



### **STATEMENT OF CERTIFICATION**

I, Autrey James, Department Judge Advocate of THE AMERICAN LEGION Department of California, certify that the following is a true and accurate depiction of the official Constitution and By-Laws of THE AMERICAN LEGION Department of California.

I further certify that this copy reflects the latest changes and amendments as authorized by delegates to the 99<sup>th</sup> Annual Convention of THE AMERICAN LEGION Department of California on June 23-25 2017, in Ontario, California.

The amendments authorized by Convention action, as per Article XIX Section 4 of the By-Laws of the Department of California, have been corrected.

Dated this 25<sup>th</sup> day of June, 2017, at Riverside, California

---

DEPARTMENT JUDGE ADVOCATE  
DEPARTMENT OF CALIFORNIA

**ARTICLES OF INCORPORATION  
OF  
THE AMERICAN LEGION  
DEPARTMENT OF CALIFORNIA**

THE AMERICAN LEGION, Department of California, is an Association made up of constituent Members and subordinate bodies called Posts, has a periodical Convention and general assemblage of Delegates, operates on the Federation Plan, has no fixed place for the meeting of such Convention of Delegates and determines the place, or places, from time to time, through its rules and customs of holding such Conventions and in accordance with its present Constitution and/or Bylaws, selects Officers and an Executive Committee, which Executive Committee transacts the business of such Association, during the period between such annual Conventions; meetings of such Executive Committee are called for that purpose and are presided over by the Department Commander who acts as Chair thereof and the Department Adjutant who acts in the capacity of Secretary.

On the 15<sup>th</sup> day of August, 1928, at the City of Stockton, in the State of California, the Executive Committee of said Department of California met in regular session pursuant to the call duly and regularly made by the Department Commander and the Department Adjutant in accordance with its present Constitution and/or Bylaws, at which meeting there was a quorum present and voting in accordance with the existing Constitution and/or Bylaws of said Association. It was determined by said assemblage by vote of the necessary number of Members according to said Constitution and/or Bylaws, THE AMERICAN LEGION, Department of California, is desirous of forming a Corporation under the provisions of Division 1, Part 4, Title 12, of the Civil Code of the State of California, and thereupon by resolution duly and regularly presented and passed by said assemblage in accordance with the provisions of the Constitution and/or Bylaws of said Association, recommended to the State Convention of the Department of California in regular annual session at the City of Stockton, California, on the 15<sup>th</sup> day of August, 1928, which Convention was duly and regularly called and assembled, the adoption of Articles of Incorporation and thereupon by resolution duly and regularly presented and passed by said Convention in accordance with the Constitution and/or Bylaws of THE AMERICAN LEGION, Department of California, the following were adopted as Articles of Incorporation of said Association.

## **ARTICLE I**

The name of this corporation shall be **THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA.**

## **ARTICLE II**

By the preamble to the existing Constitution of said Association, a declaration of principles is made which is now hereby incorporated and made a part of these Articles, as follows:

### **PREAMBLE TO CONSTITUTION**

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 the Great 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 III**

The purposes for which this Corporation is formed are, generally, to carry out the principles as set forth in Article II hereof and to cooperate with THE AMERICAN LEGION, a National Corporation, formed conformably to the Act of Congress of the United States of America, under date of September 16, 1919, and in pursuance to said general purposes, to create a spirit of fraternity among its Members and the association of those who are qualified to membership in accordance with the provisions of the Constitution and/or Bylaws of THE AMERICAN LEGION and for such purposes to buy, own, lease or otherwise acquire real and personal property and to sell, convey in trust, mortgage, lease, let, hire, deed, convey, hypothecate or otherwise dispose of the same and to do and transact such business as is permitted by the provisions of Division 1, Part 4, Title 12, of the Civil Code of the State of California.

#### ARTICLE IV

The place where the business of the Corporation is to be transacted between the dates of the annual Convention of this Corporation, shall be at the City of San Francisco in the State of California, provided; however, that the Directors or Executive Committee hereinafter provided for may from time to time, in a manner to be provided for by the Bylaws change the place of transaction of such business temporarily, but the records of this Corporation shall be kept and maintained at said City of San Francisco, provided further, that the Annual Convention of THE AMERICAN LEGION, Department of California, shall be held at such times and at such places as may be determined in accordance with the Constitution and/or Bylaws of this Corporation.

#### ARTICLE V

The affairs of this Corporation shall be conducted by a Board of Directors consisting of thirty-two (32) Members, which shall be known as the Executive Committee of THE AMERICAN LEGION, Department of California. Said Executive Committee, until the meeting of the Convention of said Department in San Diego, California, 1929, shall comprise the following membership:

Frank N. Belgrano, Jr.	San Francisco
Robert Gardine	Placerville
Art L. Young	Oakland
Kenneth Premo	Porterville
Charles W. Wright	Santa Paula
Charles Nice	Brawley
Mrs. Billie Schank	Hollywood
James K. Fisk	Berkeley
Phil Dodson	South Pasadena
John R. Quinn	Los Angeles
Thomas Williams	Ukiah
John H. Young	Dunsmuir
Ben V. Curler	Susanville
H. I. Doty	Colusa
James Maher	Napa

E. G. Funke	Sacramento
William D. Finn	San Francisco
Allison E. Schofield	San Francisco
D. W. Pierson	Hayward
Thomas M. Robinson	Berkeley
E. F. Graffigna	Lodi
Fred L. Adams	Modesto
Herbert Sutton	Hollister
C. D. Willis	Lemoore
Clarence McCormick	Dinuba
William S. Main	Goleta
Van Hogan	Los Angeles
Ralph W. Stewart	Sierra Madre
C. C. McGonegal	Bell
Wright Hubbard	Owensmouth
H. J. Caldwell	Ontario
Carl A. Jacobson	Brawley

Thereafter the members of said Executive Committee shall be elected in the manner and for the term prescribed by the Bylaws and Constitution of THE AMERICAN LEGION, Department of California.

The foregoing Members of the Executive Committee constituting the Board of Directors were duly chosen in accordance with the Constitution and/or Bylaws at the Convention; held at Stockton, California, as herein before recited in the preamble hereto. Such additional and other Officers may be provided for in the Bylaws and Constitution and shall include a Department Commander who shall act as Chair of the Board of Directors or Executive Committee, and Department Adjutant who shall act as and perform the duties of Secretary of the Board of Directors or Executive Committee. The Bylaws and Constitution shall prescribe the duties of each and all of the Officers of this Corporation and may fix their compensation.

## **ARTICLE VI**

Bylaws and a Constitution may be adopted and their alteration, change, or amendment provided for in the manner therein to be set forth respectively and the Bylaws and Constitution heretofore adopted and now in force and effect shall be and constitute the Bylaws and Constitution of this Corporation, until changed or amended as therein provided.

## **ARTICLE VII**

Members of this Corporation shall be those now included in the membership of THE AMERICAN LEGION, Department of California and such additional and other Members as may herein after be admitted in accordance with the Constitution and/or Bylaws of said Department of California. Voting on the affairs of the Corporation shall be by Delegates selected in a manner provided by the Constitution and/or Bylaws.

