

District Guidelines for Completing Constitution & Bylaws for Submission to Department for Approval

The following guidelines are provided to assist you and the Department Constitution & Bylaws Chairman. The check-off items will save you time in returns and may answer questions that arise and may delay the approval of your Bylaws. The Department format follows the National Outline and supersedes all previous copies. The revised date at the bottom of pages indicates the all mandated changes are current. It is suggested that spaces be filled by using a typewriter (if possible) since space is limited. This model meets the majority of District needs. If you have additional requirements, it is suggested that some of the additions would be better served in your Standing Rules. If not, then use those sections that apply and add your special requirements.

- **Art I.** No need to write the number of your District (example *Fifty-Two*). The numerical number will suffice.

- **Art III Sec 3.** Fill in the amount. If you use the statement “not to exceed” and place the amount in your Standing Rules, make sure it is so stated and that the Units receive a copy of the District Standing Rules. As of 2006, you cannot exceed \$.50 per member, as of close of books. Your District does have the option, however, of assessing each Unit an extra amount in accordance with their membership standings. (Example, 50 members or less \$10; 51 to 100 members \$12.50; etc.) This must be approved by your District membership.

- **Art IV Sec 1.** Executive Committee **Person** is optional. If your District does not have an Executive Board, you do not need Executive Committee **Person**— just cross out. The total of your list of officers must add up to the same total which includes your elective and appointive officers. Most Districts have a total of 11 listed officers. If you do have an Executive Committee, it is counted as one office regardless of how many members are placed on that committee. **(2019)**

- **Art IV Sec 2.** Here list all your elective officers. (President, Vice President, etc.)

- **Art IV Sec 3.** List all your appointive officers. No need to list the Junior Past; **who** is automatic. Don’t forget to determine your Executive Committee, if you have one. **(2019)**

- **Art IV.** On the outline of all duties of officers, if you do not have an Assistant Sergeant-at-Arms, just place a *NA* at the margin. If you add other officers, you must list the duties in this section. You have to be consistent.

- **Art V Sec 1.** Fill in the number of meetings your District has during the year. Caucus meeting(s) may be placed in the Standing Rules as to the time and designated meeting. Some meet prior to convention, as well as at convention.

- **Art V Sec 3.** Fill in the number of meetings an officer can miss before being replaced. It doesn’t make sense if your District only meets four times a year and you replace an officer after **they are** absent for 3 consecutive meetings. Why bother? **(2019)**

- **Art VI Sec 4.** Applies if you do have an Executive Board. Be realistic. \$5 or \$10 is not sufficient in the event of an emergency.

AMERICAN LEGION AUXILIARY
Department of California



MODEL DISTRICT BYLAWS

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AMERICAN LEGION AUXILIARY

Department of California



ARTICLE I - NAME

The name of this organization shall be District _____ of the American Legion Auxiliary, Department of California.

ARTICLE II - OBJECT

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 non-political and shall not be used for the dissemination of the partisan principles nor for the promotion of the candidacy of any person seeking public office or any appointive remunerative office.

ARTICLE III - MEMBERSHIP

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. (2019)

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; (2019)
- (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: (2019)
- (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; (2019)
- (4) and to those women who of their own right are eligible for membership in The American Legion. (2019)

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 years; provided, however, that a **spouse** under the age of eighteen years who is eligible under Section I of this article shall be classed as a Senior member. **(2019)**
- b. Junior membership shall consist of that group under the age of eighteen 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.

Section 3. District per capita \$ _____ to be paid following the first District Meeting after Department Convention.

Section 4. Discipline of the officers or members of this District shall be as defined by Department Constitution and Bylaws.

ARTICLE IV – OFFICERS

Section 1. The officers of this District shall be: President, First Vice President, Second Vice President, Secretary, Treasurer, (the office of Secretary-Treasurer may be combined) Historian, Chaplain, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Parliamentarian, Junior Past President and (optional) (#_____) Executive Committee **Persons**, (Assistant Sergeant-at-Arms and Parliamentarian are optional. Draw a line through the optional officers that your District doesn't have). **(2019)**

Section 2. The elective officers shall be: President, First Vice President, Second Vice President, and (optional) (#____) Executive Committee **Persons** _____

and shall be elected annually not earlier than forty-five (45) days nor later than fifteen (15) days prior to the opening of the following Department Convention. **(2019)**

- a. No member shall hold more than one District Office at the same time. (2016)
- b. Any member in good standing in this District who is present at the nomination or election meeting, or who has given **their** written consent, is eligible to seek office. **(2019)**
- c. Election shall be by ballot. A majority vote shall elect. When there is but one candidate for office the ballot may be dispensed with and the nominee elected viva voce.
- d. Voting at Pre-convention caucus shall only be by regularly elected Delegates or Alternates to forthcoming Department convention, including Department Officers, District President, Past Department Presidents, Department Chairmen, members of Department Finance Committee, Girls State Director, Junior Conference Director, and Medical Center Representatives in good standing.
- e. Any vacancy in an elective office, except those otherwise provided for in these bylaws, shall be filled by election at a regular meeting without unreasonable delay. Advance notice of election shall be provided to the membership.

