

# American Legion Auxiliary Department of California Constitution

## **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 safe-guard and transmit to posterity the principles of justice, freedom and democracy; to participate in and to 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. (2019)

## **Article I**

### **Name**

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

## **Article II**

### **Nature**

Section 1. The American Legion Auxiliary is a civilian patriotic service organization that supports the mission of The American Legion. (2019)

Section 2. The American Legion Auxiliary shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for any promotion of the candidacy of any person seeking public office or preferment.

## **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.

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;
- (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 States during either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941 who served on active duty in the Armed Forces of the United States during either eligibility periods and died in the line of duty or after honorable discharge;
- (4) and to those women who of their own right are eligible for membership in The American Legion. (2019)

Section 2. Eligibility does not constitute acceptability.

Section 3. Gold Star Members. Entitled to wear gold star pins, are mothers, wives, sisters, daughters, granddaughters, great granddaughters, and grandmothers of one who was regularly enlisted, drafted, inducted, or commissioned and who was accepted for and assigned for and assigned to active duty in the Army, Navy, Marine Corps, Coast Guard, Air Force **or Space Force** of the United States who served in either of the following periods: April 6, 1917 to November 11, 1918; and any time after December 7, 1941 or who, being citizens of the United States at the time of their entry therein served on active duty in the Armed Forces of any governments associated with the United States during any of the said wars or hostilities, and who did not refuse on conscientious, political or other grounds to subject himself/herself to military discipline or unqualified service; or who was separated from service under circumstances amounting to dishonorable discharge which has been subsequently restored to an honorable status, and who died during such service. **(2023)**

Section 4. There shall be two classes of membership, Senior and Junior.

- a) Senior membership shall be composed of members age eighteen (18) and older; provided, however, a member eligible under Section 1 of this article and who is under the age of eighteen (18) years and married shall be classified 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 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.

Section 5. No person shall at any time be a member of more than one (1) unit.

Section 6. Applicants for membership in the American Legion Auxiliary shall be voted upon as provided in the approved Unit Bylaws. Applicants accepted as members shall be obligated or initiated and shall be entitled to a membership card and an Auxiliary pin.

#### **Article IV** Department Officers

Section 1. The Department Organization shall be composed of the following elected department officers: President, Vice President, Secretary, Treasurer and Jr. Member of Finance. The following department officers are appointed by the Department President: Parliamentarian, Chaplain, Historian, Sergeant-at-Arms and Assistant Sergeant-at-Arms. (2018).

- a) The National Executive Committee Person (NEC) and Alternate National Executive Committee Person (ANEC) shall be elected to a 2-year term and limited to serve no more than twice. (2019)
- b) In the event of a vacancy in the office of National Executive Committee Person the alternate shall become the National Executive Committee Person and an alternate shall be filled by the Department Executive Committee. (2019).

Section 2. The Department Convention shall elect the following one-year term-limited department officers: Department President, Department Vice President, and Junior Member of Finance. (2018).

Section 3. District Presidents, District 1st Vice Presidents, and District 2nd Vice Presidents are ratified by the Convention delegation.

Section 4. In the event of a vacancy in the office of the President, the Department Vice President shall become President and shall assume the duties and authority of the office. Vacancies occurring between Department Conventions in these offices other than Department President shall be filled by election by the Department Executive Committee, and any member of the American Legion Auxiliary, in good standing, shall be eligible for election to such vacancy.

Section 5. The Department Secretary and Department Treasurer may serve an unlimited number of terms and shall be confirmed annually by the Department Executive Committee.

Section 6. All questions affecting the eligibility, election, and conduct of a department officer shall be referred to the Department Executive Committee where a decision by a two-thirds vote in said committee shall be the final authority thereon.

## Article V

### Department Executive Committee

- Section 1. Between Department Conventions, the Department Executive Committee shall serve as the governing body of the organization with fiduciary, policy, and strategic responsibility for the organization, but without power to modify any previous department action.
- Section 2. The Department Executive Committee shall be comprised of the Department President, Department Vice President, Junior Past Department President, **National Executive Committee Person**, Parliamentarian, Department Secretary, Department Treasurer, District Presidents, Department Chairmen of Standing Committees, Members of the Finance Committee, Girls State Director and Junior Conference Director, all with voting privileges. The Department Secretary, Treasurer (if paid) and Parliamentarian shall be a non-voting member of the Executive Committee and a voting member of the Department Convention. **(2023)**
- a) All Past National Presidents of the Department of California, by virtue of distinguished service to the American Legion Auxiliary and the Department of California in good standing in their respective Units within California shall be life members of the Department Executive Committee, with all rights.
  - b) All other Department Officers and Past Department Presidents in good standing in their respective units **in the Department of California**, shall be notified of time and place of meetings and be extended courtesy of being seated with voice but no vote. **(2023)**
- Section 3. The Department President and Department Vice President shall serve as Chairman and Vice Chairman of the Department Executive Committee respectively.
- Section 4. Term of Office: The term of office of the Department Executive Committee shall commence immediately following the adjournment of the Department Convention next ensuing, and shall end at the adjournment of the next succeeding Department Convention.
- Section 5. The newly elected and appointed Executive Committee shall meet immediately following Department Convention. The Department President shall nominate a Department Secretary and Treasurer and the Department Executive Committee shall confirm their appointment. They may be removed from office by a majority vote of the Department Executive Committee.