## **ARTICLE VIII**

This Corporation shall exist for the period of Fifty (50) years from the date hereof and such further time as may be determined according to law.

## **ARTICLE IX**

Individual Posts, duly chartered and existing under the Constitution and/or Bylaws of the Department, may incorporate for the purpose of better enabling them to carry on their purposes and functions; provided, that in the Articles of Incorporation, in addition to the name "American Legion" there is given the name of the said Post Corporation distinguishing it from THE AMERICAN LEGION, Department of California, and when so incorporated, said individual Posts may hold and own property in their own names and carry on their corporate affairs separately and distinct from this Corporation; provided however that nothing herein shall be construed so as to permit any Post, the Charter of which may have been granted by the State Department and thereafter revoked, from continuing to function as a Post within THE AMERICAN LEGION, Department of California, nor shall its members be entitled to the use of the emblem or insignia or any privileges of membership in THE AMERICAN LEGION, Department of California, or THE AMERICAN LEGION, the National Organization, unless such Member shall thereafter lawfully become a Member of some regularly organized and existing Post in good standing.

**ARTICLE X**

This Corporation shall adopt a seal the form thereof to be prescribed by its Constitution and/or Bylaws.

IN WITNESS WHEREOF, the Presiding Officer and the Adjutant who performs the duties of Secretary of such Association who were present and taking part in the meeting at which these Articles were adopted have pursuant to direction of said Convention hereunto subscribed the same this 27<sup>th</sup> day of September, 1928.

FRANK N. BELGRANO, JR.  
Department Commander,  
Presiding Officer.

JAMES K. FISK  
Department Adjutant,  
Acting Secretary.

STATE OF CALIFORNIA  
ss.  
County of Sacramento

On the 27<sup>th</sup> day of September, 1928, before me a Notary Public in and for said County and State, personally appeared Frank N. Belgrano, Jr. and James K. Fisk, known to me to be the persons who executed the within and foregoing instrument and acknowledged to me that they executed the same.

[SEAL]

AMY B. WARNER  
Notary Public in and for  
said County and State.  
STATE OF CALIFORNIA  
ss.  
County of Sacramento

Frank N. Belgrano, Jr. and James K. Fisk, being first duly sworn upon their oaths each for himself and not one for the other, both depose and say:

That he subscribed and acknowledged the foregoing Articles of Incorporation, by authority of THE AMERICAN LEGION, Department of California.

The said Articles of Incorporation were duly adopted at a regular Convention of Delegates duly and regularly elected of the Department of California, held in Stockton, California, on the 15<sup>th</sup> day of August, 1928. That said Convention of Delegates is the legislative body of THE AMERICAN LEGION, Department of California and that the proceedings had at said meeting were in accordance with the Bylaws and Constitution of said Department and that the statements contained in the foregoing Articles and in the Preamble thereto are true to the best of their knowledge, information, and belief.

/s/ FRANK N. BELGRANO, JR.

/s/ JAMES K. FISK

Subscribed and sworn to before me, AMY B. WARNER, a Notary Public in and for the County of Sacramento, State of California this 27<sup>th</sup> day of September, 1928.

[SEAL]

AMY B. WARNER

Notary Public in and for the

Said County and State

State OF CALIFORNIA

DEPARTMENT OF STATE

My commission expires August 28, 1932.

I, FRANK C. JORDAN, Secretary of State of the State of California, do hereby certify that I have carefully compared the transcript, to which this certificate is attached, with the record on file in my office of which it purports to be a copy, and that the same is full, true and correct copy thereof. I further certify this authentication is in due form and by the proper Officer.

IN WITNESS WHEREOF, I have hereunto set  
[SEAL] my hand and have caused the Great Seal  
of the State of California to be affixed  
hereto this 27<sup>th</sup> day of September, A. D. 1928  
/s/ FRANK C. JORDAN  
Secretary of State  
By FRANK H. CORY, Deputy.

## **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 per cent Americanism; to preserve the memories and incidents of our associations in the Great 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 goodwill 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.

## **BYLAWS OF THE AMERICAN LEGION DEPARTMENT OF CALIFORNIA (Updated June, 2008)**

### **ARTICLE I**

#### **Headquarters**

Permanent headquarters of THE AMERICAN LEGION, Department of California, shall be at Sanger, California or such city as designated by the Annual Convention of the Department or the Department Executive Committee.

### **ARTICLE II**

#### **Nature**

**Section 1.** THE AMERICAN LEGION 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 his military title in any Convention or meeting of THE AMERICAN LEGION.

**Section 2.** THE AMERICAN LEGION shall be absolutely nonpolitical 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.** Each Member shall perform his full duty as a citizen.

### **ARTICLE III**

#### **Eligibility and Membership**

**Section 1.** The eligibility for membership in THE AMERICAN LEGION shall be those dates and conditions set forth in Article IV, Section 1, of the National Constitution of THE AMERICAN LEGION as amended.

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

**Section 3.** No person may be a Member at any time of more than one Post.

**Section 4.** All candidates for membership into THE AMERICAN LEGION shall be voted upon by the membership of the Post at a regular meeting. A majority vote of those present and voting shall elect or reject a candidate.

**Section 5.** 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/she may then appeal to the Department Executive Committee for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

**Section 6.** No transfer can be made unless the applicant has paid National and Department per-capita tax for current year and the Post dues for the current period.

**Section 7.** No charges shall be made to applicant for the transfer. No dues shall be transferred with the applicant. Posts accepting the applicant shall give credit for dues already paid.

**Section 8.** No Member of THE AMERICAN LEGION in good standing shall be excluded or denied membership because of race, creed, or color in any group affiliated with THE AMERICAN LEGION that used the prestige, name, or emblem of THE AMERICAN LEGION.

## **ARTICLE IV**

### **Officers**

**Section 1.** The elected Officers of this organization shall be the Commander, six (6) Vice Commanders and Sergeant-at-Arms. The appointed Officers shall be the Adjutant, Judge Advocate, Chaplain, Historian, Parliamentarian and Service Officer. Six (6) of the Vice Commanders to represent the six (6) Areas of the Department, as set forth in Article VII, no two (2) from the same area.

### **Section 2. DEPARTMENT COMMANDER**

The Department Commander shall be the executive head of THE AMERICAN LEGION, Department of California, with full power to enforce the provisions of the Department Bylaws and the mandates of the Department Convention. He/she shall be the Chair of the Department Convention and the Department Executive Committee, and shall perform such other duties as are usually incident to the office. All orders for travel and the necessary expenses therewith connected shall bear the signature of the Department Commander.

### **Section 3. DEPARTMENT VICE-COMMANDERS**

The Department Vice-Commanders shall act as representatives of the Department Commander on all matters referred to them by him/her, and shall on his/her request preside over the meetings of the Department Convention or Department Executive Committee and perform such duties as are usually incident to the office. Each Department Vice-Commander may appoint an Adjutant, Chaplain, Sergeant-at-Arms and such other assistants as may be deemed necessary to assist in the performance of his/her duties.

