

# The American Legion Department of Connecticut



# Constitution & Bylaws

*UPDATED VERSION AS OF SEPTEMBER 2017*  
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**DEPARTMENT 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 safeguard and transmit to posterity the principles of justice, freedom and democracy; To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

## **ARTICLE I**

### **Name and Location**

Section 1. The name of this organization shall be THE AMERICAN LEGION, DEPARTMENT OF CONNECTICUT, INC.

Section 2. The geographical and jurisdictional limits of this Department shall be the State of Connecticut.

## **ARTICLE II**

### **Nature**

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

Section 2. The American Legion, Department of Connecticut shall be non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. The National Constitution of the American Legion is hereby adopted, ratified and confirmed, and any term or provision of any Constitution, by-law, Resolution or vote of this Department or any Post thereof; or any committee or subdivision of them or any of them which shall conflict with such National Constitution or any part, section or amendment thereof, shall be void.

## ARTICLE III

### Organization

Section 1. This Department shall be organized into Posts. One or more Posts may be organized in any community in the Department, providing when application is made for a new charter in a community in which a Post or Posts already exist, said application shall be presented to the Department Executive Committee for a preliminary reading without action or debate. The District Commander of the District from which application is received shall then give in writing to the Commander of each Post then in existence in said community notice of such application.

Section 2. Said charter shall not be granted by the Department Executive Committee until all existing Posts in said Community and the applicants for charter or their spokesmen shall have been granted an opportunity to present such evidence as they deem necessary to the Department Executive Committee in full session. Notice of such final hearing shall be given by the Department Executive Committee to the interested Post or Posts and applicants at least fifteen (15) days prior to said final hearing. This section shall not be construed as allowing local posts veto power on granting a new charter.

Section 3. Such application if approved by the Department Executive Committee shall be forwarded to National Headquarters of the American Legion. Any charter issued by National Headquarters on the basis of such application shall be countersigned by the Department Commander and the Department Adjutant and when so countersigned shall be in force and effect.

Section 4. The Department Executive Committee may suspend, cancel or revoke a post Charter. The action taken by the Department Executive Committee shall be final and conclusive unless an appeal is taken to the National Executive Committee within thirty (30) days from the date of said suspension, cancellation or revocation. The action taken by the National Executive Committee upon appeal shall be final.

Section 5. Any Post failing to meet the obligations imposed upon it by the Constitution and By-Laws, or ceasing to function for six months as an American Legion Post, or refusing to pay the Department and National Per Capita dues, or under such other conditions as might make such action necessary, shall upon order of the Department Executive Committee surrender its charter for cancellation. Upon failure to surrender such charter, immediate steps may be taken for its revocation, suspension or cancellation.

Section 6. Upon revocation, cancellation or suspension of the charter of a post of The American Legion, said post shall immediately cease operations and upon revocation or cancellation shall turn over its charter to the Department Commander or Department Executive Committee, and the Department Executive Committee may take possession, custody and control of all records, property and assets of said post should it deem in the best interest of The American Legion; provided however, that nothing herein shall be construed to impose any responsibility as to such records, property, debts and assets. Said Department Executive Committee may provide for the transfer of the members in said post to other posts of their choice, subject to the approval of such other post.

Section 7. In taking action pursuant to this Article, the posts, bodies and offices of the Department shall be governed by the uniform code, defining the procedure to be followed in the revocation,

cancellation or suspension of Post charters, and providing for a method of appeal; said code as having been adopted by the National Executive Committee pursuant to Section 1 of Article III of the National By- Laws as the same may be from time to time amended pursuant to the authority of said section.

Section 8. No Post shall be named after any living person and the name of every Post shall be subject to the approval of the Department Executive Committee.

Section 9. The Department of Connecticut shall be divided into Districts as follows:

District No.1	Hartford County
District No.2	New Haven County
District No.3	Fairfield County
District No.4	Tolland & Windham Counties
District No.5	New London County
District No.6	Litchfield County
District No.7	Middlesex County

## **ARTICLE IV**

### **Eligibility**

Section 1. An individual is eligible for membership in The American Legion only if the individual has served in the Armed Forces of the United States at any time during the period from April 6, 1917, through November 11, 1918; or any time after December 7, 1941; or a government associated with the United States during a period or time referred to and was a citizen of the United States when the individual entered that service; and was honorably discharged or separated from that service or continues to serve honorably during or after that period or time.

Section 2. There shall be no form or class of membership except an active membership and dues shall be paid annually for life.

Section 3. No person shall be a member at any one time of more than one Post.