Section 3. The appointive officers shall be: (list) _____

(Optional and if not elected) (#) _____ Executive Committee **Persons** and includes the Junior Past President **who is** automatic). (2019)

Section 4. Officers shall be installed prior to September 1st and shall take office immediately following Department Convention.

Section 5. The President shall preside at all District meetings, **shall have** general supervision of the duties of all officers and chairmen and be responsible for the transaction of the District business in accordance with the District Bylaws. **The District President** shall be ex-officio member of all committees and shall perform such other duties as are usually incident to the office. (2019)

The District President shall appoint the non-elective officers that are required to carry out the District ritual and all chairmen of standing committees. **The District President** will create such other committees and appoint members thereon **as deems advisable**. (2019)

- a. **The District President** shall sign the District Bylaws and amendments after the second reading and approval by the District. (2019)

Section 6. The **First Vice President** shall assist the President, and in the absence of the President, **the Vice President** shall be the presiding officer. In case of death or resignation of the President, the First Vice President becomes President for the unexpired term. **The Vice President** shall assume such other duties as may be assigned **by the President**. (2019)

Section 7. The **Second Vice President** shall **be ready** to assume the duties of the First Vice President whenever, for any cause, the First Vice President or the President cannot act. (2019)

Section 8. The **Secretary** shall keep a record of all the proceedings of meetings of the District and Executive Board meetings. **The secretary** shall read the minutes of the previous meeting and recommendations of the Executive Board, and make such corrections as may be ordered. **The secretary** shall furnish all officers and committees with papers referred to them. **The secretary** shall keep a list of all officers and committees and maintain a file of the National, Department and District Constitution and Bylaws and Standing Rules. **The secretary** shall have charge of all records and papers of the District except those that are assigned to others. (2019)

- a. At the expiration of **the secretary's** term of office, **all reports and papers will be turned over to the successor**. (2019)

Section 9. The **Treasurer** shall be custodian of all District funds, **and** shall keep an itemized account of all receipts and expenditures. **The treasurer** shall sign with the President all orders on the treasury that are authorized by the District. The treasurer shall keep all poppy proceeds separate from the general funds in an account known as the Welfare Fund. It shall be **the treasurer's** responsibility to see that these funds are exclusively used for the welfare of veterans and their families and that no expense other than Veterans Affairs and Rehabilitation, Children and Youth, and Education shall be drawn from the Welfare Fund. (2019)

- a. **The treasurer** shall pay out District funds only on order of the District. (2019)
- b. **The treasurer** make report upon the call of the President. (2019)
- c. **The treasurer** shall have **the** accounts ready to turn over to the Auditing

Committee at the time designated by these Bylaws. The office of Treasurer shall be bonded, said bond to be paid by the District annually, payable July 1st for the ensuing fiscal year. **(2019)**

Section 10. The **Historian** shall keep a complete history of the District. **The historian** shall make an annual report to the District of the progress during the current year and perform such other duties as may be assigned by the District President. **(2019)**

Section 11. The **Chaplain** shall offer prayer at the opening and closing of each business meeting of the District and perform other duties as assigned by the District President.

Section 12. The **Sergeant-at-Arms** shall be responsible for order at all District meetings, for the advancement and retirement of colors and for the proper care of all District materials. **The Sergeant-at-Arms** shall perform such other duties as assigned by the District President. **(2019)**

Section 13 The **Assistant Sergeant-at-Arms** shall assist the Sergeant-at-Arms and in the absence of the Sergeant-at-Arms, **shall be prepared to assume the duties.** **(2019)**

Section 14. It shall be the duty of the **Parliamentarian** to advise the presiding officer on points of parliamentary law and also to give similar advice to the District upon request. **The parliamentarian** shall have a copy of District Bylaws, Standing Rules and a District copy of *Roberts Rules of Order Newly Revised*. **(2019)**

Section 15. Executive Committee shall serve as advisors to the District between meetings and assist in making decisions at the call of the President.

ARTICLE V – MEETINGS

Section 1. Regular meetings of this District shall be held _____ times throughout the year unless otherwise voted by the District. Units shall be notified of any changes in meeting place at least three days prior to the date of meeting.

Section 2. The order of business shall be as prescribed by the Manual of Ceremonies.