The Department Vice-Commanders shall at all times be available for conference with the District Commanders of the Districts of their respective Areas, and shall lend assistance for coordination of their work of THE AMERICAN LEGION in their respective Areas.

#### Section 4. DEPARTMENT ADJUTANT

a. The Department Adjutant shall be charged with the administration of the policies and mandates of the Department Convention, the Department Executive Committee and of the Department Commander.

b. The Adjutant shall perform such other duties as are usually incident to the office. He/she shall keep a record of all meetings of the Department Convention and of the Executive Committee, and of the Advisory Council, and prepare the same for permanent record in a book for that purpose, and shall at each regular meeting at the direction of the Department Commander read the minutes of the previous meeting, and make such corrections as may be allowed.

c. The Adjutant shall under direction of the Department Commander, cause notice to be given of all meetings. He/she shall further keep a record of all Posts in the State, and shall obtain from such local Posts a complete record of the personnel of such Posts.

d. The Adjutant shall receive from the local Posts, all annual per capita tax and assessments that may be levied upon such Posts, and shall keep a record of all receipts of such money, and shall record in a book kept for that purpose, the amount of such expenditure and the purpose for which used and shall execute a voucher for the same. Subject to the direction and control of the Department Commander. 

e. The Adjutant shall have general charge of all paid personnel of the Department. The Adjutant shall also be authorized in the event of the death or resignation of the Department Commander to summon the Department Executive Committee for the election of his/her successor.

f. The Adjutant shall further render to the members of the Department Executive Committee such reports as may be prescribed by the Committee, and shall at all times keep all record books in readiness for the auditing of his/her accounts. Prior to his/her assuming the duties as such Officer.

g. The Department Adjutant shall first execute and deliver to the Department Executive Committee for their approval and acceptance, a surety bond in the penal sum of at least one hundred thousand dollars (\$100,000), or as prescribed by two thirds vote of the Department Executive Committee, payable to: THE AMERICAN LEGION, Department of California, for the faithful performance of his/her duties as such Officer, the premium of the bond to be paid out of the treasury of the Department.

#### **Section 5. DEPARTMENT JUDGE ADVOCATE**

The Department Judge Advocate shall provide information to the Department Officers and the Department Executive Committee on all legal matters, including the construction and interpretation of the Department Bylaws and the National Constitution and Bylaws. The Judge Advocate shall be responsible for reviewing the content of all Department contracts which obligate the Department in excess of two thousand five hundred dollars (\$2,500.00), including those of Commissions and Committees, prior to their being signed and shall perform such other duties as are usually incident to the office.

#### **Section 6. DEPARTMENT HISTORIAN**

The Department Historian shall collect from year to year all records and data of value and interest for the Department Headquarters of THE AMERICAN LEGION, and shall compile during their term of office, a complete history of the year's activities.

The Historian shall also assist District and Post Historians so as to coordinate and unify the work of these Officials, and shall have such other duties as the Department Executive Committee shall prescribe.

#### **Section 7. CHAPLAIN and SERGEANT-AT-ARMS**

The duties of the Chaplain and Sergeant-at-Arms shall be such as are usually prescribed for such Officers at the Department Convention and at the Executive Committee meeting.

## **Section 8. SERVICE OFFICER**

The Department Service Officer shall be responsible for supervising the operation and staffs of the Department Service Offices in ~~San Francisco~~, Oakland, Los Angeles and San Diego, and such other cities as may be designated and to perform such additional duties as are assigned.

## **Section 9. PARLIAMENTARIAN**

The Department Parliamentarian shall act as advisor to the Department Commander, Department Executive Committee and members of The American Legion Department of California on matters regarding parliamentary procedures, and shall perform such additional duties as are usually incident to the office.

## **Section 10. DEPARTMENT JUNIOR PAST COMMANDER**

The Department Past Commander shall act as liaison for the Department Commander to the department commissions and committees and shall serve on the Department Commanders advisory committee. The Department Junior Past Commander and Past Commanders may wear the white garrison cap at funeral services and memorial services of past Department Commanders or present department officers.

# **ARTICLE V**

## **Organization – Post**

**Section 1.** The local unit shall be termed the “Post”, which must have a minimum of fifteen (15), ten (10) of whom must not be Members of THE AMERICAN LEGION at the time of signing the application for the Charter, and five (5) of which may be, at the time of the signing of the application for the Charter, Members of THE AMERICAN LEGION, provided, however, that each person signing the application for the Charter who is at the time of the signing of the application a Member of THE AMERICAN LEGION, shall at the time they sign, affix to the application a statement from the Post of which he/she is then a Member permitting them to sign such application, which statement shall further provide that upon the acceptance of the application for a Charter, and the issuance of the temporary Charter to the new Post the said person is automatically transferred from the Post of which he/she is then a Member to the new Post. Such transfer however, being subject to any other regulations or rules concerning transfer of Members.

**Section 2.** A group desiring a Charter shall apply to the Department of California upon prescribed forms. A temporary Charter may be issued to a Post before a permanent Charter is issued. During the time that the temporary Charter is in effect and prior to issuance of a permanent Charter, the Department Executive Committee may revoke the temporary Charter and upon such revocation of the temporary Charter no permanent Charter shall ever be issued to such Post.

**Section 3.** No Post shall be named after any living person. The Department Executive Committee is hereby empowered to refuse a Charter to any Post having a name, which may in the opinion of said Committee, be derogatory to the best interests of THE AMERICAN LEGION and no existing Post shall hereafter adopt a new name without obtaining the approval of said Committee.

**Section 4.** Each Post shall meet at least once each month during no less than ten (10) months of each year, and a quorum shall be fixed at not less than five (5) members.

**Section 5.** No special meeting shall be held by a Post unless notice be mailed to each member at least five (5) days prior to the time of holding the meeting, giving the time and place of the meeting and the matter to be considered.

**Section 6.** The Officers of the local Post shall include the following: Commander, First Vice-Commander, Second Vice-Commander, Adjutant, Finance Officer, Chaplain, Historian, Judge Advocate, Service Officer, and Sergeant-at-Arms. The Post may also have a Third Vice-Commander, an Assistant Adjutant, and an Assistant Sergeant-at-Arms.

**Section 7.** The Commander and Vice-Commanders shall be elected Officers and may not hold any other offices in the Post. The other officers may be elected by the membership or appointed by the Post Commander, and ratified by the executive committee or the membership in accordance with the post bylaws. Any other officer may hold two (2) or more appointed offices.

**Section 8.** The office of Finance Officer and any other offices and/or positions charged by the Post Constitution and/or Bylaws, with the responsibility of handling Post funds shall be bonded under a blanket bond, at the actual cost incurred by Department Headquarters, to be purchased from Department Headquarters and billed to the respective Posts at cost.