Section 4. No person who has been expelled by a Post, shall be admitted to membership in another Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, he may then appeal to the Department Executive Committee for permission to apply for membership in another Post, and shall be ineligible for membership until such permission is granted.

## **ARTICLE V**

### **Department Executive Committee**

Section 1. Between Conventions, the administrative and legislative power shall be the Department Executive Committee. The Department Executive Committee shall consist of the following voting members: all the elective officers of the Department, the National Executive Committeeman, the Alternate National Executive Committeeman, the seven (7) District Commanders, the fourteen (14) Department Executive Committeemen, and the Past Department Commanders if in good standing in their Posts. Only one (1) vote may be cast by a voting member of the Executive Committee.

Section 2. The Department Executive Committee is empowered to assign duties and responsibilities to all standing commissions and committees, and to group standing committees with commissions for the purpose of efficient supervision and coordination of activities.

## **ARTICLE VI**

### **Finance**

Section 1. The revenue of the American Legion Department of Connecticut shall be derived from Annual Membership Dues, from the Investment Fund of the Department, and from such other sources as may be approved by the Department Executive Committee.

Section 2. The Annual Membership Dues established by the National Organization, together with those established by the Department convention, shall be collected by each Post and transmitted promptly through the Department Adjutant to the National Treasurer in conformity with the regulations of the National Organization.

Section 3. The Investment Fund of the Department shall consist of the investments and securities owned by the Department for which no other use or disposition is required by law or the provisions of the Constitution, together with all increments thereof arising from interest, dividends or capital gains, as well all additions thereto as provided by Section 3b. (below).

3a. The Investment Fund shall be maintained by the Department Treasurer, in the custody of the investment manager(s) authorized by the Department Executive Committee, under the supervision and control of the Department Finance Commission. All authorized investments shall be made, renewed, extended, surrendered and reinvested as the Department Finance Commission shall direct.

3b. Surplus funds in the General Fund Account may be transferred to the Investment Fund and withdrawals or disbursements made therefrom, upon the recommendation of the Department Finance Commission.

Section 4. The Fiscal year of the Department of Connecticut shall be from October 1 of the calendar year to September 30 of the year next succeeding.

## **ARTICLE VII**

### **Department Officers**

Section 1. The Department Convention shall elect a Department Commander, Department Senior Vice-Commander, Department Treasurer, Department Judge Advocate, Department Chaplain, and a Department Historian.

Section 2. No person shall be eligible for reelection to the office of Department Commander or Department Senior Vice-Commander. No elected or appointed Department Officer shall hold any other Department office simultaneously.

Section 3. The Department Convention shall elect biennially a National Executive Committeeman and an alternate.

Section 4. At the first meeting following the Department Convention, the Department Executive Committee shall appoint, upon nomination by the Department Commander, the following officers for terms of office as hereinafter specified:

NOTE: Department Officers with multi-year terms may only be considered for replacement at the end of their existing term of office.

- a. Department Sergeant-at-Arms and one or more Assistant Sergeant-at-Arm's, maximum of three (3) assistants, whose term of office shall be concurrent with the Department Commander making the appointment.
- b. Department Service Officer, after being interviewed and approved by the Department Personnel Committee for a period not to exceed five (5) years.
- c. Department Assistant Treasurer, whose term of office shall run concurrent with the Department Treasurer, but not exceed three (3) years.
- d. Department Adjutant, after being interviewed and approved by the Department Personnel Committee, for a period not to exceed five (5) years.
- e. Such standing committees not herein provided as may be deemed necessary.
- f. Department Assistant Service Officer, after being interviewed and approved by the Department Personnel Committee for a period to run concurrent with the Department Service Officer, but not to exceed five (5) years.

## **ARTICLE VIII**

### **Department Convention**

Section 1. The Supreme Body of this Department shall be the Department Convention, to be held annually at a place and time to be fixed by the Department Convention Committee and subsequently ratified by the Department Executive Committee, which shall be not less than thirty (30) days prior to the date fixed for the opening of the National Convention of the American Legion.

Section 2. In any Department Convention each Post in good standing shall be entitled to be represented by three delegates and three alternates, and by one additional delegate and one additional alternate when its membership shall have reached sixty-five, and by one additional delegate and one additional alternate when its membership shall have reached 150, and one additional delegate and one additional alternate when its membership shall have reached 201, and one additional delegate and one additional alternate for each succeeding 100 members or major fraction thereof, whose dues to the National and Department organizations of The American Legion have been paid at least thirty days prior to the opening of such convention, and who shall pay to the Department an annual convention registration fee which will be determined annually as part of the budget process.