Section 3. Any elective officer who shall be absent from three consecutive meetings without valid excuse shall be given one week's written notice of **their** delinquency, and unless good and sufficient reasons be given, **their** office shall be declared vacant and the District shall elect a new officer. **(2019)**

Section 4. Special meetings of the District shall be called by the President or written request of five members.

Section 5. The notices for all special meetings shall state the business to be considered and no other business may be transacted.

Section 6. In the event it becomes necessary to postpone or cancel a meeting, it may be done by vote of the membership at a previous meeting. All Units shall be notified of the change.

Section 7. A quorum for a District meeting shall be 1/3 of the Units in good standing that are represented.

ARTICLE VI - EXECUTIVE BOARD

Section 1. There shall be an Executive Board which shall consist of the elected and appointed officers, and the Jr. Past District President.

Section 2. Regular meeting of Executive Board shall be called by the President.

Section 3. Special Executive Board meetings may be called by order of the President or on written request of at least three members of the Executive Board.

Section 4. The Executive Board shall have authority to act in cases of emergency and when it is impracticable to procure a meeting of the District. They shall not incur bills, or authorize expending funds totaling more than \$___without a vote of the District. They shall consider matters affecting the District and make recommendations thereto. All actions of these meetings shall be reported to the District at its next regular meeting for approval.

Section 5. A vacancy existing in the Executive Board from any cause other than the expiration of a term shall be filled in accordance with these District Bylaws. This person shall hold office for the unexpired term of the member **they** succeed. **(2019)**

Section 6. One-third of the members of the Executive Board shall constitute a quorum.

Section 7. Permanent records (membership, minutes, finance reports) shall not be destroyed. Routine records of District shall be held for three (3) years before being destroyed by the Executive Board.

ARTICLE VII – COMMITTEES

Section 1. This District shall have such Standing Committees and activities as are required by the Department, and such other committees as the President of the District may deem necessary.

a. The President shall appoint an Auditing Committee of three members to serve **during the current administrative year**. This committee shall audit, or cause to be audited, the books of the District Treasurer, annually. Audits may be conducted throughout the Auxiliary year, but all books must be audited *within sixty (60) days of the end of the fiscal year.* **(2019)**

ARTICLE VIII - PARLIAMENTARY AUTHORITY

Section 1. This District shall be governed by *Roberts Rules of Order NEWLY REVISED* on all points not covered by these Bylaws.

ARTICLE IX – AMENDMENTS

Section 1. These Bylaws may be amended at any District meeting by a two-thirds affirmative vote of the members present and voting provided that the proposed amendments shall have been read to the District at the meeting prior to taking action.

Section 2. These Bylaws shall automatically be amended to conform to any changes made in the National or Department Constitution and Bylaws and Model District Bylaws where applicable.

Section 3. District Bylaws and amendments before becoming effective must be approved by the Department Constitution and Bylaws Chairman, and signed by the Department President. District shall submit two (2) complete copies of bylaws and four (4) signature pages or four (4) copies of proposed amendment bearing dates of first and second reading and signature of District President and District Constitution and Bylaws Chairman with proper spacing allowed for date and signatures of Department Constitution and Bylaws Chairman and Department President. Department Chairman will keep one copy for **the Chairman's** file, send one (1) copy to Department Office file and return two (2) signature pages to District to be attached to District President's file and to District Constitution and Bylaws file. **(2019)**

ARTICLE X – DISSOLUTION

Section 1. Dissolution shall be as prescribed by the Department and National Constitution and Bylaws.

SIGNATURE PAGE

District shall submit two (2) complete copies of bylaws and four (4) signature pages or four (4) copies of proposed amendment bearing dates of first and second reading and signature of District President and District Constitution and Bylaws Chairman with proper spacing allowed for date and signatures of Department Constitution and Bylaws Chairman and Department President. Department Chairman will keep one copy for **the Chairman's** file, send one (1) copy to Department Office file and return two (2) signature pages to District to be attached to District President's file and to District Constitution and Bylaws file. **(2019)**

Check the one which applies to these Bylaws:

- () New amendment(s) to Bylaws
- () Rewritten Bylaws to conform to mandates
- () Rewriting Bylaws which are ten years old (Date is when signed by Department)

DISTRICT NO. _____

First reading: Date _____

Second reading/adoption: Date _____

ATTESTED TO: _____
District Constitution & Bylaws Chairman Date

District President Date

APPROVED BY: _____
Department Constitution & Bylaws Chairman Date

Department President Date

Name, Address and phone number of member to contact and/or return signed Bylaws:

Name: _____

Address: _____

City, Zip: _____

Phone (include area code) _____

Email, if available: _____