**Section 9.** Post elections shall be held annually, at a regular meeting during either April, or May. Elective and appointed officers will serve for one year and shall be impressively installed preferably by a ritual team *or a Past Commander*, in accordance with the prevailing National Manual of Ceremonies, prior to the first (1<sup>st</sup>) day of September of that year. Appointed Officers shall have a term of office not to exceed one (1) year in office and elective Committee Members shall have a term of office not to exceed three (3) years.

**Section 10.** Nomination for Post elective positions shall be made at regular meetings only, notice of which shall be given at the previous regular meeting. The Post may require that written notice of the nominations meeting shall be sent to each Member at least five (5) days prior to nomination meeting.

**Section 11.** All elections *for opposed positions* shall be by written secret ballot and a majority of all votes cast shall be required for the election of the Commander and Vice-Commanders. The other elective Officers and the Executive Committee of the Post, if any, may be elected by a plurality vote as the Post may determine. Secret ballots shall be retained after the election for 30 days by the Post Adjutant.

**Section 12.** The Post Certification of Officers and District Committee assignment form shall be submitted to the Department Adjutant through the District Commander before July 15 of each year. Posts failing to submit the forms on a timely basis will be placed on probation by the Department Executive Committee.

**Section 13.** The Post may provide in its Constitution and/or Bylaws that in the event that any Post Officer or Member of the Post Executive Committee shall be absent for three (3) consecutive meetings of the Post or of the Executive Committee, without being excused by the Post, Commander or Executive Committee, such office may be declared vacant by a majority vote of those present and voting at a regular Post meeting held after a written notice to all Members that such vote will be taken. The vacancy so created shall be filled by election or appointment as the same was originally filled.

**Section 14.** Each Post in its Constitution and/or Bylaws shall provide for the filling of any vacancy in any elective office.

**Section 15.** Each Post shall pay annually to the Department of California, the bill for the bond of its Officers and such per capita tax as will be levied by each Department Convention, plus whatever National per capita tax the National Organization may have levied. Posts will pay the State and National per capita tax in full for the year out of the first (1<sup>st</sup>) money received from its Members on or before the tenth (10<sup>th</sup>) of the month following its receipt.

**Section 16.** Each Post shall keep books of account *using standard accounting practices*, and shall cause said books to be examined by a *reputable book keeper*, certified public accountant or a committee of three (3) competent persons, none of whom shall be the Commander, Adjutant, Finance Office or any other person charged with the responsibility of handling Post funds. 

**Section 17.** The Certification of Accounts along with an annual Income and Expense report shall be submitted through the District Commander and Adjutant to the Department Adjutant. Post with gross annual revenues of fifty thousand dollars (\$50,000) shall have their books examined by a reputable bookkeeper or certified public accountant and attach a copy of their report to the Certification of books to be sent to the Department Adjutant.

**Section 18.** Such examination shall be made *by October 1<sup>st</sup>*, and for the period of the immediate preceding fiscal year of the Post. Said fiscal year shall be determined by the Post. Each Post shall certify to the Department Adjutant prior to *November 15th* each year that such an examination has been made and file the original thereof with the Department Adjutant before the said date, with a copy thereof to the District Commander *or Adjutant* of the District of said Post.

**Section 19.** The Department Executive Committee at the next DEC, shall place on probation any post that fails to submit the required certification of books and financial reports in compliance with these bylaws.

**Section 20.** The Department Commander, Department Executive Committee, District Commander, Post Commander, or the Post Executive Committee, may order an audit of the books of account at such other times during the current year as may be deemed advisable. Failure of the Post to meet any of the requirements of this within said times or any general or special extension thereof shall be deemed a delinquent and the Delegates of such Post shall not be entitled to be accredited at the Department Convention. Delinquent post shall be placed on probation by the Department Executive Committee. The certification to the Department Adjutant and the examination may be put on forms furnished by the Department Adjutant's office.

**Section 21.** The Department Constitution and Bylaws Commission shall approve a model Constitution and/or Bylaws for Posts, which shall be adopted, or modified and adopted by the respective Posts. No modifications or subsequent amendments shall be inconsistent in any particular, with the Constitution and/or Bylaws of THE AMERICAN LEGION and of THE AMERICAN LEGION, Department of California.

**Section 22.** Proposed amendments must be submitted in writing at a regular meeting of the Post and read thereat. At the next regular meeting or, if postponed, at a subsequent regular meeting, the proposed amendment may be adopted by a two-thirds (2/3) affirmative vote of those present and voting. The Post may also require that no amendment be adopted unless notice be mailed to each Member, giving notice that an amendment will be presented for adoption and stating the time and place of the meeting. Time for the giving of such notice shall be determined by the Post, but in no event shall such time be less than five (5) days provided however that after the adjournment of any National or Department Convention, the Constitution and/or Bylaws of each Post shall stand amended to comply with all amendments, if any, adopted by either of said Conventions. Failure of the Post to so amend its Constitution and/or Bylaws shall not delay or modify the effect of such mandatory changes.

**Section 23.** Each Post shall, prior to receiving a permanent Charter, adopt a Constitution and/or Bylaws, and submit the same to the Department Constitution and Bylaws Commission, and any Post which shall not adopt a Constitution and/or Bylaws and submit the same to the Department Constitution and Bylaws Commission within ninety (90) days after the granting of its temporary Charter shall automatically forfeit the same. No such Constitution and/or Bylaws shall conflict with the adopted policy or the Constitution and/or Bylaws of THE AMERICAN LEGION or THE AMERICAN LEGION, Department of California.

**Section 24.** All amendments to Post Constitution and/or Bylaws hereafter adopted shall likewise be submitted to the Department Constitution and Bylaws Commission. No original Constitution and/or Bylaws amendment thereto shall be in final force and effect until approved by the Department Constitution and Bylaws Commission but shall be temporarily enforced pending action thereon if not in conflict with the adopted policy or the Constitution and/or Bylaws of THE AMERICAN LEGION or THE AMERICAN LEGION, Department of California.

**Section 25.** Every Post in the Department shall upon request of the Department Constitution and Bylaws Commission within ninety (90) days after the National Convention has adjourned, submit to the Department Constitution and Bylaws Commission its Constitution and/or Bylaws, as the case may be, and must make such revisions as are required by the Constitution and Bylaws of THE AMERICAN LEGION, or the Bylaws of THE AMERICAN LEGION, Department of California.

**Section 26.** The Department Constitution and Bylaws Commission may permit each Post to certify to the Department Adjutant that it has an existing Constitution and/or Bylaws that have been approved by the Department Constitution and Bylaws Commission and that the same have been amended to conform to all changes in the adopted policy or the Constitution and/or Bylaws of THE AMERICAN LEGION or THE AMERICAN LEGION, Department of California.

**Section 27.** The Department Constitution and Bylaws Commission annually at the meeting of the Department Executive Committee immediately preceding the Department Convention shall report to the Department Executive Committee the list of Posts which have failed to comply with the provisions of Section 16, Article V, of the Department Bylaws, and the Department Adjutant from such report shall notify the Convention Credentials Committee that the Delegates of the Post so listed are not entitled to be accredited with the Department Convention until each such Post shall have complied with the provisions of said section.