Section 3. A Post shall not be considered to be in good standing unless it shall have fifteen (15) members in accordance with the provisions of this section, but any such Posts may be represented at the convention by three (3) delegates and three (3) alternates with voice but without vote. The Posts shall elect all delegates and alternates not less than fifteen (15) days prior to the opening of the Department Convention.

Section 4. A quorum shall exist at a Department Convention when 60 percent of the registered Posts in good standing are represented as above provided for. Any Post requiring the Department Commander and/or other Department officer to assume the leadership duties of said Post shall not be counted for a quorum.

## **ARTICLE IX**

### **Property**

Section 1. Neither this Department or any sub-division thereof, either in its own name or through the medium of any holding company or otherwise shall own or hold or have any interest in any property, either real or personal, in such way that the same is capable of distribution at any time or under any circumstances among any or all of the members thereof, or in such a way as to expose any member thereof, as such, to any personal liability or taxes, assessments, damages, costs or expenses, dependent upon or arising out of the ownership of any title or beneficial interest in such property.

Nothing in this section shall operate or be construed to prohibit the acquisition by purchase for value by any member of The American Legion of any property or any share of any corporation, association or trust holding property, used or to be used by this Department, or any sub-division or Post thereof, or the holding or transfer of such property or share so acquired.

Section 2. The American Legion emblem and/or name are registered service marks and copyrighted. The names of the organization shall not be used by any District, Post or individual in the selling, campaign, solicitation or other commercial venture in connection with an outside organization without first filing in writing to the Department Adjutant at least thirty (30) days in advance of the undertaking for the approval of the Department Executive Committee.

Section 3. Any violation of Section No. 1 of this Article by any Post of this Department shall be cause for the suspension or revocation of the charter of such Post at the discretion of the Department Executive Committee.

## **ARTICLE X**

Section 1. The American Legion, Department of Connecticut recognizes an auxiliary organization to be known as the American Legion Auxiliary, Department of Connecticut.

Section 2. Eligibility in this organization shall be set out in the National Constitution of the American Legion as may be amended from time to time.

Section 3. The American Legion Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee of the American Legion and the Executive Committee of this Department.

## **ARTICLE XI**

Section 1. The National Constitution of the American Legion is hereby adopted, ratified and confirmed, and any term or provision of any Constitution, By-law, Resolution or vote of this Department or any Post thereof, or any committee or subdivision of them, or any of them which shall conflict with such National Constitution or any part, section or amendment thereof, shall be void.

## **ARTICLE XII**

Section 1. This constitution may be amended at any Department Convention by the vote of two-thirds of the total authorized representation thereat, provided that the proposed amendment shall have been presented in writing to the Department Executive Committee at least sixty days before the opening of the Convention and a copy thereof transmitted to each Post at least thirty (30) days prior to such convention.



# BY-LAWS

## ARTICLE I

### The Department Executive Committee

a. The order of business shall be as follows:

Call to order

Salute to Colors

Invocation

Pow/Mia Ceremony

Pledge of Allegiance

“Preamble”

30 Seconds of Silence

Roll Call

Reading of minutes of previous meeting

Reports of Commission Chairmen and Committee Directors

Reports of Department Officers

Unfinished business

Reading of Communications

New business

Good and Welfare of the American Legion

Decide time and place of next meeting

b. The Department Executive Committee shall authorize and approve the appointment or removal of any such subordinate officers as may be needed for the administration of the affairs of the Department.

## ARTICLE II

### Department Executive Committee

Section 1. The Department Adjutant, the Department Assistant Treasurer, the Department Service officer, Department Assistant Service Officer and the Department Sergeants at Arms shall be members of the Department Executive Committee with voice but without vote.

Section 2. The Department Executive Committee shall meet in business sessions at least four (4) times a year as follows:

1. Following the close of each annual Department Convention (July), at the call of the Department Commander, primarily for immediate organization and planning purposes and to approve Department Commander appointments.
2. On a date in the fall (September) after National Convention and prior to the beginning of the Department's budget fiscal year for the primary purpose of adopting an annual budget referred to as the fall meeting.
3. On a date immediately preceding the Department Mid-Winter Conference (January).
4. On a date preceding each annual Department Convention (May) primarily for the purpose of approving Resolutions with legislative intent or any other resolutions, as well as any other Department business.
5. The Department Commander shall call a special meeting upon the written request of seven or more members of said Executive Committee.

