirmation by the Department Executive Committee.

Section 3. All Department officers, members of the Department Executive Committee and Standing Committee Chairmen, shall be in good standing in their Units.

#### **ARTICLE V - DEPARTMENT EXECUTIVE COMMITTEE**

Section 1. Between Department Conventions, the Administrative power shall be vested in the Department Executive Committee, which shall be composed of the Department President, First Vice-President, Second Vice-President, Chaplain, Historian, District Presidents, Past Department Presidents, and National Executive Committee- woman or her Alternate.

#### **ARTICLE VI - DEPARTMENT CONVENTION**

Section 1. The legislative body of the American Legion Auxiliary, Department of Georgia, 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 Unit.

Section 3. Delegates-at-large to the Department Convention shall be the elective officers, members of the Department Executive Committee, the Chairmen of Standing Committees, Hospital Representatives and all Past Department Presidents in good standing in their Units and with vote to be exercised with their respective Units.

Section 4. 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 5. Each Unit shall be entitled to two (2) delegates and one (1) additional delegate for each twenty-five (25) members or major fraction thereof whose current dues have been received by the Department Treasury thirty (30) days prior to the Convention and to one alternate for each delegate. Units shall be entitled to one (1) vote each for Past Department Presidents, Current Department Officers and Department Chairmen, and Hospital Representatives.

Section 6. The Unit delegation shall include the Unit President who shall be Chairperson of the delegation.

Section 7. Each delegate shall be entitled to one (1) vote. The vote of any absent delegate who is not represented by an alternate shall be cast by the majority vote of the delegates present from the Unit.

Section 8. Department delegates and alternates to the National Convention shall be nominated and elected by the Department Convention. Each Department shall be entitled to the number of delegates as prescribed by the National Constitution and By-Laws.

Section 9. A quorum shall exist at the Department Convention when one third of the Units are represented.

#### **ARTICLE VII - RESOLUTIONS**

Section 1. All resolutions presented to the Department for action must be submitted to the Resolutions Committee three weeks prior to the Convention.

Section 2. Four (4) copies of all resolutions shall be required and these must bear the signature of at least three (3) members of the Auxiliary who are in good standing in their Units. Resolutions from Committees may be submitted electronically, and signed electronically by the Committee Chairperson.

Section 3. Resolutions concerning business deemed by the President, First Vice President and Resolutions Committee Chairperson as being of an emergency nature may be presented to the Convention for action without prior notice. (The Department President, First Vice President and the Resolutions Committee Chairperson shall determine, by vote, whether an emergency exists as regards an uncirculated Resolution.)

Section 4. All resolutions presented to the Convention must be read twice, with at least twelve (12) hours elapsing between readings.

Section 5. All resolutions presented to the Convention relative to the expenditure of money shall be previously submitted to the finance Committee of the Department for review and opinion purposes. (This will not preclude the Resolution from being presented to the Convention).

#### **ARTICLE VIII - NATIONAL CONVENTION**

Section 1. Department delegates and alternates to the National Convention shall be nominated and elected by the Department Convention. Each Department shall be entitled to the number of delegates as prescribed by the National Constitution and By-Laws.

Section 2. Delegates include the out-going Department President, who will be Chairperson of the Delegation, the in-coming Department President and the Department Secretary/Treasurer.

Section 3. Other delegates and Alternates to which the Department is entitled shall be Elected at the District Conventions, and district nominations submitted to the Department 15 days prior to the Department Convention and Elected at the Department Convention.

#### **ARTICLE IX - AMENDMENTS**

Section 1. This Constitution may be amended at any Department Convention by vote of two-third of the total authorized representation thereat, provided the proposed amendments shall have been submitted through the Department Secretary to the several Units and members of the Department Executive Committee by mailing (or emailing) same to them at least thirty (30) days prior to the convening of the next Department Convention; provided further, it may be amended by unanimous vote at any Department Convention without notice; and provided further, that all proposed amendments shall be read at a regular session of the Convention at least twelve (12) hours before the vote is taken.

Section 2. Units may propose amendments provided said amendments have been officially approved by the Units.