## Article VI

### Department Convention

- Section 1. The Legislative body of the American Legion Auxiliary shall be the Department Convention to be held annually not to exceed four (4)

successive days at the same date and city as the convention of The American Legion; for the purpose of electing officers, receiving reports, and transacting such other business as shall properly come before it, provided, an invitation is extended by The American Legion, adequate accommodations are available, and The American Legion convention is held prior to the National Convention.

In the event, it is not feasible to hold a convention at the same location as that of The American Legion, the time and location shall be determined by a vote of the American Legion Auxiliary Executive Committee.

Section 2. Representation in the Department Convention shall be by Units. Each unit shall be entitled to delegates based upon the number of members whose dues are paid up to date as provided in the Standing Rules. Changes to the formula for delegate voting strength and the manner for casting votes may be determined only by a 2/3rds vote of the Department Convention delegates.

No delegates or alternates from any Unit shall be seated in Department Convention or pre-convention caucus unless all obligations to Department shall have been paid or satisfied.

Delegates from new Units whose application for charter shall have been signed by the Department President and forwarded to National Headquarters after designated membership closing date, but prior to the pre-convention caucus and/or the Department Convention, and whose bylaws shall have been approved, and all other Department requirements have been met, shall be seated in delegation and Department shall allow increase in District voting strength.

Section 3. The Department President and the Department Vice President shall be delegates in their own right to the department convention, with vote to be exercised with their unit and shall serve as Department Convention Chairman and Vice Chairman respectively.

Section 4. Representation in the Department Convention shall be composed of regularly elected and appointed Department Officers, District Presidents, members of the Department Finance Committee, Girls State Director, Junior Conference Director, Hospital Representatives, each with a vote in their own right to be exercised with their unit and regularly elected delegates and alternates from each Unit.

Section 5. Past National Presidents in good standing in their Units within California shall be life delegates in their own right to the Department Convention, with vote to be exercised with their Units.

Section 6. Each delegate shall be entitled to one vote. The vote of any delegate absent and not represented by an alternate shall be cast by the Chairman of the Delegation. The manner for casting votes shall be as provided in the

Department Convention Standing Rules.

- Section 7. A quorum shall exist at Department Convention when one-third (1/3) of the Units in good standing (all obligations paid) are partially or wholly represented by duly elected delegates or alternates.
- Section 8. Additional information regarding Department Convention delegates shall be as provided in the Standing Rules.

**Article VII**  
Amendments

- Section 1. This Constitution shall be automatically amended to conform to the National Constitution of the American Legion Auxiliary.
- Section 2. This Constitution may be amended by any Department Convention by a two-thirds (2/3) affirmative vote of the delegates present and voting; providing that the proposed amendments shall have been submitted to the Department Office not later than seventy-five (75) days prior to the opening of the Department Convention and distributed through the Department Office, to the Units and personnel of the Department Convention sixty (60) days prior thereto. **(2023)**
- Section 3. Amendments proposed after distribution or revision as shown in Section 2 hereof, may be adopted by a two-thirds vote of the Department Convention delegates, provided they have been read at one session of the Department Convention prior to taking the vote.
- Section 4. An Amendment not having been previously read or distributed as required in Section 2 hereof, may be adopted by the unanimous vote of the Department Convention delegates.
- Section 5. When proposed amendments have been duplicated and submitted to the Units sixty (60) days prior to convention, and additional copies are supplied to the delegation, at the time of registration, upon request, said duplicated amendments shall constitute the first reading and the vote shall be taken following the reading by the Department Constitution and Bylaws Chairman.
- Section 6. The above methods of Amendments apply in full to Department Constitution and Bylaws.

**ARTICLE VIII**  
Parliamentary Authority

- Section 1. The Department organization shall be governed by the current edition of *Robert's Rules of Order, Newly Revised* on all points not covered by the Department Constitution and Bylaws. (2018).