Section 3. The Chairmen of standing Commissions of the Department shall be ex-officio non-voting members of the Department Executive Committee, with the privilege of speaking only on the subject of matters pertaining to their respective Commissions.

Section 4. The Department Executive Committee shall have power, for good cause, to suspend or remove from office any elective or appointive officer of the Department or any elective or appointive officer within the Department, after a fair, impartial hearing on the charges brought against such officer. All charges against any officer shall be made under oath and in writing. Good cause may include absence from three (3) consecutive meetings and if such officer is a district representative, the District shall be notified.

Section 5. Eleven (11) voting members shall constitute a quorum of the Department Executive Committee.

Section 6. Unless herein otherwise provided, all contracts which are binding on the Department shall be authorized and ratified by the Department Executive Committee, and shall, after satisfactory review by the Department Judge Advocate (or, if a vacancy exists in the office of Department Judge Advocate, a member of the Connecticut Bar so authorized by the Department Executive Committee) be duly signed by the Department Commander or by the Department Adjutant.

Section 7. Any powers not herein expressly delegated are reserved to the Department Executive Committee.

## **ARTICLE III**

### **Eligibility**

Section 1. Non-residents of the State of Connecticut may be admitted to membership in Posts of this Department, with full rights and privileges thereof, and dues assessed for such membership while discretionary with the Posts, shall not be less than the minimum requirement.

Section 2. Members of this organization become such only on being duly elected to membership in some Post thereof; and nothing in this article shall operate to entitle any person, otherwise

eligible to be admitted to membership in any particular Post, unless duly elected thereto in such manner as such Post shall lawfully prescribe, subject to the provisions of section one of this article.

Section 3. Any member of The American Legion in good standing may transfer to any Post in this Department, providing such transfer shall be approved by the Post to which such transfer is being made.

Section 4. Any member in good standing in a Post leaving the Department shall be entitled to a certificate from their Post stating their membership and the duration hereof.

Section 5. Any member in good standing in a Post desiring to transfer to another Post within this Department shall be entitled to a certificate as set forth immediately above, and if acceptable to the Post to which he desires transfer, shall be considered transferred once membership data form is sent to the Department Adjutant for processing.

## **ARTICLE IV**

### **Department Officers**

Section 1. In case of death, resignation or removal of the National Executive Committeeman, the vacancy shall be filled by the Alternate National Executive Committeeman for the remainder of such unexpired term. In case of death, resignation or removal or advancement of the Alternate National Executive Committeeman, the vacancy shall be filled by election by the Department Executive Committee for the remainder of such unexpired term.

Section 2. All elective Department officers, unless otherwise specifically provided for; shall hold office until the adjournment of the next annual Department Convention or until their successors are chosen. The elected officers shall take the oath of office at the termination of the last session of the Convention at which they are elected, and their terms of office shall begin immediately following such Convention, unless otherwise provided. Vacancies in these offices occurring between Department Conventions shall be filled by the Department Executive Committee, except that a vacancy occurring in the office of Department Commander shall be filled by the Department Senior Vice-Commander as acting Department Commander. In the event of the Department Senior Vice-Commander's death or resignation, the District Commander receiving the majority vote of the Department Executive Committee at a special meeting to be called by the Department Adjutant and held within fifteen (15) days of the death or resignation shall become Department Senior Vice-Commander.

Section 3. The Department Service Officer, the Department Assistant Service Officer, the Department Assistant Treasurer and the Department Adjutant shall be appointed as provided in Article VII, Section 4 of the Constitution, except that the Commander shall not nominate any person as Department Service Officer, Department Assistant Service Officer, Department Assistant Treasurer or Department Adjutant unless said person is recommended by the Personnel Committee. If for any reason, the Department Service Officer, Department Assistant Service Officer, Department Assistant Treasurer or Department Adjutant quits, retires, or must vacate their office for any reason, the Personnel Committee shall interview prospective candidates to be appointed in accordance with Article VII, Section 4.

Section 4. The Department Treasurer shall be elected for an initial term of three (3) years commencing on the first of October following the Convention at which he shall be elected. If, after serving three (3) years of any elected term, the incumbent is re-elected to the said office, the term, thereafter, shall be for a period of five (5) years on each election. When vacancies occur in this office between Department Conventions, the Department Assistant Treasurer will immediately assume the office of Department Treasurer for the period up to the first of the following October. At the first Department Convention following the vacancy, a Department Treasurer shall be elected for an initial term of three (3) years, commencing with the first day of the following October, and, thereafter, the incumbent may be re-elected for a term as indicated above.