**Section 28.** Any person, group, organization, body or corporation which used as any part of its name, the name of a Post of THE AMERICAN LEGION, Department of California or any of its programs, and/or holds, retains, owns or controls all or any part of the physical assets, properties or facilities of such Post shall as a prerequisite to the use of such name require that the governing body of such person, group, organization, body or corporation be elected by the membership of the Post involved, and that not less than one-third (1/3) of such governing body shall be elected in each Legion year.

## ARTICLE VI

### Districts

**Section 1.** The following Districts are hereby created:

- District No. 1:** Del Norte, Humboldt and Mendocino Counties.
- District No. 2:** Siskiyou, Trinity and Shasta Counties.
- District No. 3:** Modoc, Lassen, Sierra and Plumas Counties.
- District No. 4:** Yuba, Sutter, Colusa, Tehama, Butte and Glenn Counties.
- District No. 5:** Lake, Sonoma, Marin, Napa and Solano Counties.
- District No. 6:** Sacramento and Yolo Counties
- District No. 7:** El Dorado, Nevada and Placer Counties.
- District No. 8:** San Francisco County.
- District No. 9:** Contra Costa County.
- District No. 10:** Alameda County.
- District No. 11:** San Joaquin, Calaveras, Amador and Alpine Counties.
- District No. 12:** Stanislaus, Merced, Mariposa and Tuolumne Counties, and that portion of Madera County lying north of the Fresno River, except that portion within the city limits of the City of Madera that lies North of the Fresno River.
- District No. 13:** Santa Clara County.
- District No. 14:** Fresno and King Counties, and that portion of Madera County lying South of the Fresno River, and that portion within the city limits of Madera that lies North of the Fresno River.
- District No. 15:** Tulare County and that portion of Kern County lying North and West of the Tehachapi Divide, and that portion of Santa Barbara County known as Cuyama Valley.
- District No. 16:** Ventura and San Luis Obispo Counties in their entirety, and Santa Barbara County, except that portion of Santa Barbara County known as Cuyama Valley.
- District No. 17:** Los Angeles County.
- District No. 18:** Los Angeles County.
- District No. 19:** Los Angeles County.
- District No. 20:** Los Angeles County.
- District No. 21:** Riverside County.
- District No. 22:** San Diego County.
- District No. 23:** Los Angeles County.

**District No. 24:** Los Angeles County.

**District No. 25:** San Bernardino County.

**District No. 26:** San Mateo County.

**District No. 27:** Mono and Inyo Counties, and that portion of Kern County lying East of the Tehachapi Divide.

**District No. 28:** Santa Cruz, San Benito and Monterey Counties.

**District No. 29:** Orange County.

**District No. 30:** Imperial County.

**Section 2.** In any District for which there are no District Officers elected for the District as herein above comprised, the Department Commander shall call an election to be presided over by such person as he/she may designate, at which election each Post in such District shall cast the same number of votes as it had at the previous Department Convention.

**Section 3.** *The District Officers of each District shall be as follows: Commander, First Vice-Commander, Second Vice-Commander, Adjutant, Finance Officer, Judge Advocate, Chaplain, Sergeant-at-Arms, and Service Officer. Each District may have a Third Vice-Commander. The Commander and Vice-Commanders shall be elected. The Finance Officer may be elected or appointed, The Commander shall appoint the following: Adjutant, Judge Advocate, Chaplain, Sergeant-at-Arms, Service Officer, and other Officers as the District Constitution and/or Bylaws may provide.*

### **District Commanders**

**Section 4.** The District Commander is the official representative of the Department Commander and of the Department Vice-Commander in which his/her District is located, and is the Executive Officer of the District. It is the duty of the District Commander to at all times cooperate with the Officers of the Posts and the County Council in his/her District.

**Section 5.** It is the responsibility of the District Commander to obtain properly executed Certification of Post Officer Reports from the Posts within their District and to submit said Reports to the Department of California prior to the opening of the Fall Department Executive Committee Meeting. The Department Executive Committee shall place on probation any Post that does not submit a properly executed Certification of Post Officer Report prior to the opening of the Fall Department Executive Committee Meeting.

**Section 6.** It is the responsibility of the District Commander to obtain properly executed Consolidated Post Reports from the Posts within their District and to submit said Reports to the Department of California not later than twenty (20) days prior to the opening of the annual Department Convention. The Department Executive Committee shall place on probation any post the does not submit a properly executed Consolidated Post Report twenty (20) days prior to the opening of the annual Department Convention.

**Section 7.** Each Post in the District shall officially invite the District Commander to visit the Post at least once a year.

**Section 8.** The District Commander shall lend their best efforts to stimulate Legion growth; to encourage the amalgamation of weak Posts into a strong and representative Post, and to promote inter-Post activities and relations; to promote a spirit of cooperation among the Posts in his/her District for the development of the principles of THE AMERICAN LEGION.

#### **Duties of District Vice-Commanders**

**Section 9.** The District Vice-Commanders shall, in order of their rank, perform the duties of and have the powers of the District Commander when the latter Officer is unable to act or in the event of the removal, resignation or death of the District Commander. It shall be the duty of each District Vice-Commander to at all times cooperate with the District Commander and assist him/her in the performance of their duties.

#### **District Councils**

**Section 10.** In each District there shall be a District Council composed of the District Commander, First Vice-Commander and Second Vice-Commander and such Delegates as may be selected from each Post, the number to be determined by the respective Districts, provided, however, that at the annual meeting as fixed by Article IX, Section 15, of the Department Bylaws, each Post shall be represented by the Delegates accredited to the next following Department Convention.

**Section 11.** Delegates of the Posts to the District Councils of their respective Districts shall be elected or appointed as prescribed by the Constitution and/or Bylaws of their respective Districts and shall serve for the term of two (2) years. The respective Posts shall fill vacancies in their delegation representing the Post at the District Council Meeting in the same manner as Delegates are selected.

**Section 12.** Each District will have reserved thereto the right to formulate its rules of procedure with regard to matters concerning the respective Districts or dealing with representation, assessments or rules concerning voting in such Districts.

**Section 13.** In addition to the Annual Meeting prescribed in Article IX, Section 15, of the Department Bylaws, the Council shall hold such regular or special meetings as may be deemed necessary. No special meeting shall be held unless notice be mailed to each Post and its Delegates at least ten (10) days prior to the time of the holding of the meeting, giving the time and place of the meeting and the matter to be considered.

**Section 14.** Each District Council shall adopt a Constitution and/or Bylaws for the government of the business of the District but no such Constitution and/or Bylaws shall conflict with the adopted policy or the Constitution and/or Bylaws of THE AMERICAN LEGION or THE AMERICAN LEGION, Department of California.