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

#### **BY-LAWS OF THE AMERICAN LEGION AUXILIARY**

##### **DEPARTMENT OF GEORGIA**

#### **ARTICLE I - DEPARTMENT ORGANIZATION**

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

Section 2. Districts and Units shall function in accordance with National and Departmental Constitution and By-Laws and such standing rules as shall be prescribed by the Department.

Section 3. All circulars and instructions shall issue from The American Legion Auxiliary of the Department of Georgia.

#### **ARTICLE II - ELECTION OF OFFICERS**

Section 1. The election of the following officers shall be by secret ballot; Department President, Department First Vice-President, Department Second Vice-President, Department Historian and Department Chaplain. A majority of the votes cast shall be necessary to elect. When there is but one (1) candidate for an office, the nominee shall be elected by voice vote.

Section 2. There shall be a Department Secretary/Treasurer nominated by the Human Resources Committee annually.

Section 3. Such officers shall serve until the adjournment of the succeeding Department Convention or until their successors are chosen. Vacancies in these offices occurring between Department Conventions shall be filled by the Department Executive Committee.

Section 4. The election of officers and delegates shall be governed by convention rules.

### **ARTICLE III- DUTIES OF OFFICERS**

Section 1. It shall be the duty of the Department President to preside at all meetings of the Department Convention assembled and the Department Executive Committee, to appoint a parliamentarian and appoint members of standing committees and create such other committees and appoint members thereon as the Department President deems advisable and to appoint all officers not otherwise provided for, with approval of the Department Executive Committee. The Department President shall be ex-officio member of all committees and shall perform such other duties as are usually incident to the office.

Section 2. It shall be the duty of the out-going President to compile and edit the Book of Reports.

Section 3. The Department First Vice-President shall assume the duties of the President in the President's absence, resignation or in the event of the President's death. By virtue of office the Department First Vice-President shall be the Chairperson of the Leadership committee.

Section 4. The Department Second Vice- President shall assume the duties of the President or First Vice-President, in their absence. By virtue of the Department Second Vice-President's office, the Department Second Vice-President shall be Chairperson of the Membership Committee.

Section 5. The Department Secretary shall conduct all official correspondence under the direction of the Department President. The Secretary shall keep a record of the proceedings of the Department Executive meetings and Conventions. The Secretary shall transmit reports and bulletins of all Department Standing Committees and send out all literature and calls of meetings. In the event of the death or resignation of the Department President, the Department Secretary shall immediately summon the Department Executive Committee for the election of a successor. The Secretary shall keep all the records and perform all other duties incident to the office. The Department Treasurer shall be the custodian of the funds of the Department. The Department Treasurer shall sign all checks in disbursing the funds of the organization and make reports when called for by the Department President. The accounts shall be audited annually by an auditing committee. The Department Secretary shall turn over to the successor all moneys, vouchers, books, and papers belonging to the Department upon the approval of the said successor's bond.

Section 6. The Department Chaplain shall offer prayer at all Department meetings and perform such other duties as needed.

Section 7. 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.

Section 8. The District President shall be in charge of the affairs of the American Legion Auxiliary in the 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 assisting in the organization of new Units in the respective District. The District President shall preside at all District meetings during the year, and at Convention District caucuses. The District President shall present a quarterly written report to the

Department President.

Section 9. The Alternate District President shall in every way assist the District President and act for the District President in her absence.

Section 10. All officers shall be elected annually except the National Executive Committee-person and Alternate, whose term of office shall be in accordance with the National Constitution and By- Laws, and the Department Secretary/Treasurer, who shall be appointed by the duly elected Human Resources Committee, subject to the approval of the Department Executive Committee.

Section 11. No elective officer shall be eligible for re-election except under extraordinary circumstances approved by the Department Executive Committee.

Section 12. All officers shall be installed on the last day of the Convention and with the Executive Committee shall assume the duties of their respective offices.

Section 13. A vacancy existing in an office in the Department for any cause other than the expiration of a term shall be filled for the unexpired term by a majority vote of the Executive Committee.