Section 5. The Department Commander may appoint a Department Parliamentarian whose term of office shall be concurrent with the term of the office of Department Commander and whose duties shall be limited to parliamentary interpretation at all Department Executive Committee meetings, conventions and other department meetings.

Section 6. All candidates for Department office shall have filed proof of eligibility in The American Legion, such as DD214, with the Department Adjutant prior to Convention for verification. These records to be retained at Department Adjutant's office as permanent record.

## **ARTICLE V**

### **Duties of Department Officers**

Section 1. The Department Commander shall be the chief executive officer of the Department. He shall see that the provisions of the National Constitution and Department Constitution, of all laws, regulations and policies established thereunder shall be observed in cooperation with the Department Executive Committee, he shall be responsible for the enforcement of discipline and maintenance of good conduct on the part of the several posts and their members. He shall be the presiding officer of Department Conventions and of all meetings of the Department Executive Committee. He shall represent the Department in the relations with Federal, State and governmental bodies. In the inability of the Department Senior Vice-Commander to serve in the absence of the Commander, the Commander shall have authority to designate a District Commander to represent him. In the inability of a District Commander to accept such assignment, the Commander shall appoint another representative.

Section 2. The Department Senior Vice-Commander shall assume the duties of the Department Commander in the absence of the Commander. The Department Senior Vice-Commander shall assist the Department Commander in the carrying out of their duties and shall direct the membership campaign of the Department. He shall be ex-officio member of all committees and commissions.

Section 3. The District Commanders shall be responsible for promoting membership and perform such other duties as the Department Commander and/or Department Executive Committee shall direct.

Section 4. Each District Commander shall personally visit each Post in their District during the year and do everything possible to stimulate Legion welfare. He shall investigate all applications for Post Charters and make recommendations to the Department Executive Committee in regard to them. He shall recommend and make recommendations to the Department Executive Committee in regard to the revocation of existing charters for good and sufficient reasons. He shall promote inter-post activities within the District and for such purpose call together the Post Commanders or representatives designated by Post Commanders.

Section 5. The Department Adjutant is charged with the administration of policies and mandates of the Department Convention, the Department Executive Committee, and the Department Commander. He shall perform such other duties as are usually incident to their office and as otherwise directed by the Personnel Committee, to whom he shall be responsible for administrative purposes.

Section 6. The Department Treasurer, under the direction of the Department Finance Commission, shall be charged with the collection and custody of the funds of the Department, and shall keep the accounts of the Department and shall report thereon at each regular meeting of the Department Executive Committee, and shall make such other reports to the Department Finance Commission, the Department Commander, or the Department Executive Committee as may be required of him. He shall pay all bills, when in order, in such manner as the Department Executive Committee shall prescribe, and shall give bond with sufficient security at the expense of the Department to be approved by the Department Executive Committee for the faithful performance of their duties. The Department Treasurer shall receive such remuneration as shall be determined upon by the Department Finance Commission and approved by the Department Executive Committee. The Department Treasurer shall deposit the funds of the Department in the name of The American Legion, Department of Connecticut, Inc. in a depository recommended by the Department Finance Commission.

Section 7. The Assistant Department Treasurer shall, under supervision of the Department Treasurer, perform such duties as are usually incidental to the office and act for the Department Treasurer in their absence.

Section 8. The Department Judge Advocate shall be an Attorney-at-Law admitted to the Bar of the State of Connecticut; he shall advise the Department Officers and the Department Executive Committee on all legal matters of the Department including construction and interpretation of the Constitution, Convention resolutions and other Department regulations and give their opinion thereon at the request of any Department Officer or of the Department Executive Committee. He shall also render such service to the American Legion Auxiliary. He shall assist the Posts and Units in matters involving the construction and interpretation of their own Constitution and By-laws and such advice shall not be given except upon the written request signed by the Post Commander or Adjutant or the Unit President or Secretary.

Section 9. The Department Historian shall be responsible for the compiling of a complete historical record of the Department. He shall have authority to request from the officers of the Department and the Posts information necessary for the performance of their duties. He shall prepare an annual report for the Department Convention together with such suggestions relating to the preservation of the records of the Department, as he shall deem appropriate.

Section 10. The Department Service Officer shall carry out the duties usually incident to the office and as otherwise prescribed by the Department Veterans Affairs and Rehabilitation Commission, who shall have day to day oversight of the Department Service Office.

Section 11. The Department Assistant Service Officers shall, under supervision of the Department Service Officer carry out the duties, which are usually incident to the office and act for the Service Officer in their absence.