**Section 15.** The District Council may provide in its Constitution and/or Bylaws that in the event that any District Officer shall be absent for two (2) consecutive meetings of the District Council without being excused by the Commander, the office which such District Officer occupies may be declared vacant by a majority vote at a regular District meeting of the Delegates present and voting after written notice to all the Posts that such vote will be taken and the vacancy so created shall be filled in accordance with the provisions of Article IX, Section 22, of these Bylaws.

**Section 16.** Each District Council in its Constitution and/or Bylaws shall provide for the filling of any vacancy in an elective office.

**Section 17.** This Article shall in no manner affect County Councils now existing or hereafter organized except where District and County are identical, in which case the County Council shall be superseded in authority by the District Council.

**Section 18.** Every District in the Department shall upon the request of the Department Constitution and By-Laws Commission within ninety (90) days after the National Convention has adjourned, submit to the Department Constitution and Bylaws Commission, its Constitution and/or Bylaws, as the case may be, and must make such revisions as are required by the Constitution and/or Bylaws of THE AMERICAN LEGION, or THE AMERICAN LEGION, Department of California. The Department Constitution and Bylaws Commission may permit each District to certify to the Department Adjutant that it has an existing Constitution and/or Bylaws that have been approved by the Department Constitution and Bylaws Commission and that the same have been amended to conform to all changes made necessary by the changes in the Constitution and/or Bylaws of THE AMERICAN LEGION, or THE AMERICAN LEGION, Department of California.

## **ARTICLE VII**

### **Areas**

There shall be six (6) Areas within the Department of California composed of the Districts as set forth herein:

**AREA ONE** – To consist of Districts Nos. 1, 2, 3, 4, 5, 6, 7 comprising the Counties of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Glenn, Butte, Sierra, Lake, Colusa, Sutter, Yuba, Nevada, Placer, El Dorado, Sonoma, Napa, Yolo, Marin, Solano, and Sacramento.

**AREA TWO** – To consist of Districts Nos. 8, 9, 10, 13, 26, and 28, comprising the Counties of San Francisco, Alameda, Contra Costa, San Mateo, Santa Clara, Santa Cruz, Monterey and San Benito.

**AREA THREE** – To consist of Districts Nos. 11, 12, 14, 15, and 27, comprising the Counties of San Joaquin, Calaveras, Amador, Alpine, Stanislaus, Tuolumne, Merced, Mariposa, Mono, Madera, Fresno, Kings, Tulare, Inyo and Kern, and a portion of Santa Barbara.

**AREA FOUR** – To consist of Districts Nos. 17, 19 and 23 being in the County of Los Angeles.

**AREA FIVE** – To consist of Districts Nos. 21, 22, 25, 29 and 30 comprising the Counties of San Bernardino, Orange, Riverside, San Diego and Imperial.

**AREA SIX** – To consist of Districts Nos. 16, 18, 20 and 24 comprising the Counties of Ventura, San Luis Obispo, and portions of Santa Barbara and Los Angeles Counties.

## **ARTICLE VIII**

### **County Councils**

**Section 1.** Upon the request in writing to the Department Commander of at least two-thirds (2/3) of the Posts in the County or Counties, representing at least two-thirds (2/3) of the paid up Members in the County or Counties, a County Council shall be organized. Membership in which shall be mandatory upon all Posts in the County or Counties.

**Section 2.** Within fifteen (15) days after receipt of such written request the Department Commander or his/her designated representative shall call a meeting of representatives of all Posts in such County or Counties to effect the organization of the County Council. Written notice of the meeting shall be given to all Posts thirty (30) days before the day set for the meeting. Representation of each Post at this meeting shall be determined on the same basis as its representation in the last Department Convention.

**Section 3.** The County Council shall have such powers as may be delegated to it by the Posts comprising it.

**Section 4.** The County Council shall have the authority to file charges against any member Post in accordance with the provisions of the Trial Manual of this Department as adopted and as the same may be amended from time to time *at the annual Department Convention...*

**Section 5.** The County Council shall have no powers not specifically herein granted, except such as may be contained in its Constitution and/or Bylaws, which it is hereby specifically authorized to prepare, approve and submit to the Posts within the County, and which shall become binding and effective upon ratification by two-thirds (2/3) of the Posts and membership in such County Council.

**Section 6.** At any time upon the request in writing of two-thirds (2/3) of the Posts in the County or Counties, representing at least two-thirds (2/3) of the paid Members in such County or Counties, the Department Commander shall dissolve the County Council of that County or Counties, and all debts and financial obligations of the Council remaining unsatisfied, at the time of the dissolution shall be debts of each Post in the County or Counties in proportion to each Post's membership and the net assets of the County Council, if any, shall be distributed among the member Posts in like proportion.

**Section 7.** No Constitution and/or Bylaws or any amendments thereto shall be in conflict with the adopted policy or the Constitution and/or Bylaws of THE AMERICAN LEGION or THE AMERICAN LEGION, Department of California.

**Section 8.** In each County Council there shall be such Delegates as may be selected from each Post to represent that Post in the County Council, the number to be determined by the respective County Councils.

## **ARTICLE IX**

### **Administration**

**Section 1.** The legislative and appropriate body of the organization shall be a Department Convention which shall be held annually. The time and place of such Convention shall be fixed by a vote of a preceding Convention, but may not grant any date beyond seven (7) years. In the event that a preceding Convention has not fixed a time and place for the holding of the next Convention, it shall be fixed by the Department Executive Committee at least one hundred and twenty (120) days prior to the date for which the Convention shall be called.

**Section 2.** The annual Convention [limited to three (3) consecutive days of which one (1) day shall be a Sunday, the last two (2) of which shall be restricted to Legion business only], shall be composed of Delegates and Alternates for each Post, each Post being entitled to two (2) Delegates and two (2) Alternates, and one (1) additional Delegate and one (1) additional Alternate for each fifty (50) Members or major fraction thereof paid up forty five (45) days prior to the date of the opening of the Department Convention. The vote of each Post registering at the Convention shall be equal to the total number of Delegates to which the Post is entitled.

**Section 3.** Each Post in the Department shall, at least twenty (20) days prior to the opening of the Annual Department Convention, elect Delegates and Alternates to such Convention, and shall certify such election to the Department Adjutant at least fifteen (15) days prior to the opening of the Convention. Said certification shall be sent to Department Headquarters, and must be authenticated by the Post Commander and Post Adjutant. However, in case of failure to comply with the above, or in the event of a

conflict as to the legality of such elected Delegates, the Committee on Convention Credentials shall have the authority to accredit such Delegates as can establish their election as Delegates and Alternates to the Convention. No Delegate or Alternate from any Post shall be accredited in the Department Convention unless all obligations to the Department existing thirty (30) days prior to the Department Convention shall have been paid or satisfied and the Constitution and/or Bylaws of the Post for which the Delegate or Alternate has been elected shall have been approved by the Department Constitution and Bylaws Commission prior to the convening of the Convention.