#### **ARTICLE IV - DEPARTMENT EXECUTIVE COMMITTEE**

Section 1. *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 according to the Constitution and By- Laws and such other rulings as the Department may prescribe.

Section 2. *Meetings:* The Department Executive Committee shall meet at the Convention City immediately preceding the holding of the Annual Convention and within twenty-four hours after the adjournment of the Annual Convention and at such other times as a meeting thereof shall be called by the President or any five members of the Executive Committee.

Section 3. All Past Presidents, in good standing in their local Units shall be members for life of the Department Executive Committee with vote.

Section 4. Between Conventions, all vacancies in the office of the Department shall be filled for the unexpired term by the Department Executive Committee and said Committee may delegate this authority to the Human Resources Committee, subject to the ratification of the Committee at its next meeting.

Section 5. All questions affecting the election, eligibility and conduct of the National Executive Committee Person or of the Department officers or members of Department Executive Committee shall be referred to and determined by the Executive Committee of the Department which shall be the final authority thereon.

Section 6. *Quorum:* Fourteen shall constitute a quorum of the Department Executive Committee (to include no less than 7 District Presidents or their Alternates, the President and the Secretary (or an appointed clerk in place of the Secretary); the final seven being made up of officers or past department presidents.



Section 2. Any Unit failing to meet the obligations imposed upon it by the Constitution and By-Laws 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 its charter, immediate steps may be taken by the Department Executive Committee for the revocation of the same.

Section 3. Units suffering the revocation of their charters may appeal from the decision of the Department Executive Committee to the National Executive Committee, as hereinafter prescribed.

Section 4. Upon notice of appeal, the National President shall appoint a subcommittee of not more than five (5) nor less than three (3) members of the National Executive Committee for the purpose of passing upon the action of the Department Executive Committee in revocation of said charter. This committee shall meet at least one (1) day prior to the meeting of the National Executive Committee next following such revocation and to this committee shall be referred to the complete record in writing of said revocation with such exceptions thereto as are made by the Unit of which the charter has been revoked. This committee shall review the cause and recommend to the National Executive Committee the action to be taken thereon.

Section 5. All new charter applications shall be approved by the Department Executive Committee. New charters shall not be held in Department office more than 15 days after receipt from National.

#### **ARTICLE XII - PARLIAMENTARY AUTHORITY**

Section 1. The Department Organization shall be governed by the "Current Edition of Robert's Rules of Order, Newly Revised" in all points not covered by this Constitution and By-Laws and the National Constitution and By-Laws.

#### **ARTICLE XIII - AMENDMENTS**

Section 1. The By-Laws of the Department may be amended at any Department Convention by the vote of two-thirds of the total authorized representation thereat, provided that proposed amendment shall have been submitted through the Department Secretary to the several Units and members of the Executive Committee by mailing same to them at least thirty (30) days prior to the convening of the next Department Convention, provided further, it may be amended by unanimous vote at any Department Convention without notice and further provided that all proposed amendments shall be read at a regular session of the Convention at least twelve (12) hours before the vote is taken.

Section 2. Units may propose amendments provided said amendments have been officially approved by said Units.

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

#### **ARTICLE XIV - AUTHORITY**

Section 1. The authority under which all Departments and Units of the American Legion Auxiliary shall function is vested in The National Constitution and By-Laws and Standing Rules of the American Legion Auxiliary. Any provision of any Department or Unit Constitution or By-Laws or any regulation of any Department or Unit in conflict with the foregoing authority shall be void.

**STANDING RULES AMERICAN LEGION AUXILIARY  
DEPARTMENT OF GEORGIA**

**PREFACE**

Standing Rules are rules and regulations for the guidance of an assembly and require only a majority vote to **ADOPT**. To amend them takes either a majority vote with previous notice or, without notice, a two-thirds vote **OR** a majority of the entire membership of the voting body. (RONR 11<sup>th</sup> edition)

The Georgia Department, American Legion Auxiliary was organized in Columbus, Georgia, July 5, 1921, during the Third Annual Convention of the American Legion.