Section 12. The Department Chaplain shall officiate at the Department Convention and shall perform such other duties ordinarily incident to the office of Chaplain or as shall be assigned to him by the Department Commander.

Section 13. The Department Sergeant-at-Arms and Assistant Sergeant-at-Arms shall perform such duties as shall be assigned to them by the Department Commander

Section 14. Only the Department Commander, Department Senior Vice-Commander, Department Adjutant, Department Treasurer, Department Assistant Treasurer, Department Service Officer, Department Assistant Service Officer, Department Judge Advocate, Department Chaplain, Department Historian, Department Sergeant-at-Arms, Department Assistant Sergeants-at-Arms and the seven (7) District Commanders shall be entitled to wear Department Officer Caps.

Section 15. The National Executive Committeeman or in their absence the Alternate National Committeeman shall make a report of their activities to the Department Executive Committee.

## **ARTICLE VI**

### **Organization**

Section 1. Post Officers shall be elected annually prior to July 1st and the oath of office shall be administered at the time of election by any Past Commander in good standing of the Post, District or Department. They shall assume the duties of their respective offices immediately.

Section 2. Installation of Post Officers shall take place at the pleasure of the newly elected Commander and shall be held prior to November 1st.

Section 3. Post Officers may be installed by any Department or District Officer, Post Adjutant, Past Post Commander or any person duly authorized by the Department or District Commander.

Section 4. The authorized Installing Officer shall be responsible for the filing of the names and addresses of the Post Officers with the Department Adjutant immediately after installation.

Section 6. At the District meeting prior to the annual Department Convention each District shall elect a District Commander who shall be subject to ratification by a majority vote of the duly qualified delegates to the Department Convention. District Commanders so ratified shall also serve as Department Vice-Commanders until their successors are chosen and they shall hold no other elective or appointed Department office while serving as Department Vice-Commander.

Section 7. Each District shall elect two (2) Executive Committee members, one being elected each year for a term of two (2) years, who shall be subject to ratification by a majority vote of the duly

qualified delegates to the Department Convention and who shall serve until their successors are chosen and ratified. Executive Committeemen so ratified shall serve no other elective or appointive Department office.

## **ARTICLE VII**

### **Department Convention**

Section 1. Each delegate shall be entitled to one vote, provided the annual convention registration fee has been paid. The vote of any delegate absent and not represented by an alternate shall be cast by the majority of the delegates present from their Post. Alternates shall have all the privileges of delegates except that of voting, except as above specified. In the event that no regularly elected delegate or alternate is present, no proxy shall be recognized.

Section 2. Special Department Conventions shall be called by the Department Commander at their own discretion or at the direction of the Department Executive Committee and must be called on written request of one-third of the Posts in the Department; said request to be signed by the Commander and Adjutant stating that at the regular or special meeting of the Post, the Post voted to request a special Department Convention. The time and place of any Special Department Convention shall be determined by the Department Executive Committee and each Post shall be notified thereof and of the purpose for which said Convention is called at least thirty days prior to the date set for the opening of such Convention.

Section 3. The Department Commander, who shall exercise their vote only in their capacity as Chairman of the Department Convention, shall be a delegate with vote at all Department Conventions convened during their term as Department Commander. All Past Department Commanders, if in good standing in their respective Posts, shall be life delegates with vote at all Department Conventions if present.

Section 4. In any Department Convention, the seven (7) District Commanders who are then about to retire shall each be entitled to one vote; except that if such District Commander is the duly elected delegate or a voting alternate representing any Post, he shall vote as representing such Post at the convention and shall not have a vote as District commander

Section 5. The Department Convention shall ratify delegates and alternates to the National Convention of the American Legion in the following manner: The outgoing Department Commander, incoming Department Commander and Department Adjutant shall be delegates. The Department Treasurer shall be the alternate for the incoming Department Commander. The Department Adjutant shall determine from the total membership of the Department how many delegates and alternates the Department is entitled to, and that each district be allotted a number of delegates and alternates contingent on the size of said District; that the selection of delegates and alternates from each District be done at a District meeting of each District prior to the Department Convention for ratification at Department Convention.

Section 6. If any delegate is unable to attend the National Convention, the Chairman of the delegation shall replace such delegate with an alternate from the same District, if there is one. In the event of any further vacancies in the delegation caused by the advancement of alternates these vacancies will be filled upon nomination by the Chairman of the Delegation and ratified by the

delegates at a caucus of the delegates at the National Convention, duly called for that purpose, by the Chairman of the Delegation.