**Section 4.** The Convention registration fee shall be ten dollars (\$10.00) for each Delegate to which the Post is entitled. The Adjutant shall bill each Post at the time the Post is notified of the number of Delegates to which it is entitled. Said sum shall be paid before the opening date of the Convention, and no Delegate shall be accredited if said sum has not been paid. Three dollars (\$3.00) of said sum shall be made available to the Convention City Corporation or such organizations as may be charged with the management of the Convention upon the condition that any surplus remaining after all expenses have been paid shall be paid into the Department to be held in a fund to be used for subsequent Conventions to defray the expense thereof.

**Section 5.** All past Department Commanders, past Department Adjutants, members of the Department Executive Committee and all incumbent elected Department Officers who attend and register as such, shall be Delegates to the Department Convention with voice and vote. Convention registration fees for such Delegate shall be waived by the Department.

**Section 6.** All Chairs of the Department Standing Commissions, if not elected as Delegates, shall be Delegates of the Department Convention, but with no right to vote.

**Section 7.** A quorum at a Department Convention shall consist of Seventy Five Percent (75%) of the districts partially or fully represented. A District quorum at convention shall consist of the represented Posts from within the District. No Post shall be represented at the Department Convention by proxy.

**Section 8.** Standing Committees of each Convention shall be the following:

Aeronautics and Aerospace; Agriculture, Energy and Natural Resources; Amateur Radio; Americanism; American Legion Baseball; American Legion Riders; Boys State; Children and Youth; Community Service; Constitution and By-Laws; Convention City; Counter-Subversive Activities; Credentials; Disaster and Emergency Services; Finance; Foreign Relations and National Security; Housing; *Internal Affairs*, Law and Order; Leadership; Legislative; Membership; Naturalization; Oratorical Contests; Organization and Rules; Public Relations; Publishing; Resolutions; Resolution Assignment; Ritual; Scouting; Sons of The American Legion; Valley Forge; Veterans Affairs and Rehabilitation; Veterans Employment; Ways and Means; and such other committees as the Convention or the Executive Committee shall deem fit.

**Section 9** The Credentials, Organization and Rules, and Resolution Assignment Committees, in order that the work of the Convention be expedited, shall be appointed by the Department Commander in such number as he/she may deem advisable, from among such Delegates as will be present in the city of the Convention prior to its convening.

**Section 10.** Each Committee, except Credentials, Organization and Rules and Resolution assignment, shall be composed of one (1) Delegate from each District in the Department, the Member being chosen by the Delegates from such District. In addition, the Chair and two (2) Members designated by him/her of each corresponding Department Standing Commission shall be ex-officio Members of such Convention Committees. (***Judge Advocate Note: "Ex-Officio" means may participate as full members with voice and vote but are not required to do so. Ex-Officio members may not be counted to determine a quorum.***)

**Section 11.** It is mandatory for all Convention Standing Committees, except Credentials, Organization and Rules, and Resolution Assignment, to organize and function within 48 hours prior to the opening of the Convention.

**Section 12.** All resolutions shall first be presented to the Resolution Assignment Committee, which said committee shall classify and assign such resolutions to the several appropriate committees without recommendation.

**Section 13.** After such resolutions shall have been so classified they shall be returned to the Department Adjutant who shall retain them in his/her possession until called for and received by the Chair of the respective Standing Committee of the Convention to which such resolution shall have been assigned.

**Section 14.** No Department citation shall be given to any individual or organization without prior approval of Delegates in Convention assembled, or in the event of an emergency, and not previously refused by the Delegates in Convention assembled, by approval of two-thirds (2/3) of the Department Executive Committee.

**Section 15.** At each Department Convention a budget shall be prepared by the Convention Finance Committee, said budget after setting forth the allocation for specified items including Adjutant's salary, other salary items and the expenses and allowance for the Department Commander, shall also carry an item for contingencies not otherwise provided for, such budget to be presented to the Convention for its consideration. The Convention shall have the right to modify the budget as so prepared and thereafter adopt said budget as prepared or as so modified. After the adoption of the said budget no funds of the Department in excess of the budget shall be expended without the approval of a two-thirds (2/3) vote of the Executive Committee and a majority vote of the Department Finance Commission, provided, however, that in the event the Finance Commission by a majority vote shall disapprove of such expenditure in excess of the budget, the Executive Committee by a three-fourths (3/4) vote may override the action of the Finance Commission and approve such expenditure and such action of the Executive Committee shall be final; provided further that in no event shall funds of the Department be expended or disbursed in

any fiscal year in excess of the current income of the Department during that fiscal year unless such expenditures are expressly authorized to be made from the reserve funds as provided in Article XVIII, hereof. During the first (1<sup>st</sup>) six (6) months of each fiscal year, ordinary Department expenses may be made on the basis of anticipated income. After January 1<sup>st</sup> of each fiscal year the aggregate expenditures of the fiscal year must never exceed the aggregate income actually received during said fiscal year unless the uses of reserve funds are expressly authorized. In the event that it appears to the Executive Committee that the aggregate income for the fiscal year will be less than the aggregate expenditures authorized by said budget it shall be the duty of the Executive Committee, and it shall have authority from time to time to reallocate the income available for expenditures from budget items in such manner as it shall deem for the best interests of THE AMERICAN LEGION. Such reallocation shall be made by a two-thirds (2/3) vote of the Executive Committee with the approval of the Department Finance Commission by a majority vote, or by a three-quarters (3/4) vote of the Executive Committee without the approval of the Finance Commission.

**Section 16.** The fiscal period of the Department shall begin July 1<sup>st</sup> and end June 30<sup>th</sup> of the following year... At the close of each fiscal period the books and records of the Department must be audited and a copy of said audit forthwith delivered to each Member of the Department Executive Committee. The Department Executive Committee or the Department Commander may order an audit of the books and records of the Department at such other times during any fiscal periods as may be deemed necessary or advisable.

**Section 17.** Except as modified by the Bylaws, or by the rules of the Convention regularly adopted, the rules of procedure at the Department Convention shall be those set forth in the current edition of Robert's Rules of Order, Newly Revised.

**Section 18.** There shall be a Department Advisory Council to be composed of the Department Commander, the Department Junior Past Commander, the Department Vice-Commanders and the National Executive Committeeman, to be assembled at the discretion of the Department Commander. The Department Adjutant shall be the Secretary of this Committee with voice and without vote.

**Section 19.** The Department Commander, the Department Vice-Commanders, and the Department Sergeant-at-Arms shall be elected at the regular Department Convention and shall hold office until the close of the following Department Convention.

**Section 20.** The election of the six (6) Vice-Commanders representing the six (6) Areas of the Department shall be by vote of the Delegates of the Posts of each specific Area, provided further that the Department Vice-Commander shall be a Member of a Post of the specific Area they are elected to represent.

**Section 21.** The National Executive Committeeman and the Alternate National Executive Committeeman shall be elected at a regular Department Convention for a term of two (2) years.