1. The Department Headquarters for the American Legion Auxiliary, Department of Georgia shall be maintained in the American Legion Headquarters building in Stockbridge, Georgia.
2. The American Legion Auxiliary shall operate as an independent organization subject only to the policies of the American Legion. We shall work in harmony with the American Legion.
3. The National Judge Advocate shall be Counsel General of the American Legion Auxiliary.
4. The dates and place of the Department Convention shall conform to that of the American Legion.
5. The Department President shall be Chairperson of the convention.
6. The Department Secretary shall be Secretary of the convention.
7. The District Presidents, officers, Past Department Presidents and Chairmen of the American Legion Auxiliary and Hospital Representatives shall be advised of all plans, membership reports and financial reports of the Department.
8. Units shall be governed by the National Constitution and By-Laws, the Department Constitution and By-Laws and Articles of their own Unit Constitution and By-Laws. All matters not covered by these documents shall be governed by the current edition of Roberts Rules of Order.
9. Units shall be guided by the Unit Handbook, the Manual of Ceremonies and other publications of the Department and National organizations prepared for their information and guidance in the conduct of their programs and the administration of their Units.
10. The Department Executive Committee shall meet before Fall and Spring Conference and before and after Conventions. Matters coming up between conventions shall be decided by the Executive Committee.
11. All Past Department Presidents in good standing shall be members of the Executive Committee with vote.
12. Cancellation of Charters shall be presented for approval at any Executive Committee meeting.
13. Department Chairmen are required to keep a file of their activities and same shall be turned over to their successor.
14. Names and addresses of all Unit officers for the incoming year must be sent to Department Headquarters prior to Department Convention.

15. All Department Obligations must be paid no later than April 1st of the current year for the unit to be able to vote, provided that Units are notified by March 15th.
16. All persons handling funds in the Department and Units shall be bonded, by the Department with Unit bond to be paid by the Unit. Amount to be set by Department.
17. The Book of Reports shall be assembled by out-going President with price to be held as reasonable as possible, based on the cost of printing.
18. The Chairperson shall be required to attend at least one half of sessions at Conference or Convention in order to receive mileage.
19. All Units shall be required to send copies of the Unit's Constitution and By-Laws to Department Constitution and By-Laws Chairperson and to revise them when necessary. Copies are to be put on file at Department Headquarters by the Constitution and By-Laws Chairperson.
20. The delegates not elected to National Convention shall serve as alternates. The President has the privilege of filling any vacancies with alternates. The President has the option to select pages who are not delegates. Only elected alternates shall serve at the National Convention.
21. All candidates for State Office shall file with the Department Headquarters their intention on running for office NLT April 1<sup>st</sup>. This will be published in the April Newsletter and sent by E-Blast to all members and posted on the Department web site. Department will certify that candidates are eligible to run for office, i.e. dues current, etc. and let candidate know. (Adopted Spring Conference 3/22/18)
22. Mileage shall be paid to Executive Committee members and chairmen to conferences and conventions. Amount to be set annually by the Executive Committee.
23. A "Blue Book" Unit activity guide shall be posted in a members only section of the Department Web page with officers and chairpersons. It will also be emailed to all Department Officers, Chairpersons and District Presidents.
24. The Finance Committee shall be authorized to make a complete study of all investments of the American Legion Auxiliary, Department of Georgia and act upon if necessary to improve the finances of the Department of Georgia.
25. American Legion Auxiliary members representing the American Legion Auxiliary as officers, either in the Unit, the District or the Department of Georgia will not wear the uniform of another organization either on the podium at meetings nor at any other official American Legion Auxiliary event.
26. The Department will no longer print annual reports forms for the Districts and Units with email. For those Districts or Units who do not have access a hard copy will be mailed to the District for dissemination to their respective Unit. This change will save time and resources at the Department. (Adopted Fall Conference 10-26-18)
27. Annual reports forms will be changed on the web site to say "Current Year" versus any particular year, i.e. 2018- 2019. This will then only require the Chairperson name and contact information be changed, if there is a change in the Chairperson. (Adopted Fall Conference 10-26-18)