Section 7. The ratification of delegates and alternates to the National Convention nominated in accordance with Article VI., Sec. 6 of the By-Laws, shall take place no later than the second day of the annual Department Convention.

Section 8. Any resolution which it is proposed to submit to the Department Convention, shall, if after passage, be binding as American Legion policy upon the Department or its constituent Posts, be presented in writing to the Department Executive Committee at least sixty (60) days before the opening of the convention and the Department Adjutant shall transmit a copy to each post at least thirty (30) days prior to such convention.

## ARTICLE VIII

### Finance

Section 1. The Department Finance Committee shall submit an Annual Budget to the Department Executive Committee for approval prior to the commencement of the Fiscal Year. The Annual Budget shall specify authorized expenditures by category. The Annual Budget, once approved, shall grant authority to commit or expend money within a given category to the person having authority over the specific category of expense (i.e., the Department Adjutant controls expenditures of the Office of the Adjutant). The Department Executive Committee shall retain authority to approve any expenditure of money more than that budgeted, or for such unbudgeted expenses as may arise. All motions proposing unbudgeted disbursements in excess of \$2000.00 shall be referred, without discussion, to the Department Finance Commission for consideration, which shall thereafter submit its recommendation to the Department Executive Committee for action as appropriate. The Department Executive Committee shall retain authority to authorize less significant unbudgeted expenditures without reference to the Department Finance Committee, as it may deem appropriate. The Department Executive Committee may also grant authority to the Department Treasurer to authorize unbudgeted expenditures up to \$500.00 dollars in the interim between meetings. The Finance Commission shall include therein appropriation providing for expenses of delegates to the National Convention.

Section 2. The financial records of the Department shall be examined annually by a firm of Certified Public Accountants selected by the Department Finance Commission as follows:

2a. A Review (as defined by the Federal Accounting Standards Board) of the department financial records shall be conducted annually, except that;

2b. An Audit (as defined by the Federal Accounting Standards Board) of the department financial records shall instead be conducted every eight years, or at the conclusion of any Fiscal Year during which there has been a change in the person holding the office of Department Treasurer, and;

2c. An Audit (as defined by the Federal Accounting Standards Board) of the department financial records shall be conducted at the conclusion of any Fiscal Year during which the gross revenue of the department exceeds the amount specified in the Connecticut



All examinations shall be of the records of the Fiscal Year from October 1 to September 30. A report of the results of the examination shall be made to the Department Executive Committee at the next regularly scheduled meeting following completion.

Section 3. The Department Executive Committee, should it deem advisable, shall order a special detail of Commander, Judge Advocate and Treasurer to investigate the membership rolls and financial statement of the delinquent Post for the purpose of determining only the correctness of monies due and owing the Department of Connecticut. However, nothing herein shall constitute as requiring the Department of Connecticut to assume any financial responsibility of any Post.

Section 4. All monies collected to promote and finance the annual Department Convention of the American Legion shall be set aside into a separate fund to be known as the Department Convention Fund. Said fund shall remain in the custody of the Department Treasurer who shall keep accounts and report thereon to the Department Executive Committee annually and at such other periods as may be directed by the Department Convention Committee, the Department Finance Commission or Department Executive Committee. The Department Treasurer shall pay out of such funds, all bills legally incurred in connection with annual Department Conventions when such bills are in order and in accordance with the budget recommended by the Department Convention Committee as approved by the Department Executive Committee. When all bills have been paid at the close of each convention, the unexpended portion of the fund, in excess of \$500.00 shall automatically revert to the general fund of the Department for such disposition as the Department Finance Commission may recommend. If at any time in the future there is no need for a Department Convention fund, such excess as then remains in such fund shall revert to the general fund of the Department. Nothing in these sections is to be interpreted as conducting an annual Department Convention in excess of the amount specifically authorized in the budget as recommended by the Department Convention Committee and as approved by the Department Executive Committee and as specifically authorized herein.

## **ARTICLE IX**

### **Discipline**

Section 1. Members of The American Legion may be expelled or suspended only upon a proper showing of cause, as follows:

- a. Disloyalty to the United States or The American Legion
- b. The advocacy of or membership in any organization advocating un-American principles including anarchy, communism or other forms of radicalism which are contrary to those of the American Legion.
- c. Dishonesty.
- d. Neglect of duty.

e. Conduct unbecoming a member of The American Legion

Section 2. All charges must be made in writing and under oath by a member of this Department in good standing and lodged with the Commander of the Posts wherein the accused is a member. Said Commander shall thereupon notify the accused person by certified mail, directed to their last known place of abode, or by giving the accused a true copy of the charges placed against them, and notifying them of the time and place of the hearing upon said charges; the time of said hearing to be not less than five days subsequent to the time said registered letter was mailed, and not more than thirty days, both days exclusive; and the place of said hearing to be the usual meeting place of the Post, except at the discretion of the Commander, who may, for cause, order the said hearing to be held in some other place, but in no event shall said hearing be held more than fifteen miles from the usual meeting place of said Post; and the accused shall be entitled to the benefit of counsel.

Section 3. Whenever charges shall be lodged as above set forth, the Commander of the Post shall at once cause written notice to be given to every member in good standing of the Post, at least five days prior to the date of said hearing, both days exclusive, said notice to contain the name of the person accused, a brief statement of the accusation and the time and place of the hearing.

Section 4. At the hearing upon charges, the Commander of the Post shall act as presiding magistrate, shall read the charges to the accused, and maintain order during the proceedings. He shall swear all witnesses with the usual oath or affirmation, and permit the accused and/or their counsel to be fully heard.

Section 5. A two-thirds vote of the members present and voting shall be necessary for the expulsion or suspension of the accused. Upon a vote of expulsion or suspension, the accused may be permitted to appear no later than at the second successive meeting of the Department Executive Committee in which committee two-thirds vote of the members present and voting shall be necessary to reverse the action of the Post.

Section 6. The accused shall be allowed a further appeal to the next Department Convention but no further appeal shall be allowed. A majority vote of the duly qualified delegates present and voting at the Department Convention shall be necessary to confirm the action of the Post and the Department Executive Committee.

In all cases where a member is expelled or suspended by a Post, their name, together with a copy of the action taken and the reasons therefore and the exact procedures followed, shall be sent to the Department Headquarters; in the event that the expelled or suspended member does not appeal to the Department Executive Committee and in turn, if necessary, to the next Department Convention, said expulsion or suspension must be confirmed by a two-thirds vote of the members present and voting of the Department Executive Committee where upon Department Headquarters shall in turn notify each Post within the Department of the action taken. Should an expelled or suspended member appeal to the Department Executive Committee and should said Committee sustain the action of the Post, said member, in the event of appeal to the next Department Convention must notify the Department Adjutant in writing before the next regular meeting of the Department Executive Committee of their intention to appeal; otherwise the action of the Department Executive Committee shall stand.

Section 7. Complaints against Department or District officers must be made in writing and under oath by a member of this Department in good standing and lodged with the Department Adjutant to be recorded and received. The Department Adjutant will forward to the Department Commander and Internal Affairs Chairman for review and action with guidance from the Department Judge Advocate if necessary.

Section 8. If it is determined that an investigation is warranted, hearings with all parties involved will be held within fourteen (14) days with Internal Affairs and or the Judge Advocate. Both the accused and the complainant will provide notarized witness statements comprised of firsthand knowledge if available.

Section 9. At the end of the investigation with direction from the Judge Advocate, a course of action will be determined and a letter will be sent to all parties involved stating ONLY the findings. The Department Commander will be notified if further action is needed and depending on when the findings are released may call a special DEC meeting to make their recommendations. The DEC will at that time decide what action to be taken.

## **ARTICLE X**

These By-laws may be amended by a majority vote of a Department Convention or by a two-thirds vote of any meeting of the Department Executive Committee providing each member of the Department Executive Committee is notified in writing of the proposed change at least fifteen (15) days prior to said meeting.

## **ARTICLE XI**

The power to confer the title of Honorary Past Department Commander by either the Department Convention or the Department Executive Committee is hereby revoked and terminated.

## **ARTICLE XII**

### **Roberts Rules of Order**

All proceedings of the Department shall be conducted under and pursuant to, Robert's Rules of Order, revised except as herein otherwise provided.

## ARTICLE XIII

### Department Boys State Corporation

Section 1. This Department authorizes and recognizes a corporation to be known as “The American Legion Boys State, Incorporated”.

Section 2. The by-laws of this corporation adopted and approved by the Department Executive Committee June 1, 1955 are approved, subject to amendment as provided in Section 3 of this article. The corporation may adopt rules and regulations not inconsistent with its by-laws.

Section 3. Review of the activities of this corporation and the amendment of its by-laws shall be undertaken and accepted in the same manner as the amendment of the Department By-laws.

Section 4. Report of the activities of this corporation shall be delivered at the Department Executive Committee meeting as provided in the *Organization and Purpose of Department Commissions and Committees* handbook.