**Section 22.** The District Commander and District Vice-Commanders shall be elected at the Annual District Meeting held within the District for which they are elected, said election to take place at least fourteen (14) days prior to holding of the Annual Department Convention and not more than forty five (45) days prior to such Annual Department Convention. The term of office of the District Officers shall correspond with that of the elective Department Officers elected at the following Annual Department Convention. The District representative on the Department Convention Standing Committees shall be elected at the Annual Meeting and any vacancies shall be filled at the first (1<sup>st</sup>) caucus of the District Delegates held at the Department Convention. At each such election, each Post shall vote by roll call vote

The same number of votes as each Post may vote at the next following Department Convention. The Delegates accredited to the Annual District Meeting shall cast the votes of their respective Posts by roll call vote, such Delegates to be certified by the Post Commander and Adjutant to the District Commander. The result of each election shall be certified to the Department Adjutant immediately upon the election of the District Commander and the District Vice-Commanders.

**Section 23-** The Department Adjutant shall furnish the various District Commanders with certified lists of any Post delinquencies at least sixty (60) days prior to the Department Convention. No Delegate from any Post shall be accredited at the Annual District Meeting unless all Post obligations to Department and to the District Council to which it belongs shall have been paid or satisfied at the time of the Annual Election, including the following:

- A.** The certification to the Department of the Officers elected and/or appointed by the Post for the current year.
- B.** The payment of Delegate fees to the Department Convention for prior years.
- C.** The payment of said obligations contracted thirty (30) days prior to the Annual District Meeting.
- D.** The certification to the Department of an examination of the Post books of account, as outlined in Article V, Section 9.
- E.** The obtaining of all bonds required by Post Officers.
- F.** The approval of the Constitution and/or Bylaws of the Post and any amendments thereto by the Constitution and Bylaws Commission.
- G.** The payment of all per capita dues or other moneys due from it to the District Council.
- H.** Properly Executed Post Consolidation Reports.

**Section 24.** Post not in compliance with Article IX, Section 23 of these bylaws shall be placed on probation at the pre-convention DEC.

**Section 25.** *No member of the Department Executive Committee shall be elected to the same office for two (2) successive terms, with exception of District Commanders. District Commander may be elected for up to two (2) consecutive one-year terms.*

**Section 26.** The Office of Chaplain should not be filled from the same denomination for two (2) successive terms.

**Section 27.** All elections at Department Convention shall be by roll call, each District reporting the total votes cast for each candidate by the Delegates of the Posts within the District.

**Section 28.** The Adjutant, Judge Advocate, Chaplain, Historian, Parliamentarian and Service Officer shall be appointed each year by the Department Commander with the approval of the Department Executive Committee to serve until their successors are selected or until removed by the Executive Committee upon recommendation of the Department Commander.

**Section 29.** A vacancy in an elective office of the Department, whether such vacancy occurs through death, or inability to act as the Department Officer, shall be filled by the Department Executive Committee. The Department Commander, or in the event of a vacancy in that office, the Department Adjutant shall summon the Department Executive Committee to elect a successor to fill such vacancy for the balance of said term.

**Section 30.** Vacancies in the District offices shall be filled as provided by the Constitution and/or Bylaws of that District.

**Section 31.** In case of death, resignation, removal or inability to act of the National Executive Committeeman, the Alternate National Executive Committeeman shall automatically become the National Executive Committeeman to serve for the remainder of the unexpired term. The Department Executive Committee or the Department Convention, at the first meeting after such vacancy occurs shall select a successor to the Alternate National Executive Committeeman, for the remainder of the unexpired term.

**Section 32.** In case of death, resignation, removal or inability to serve as the Alternate National Executive Committeeman the Department Executive Committee or the Department Convention at the first meeting after such vacancy occurs, shall elect a successor to the Alternate National Executive Committeeman to serve for the remainder of the unexpired term.

## **ARTICLE X**

### **Executive Committee**

**Section 1.** The executive power shall be vested in a Department Executive Committee to be composed of the Department Commander, Department Junior Past Commander, Department Vice-Commanders, Department Sergeant-at-Arms, the National Executive Committeeman and, and the District Commanders. In the absence of the National Executive Committeeman the Alternate National Executive Committeeman shall so serve. The District First Vice-Commander shall serve as alternate for the District Commander and in the absence of both the District Commander and the District First Vice-Commander the District Second Vice-Commander shall so serve and in the absence of District Commander, District First Vice-Commander and District Second Vice-Commander the District Third Vice-Commander shall so serve. *All Past Department Commanders shall have a voice, no vote, and no call-in. The Jr Past Commander will have a voice, vote, and call-in.* The Department Adjutant shall be the Secretary of this Committee without voice or vote.

**Section 2.** The Executive Committee shall pass upon all matters relating to the administration of the organization; to review, pass upon, accept or reject all applications for local Posts within the Department; to review, pass upon, accept or reject all audits or reports of the business or accounts of the Department Adjutant, and may at any time during its term of office call upon the Department Adjutant for a report of accounts or business transacted by him/her in the execution of his/her office.

**Section 3.** The Executive Committee shall meet for business sessions within forty-eight (48) hours after adjournment of each Convention, within forty-eight (48) hours prior to the convening of each Convention, and in addition, at least once during each half of each fiscal period of the Department, on call by the Department Commander, or any five (5) members of the Executive Committee. All such meetings shall be held at a time and place designated by the Commander except that if a meeting be called by five (5) members of the Executive Committee and the Commander refuses or fails for ten (10) days after notice of such call to designate a time and place for such meeting the said five (5) members of the Executive Committee by unanimous action may designate such time and place. Expenses of the Executive Committee Members attending meetings of the Committee shall be limited to transportation and per diem as fixed by the Executive Committee, provided that no expense shall be allowed for attendance at meetings of the Executive Committee held just previous to and immediately after the Annual Department Convention.

**Section 4.** Pursuant to the provision of the Uniform Code of Procedure for the Revocation, Cancellation or Suspension of Post Charters, as adopted by THE AMERICAN LEGION, Department of California, and as the same may be amended from time to time, the Department Executive Committee may suspend; cancel or revoke a Post Charter. The Department Executive Committee may place a Post on probationary status, for a period not to exceed one (1) year, prior to suspending, canceling or revoking a Post Charter to assist the Post in correcting actions or inactions that place the Charter in jeopardy. Probationary status allows for the continued operation of the Post, with full voting and operating rights, albeit under the scrutiny, supervision and control authority of the Department Executive Committee via the appropriate District Commander, Area Vice-Commander and Department of California Officers.

**Section 5.** Any Post failing to meet the conditions, obligations, duties or liabilities imposed upon it by the Constitution and/or Bylaws of the State or National Departments or failing to pay its per capita or other monies due from the Post to the National Department, State Department, County Council, or a District Council to which the Post belongs, or either of them or ceases to function for six (6) months continuously as a Post of THE AMERICAN LEGION, or voluntarily ceases to function as a Post shall upon order of the Department Executive Committee cure such default within the time fixed by the Department Executive Committee in its order and upon failure of the Post so to do, the Post shall be ordered to surrender its Charter for suspension or cancellation by the Department Executive Committee. Upon failure to surrender the Charter proceedings shall be immediately instituted for the revocation, of such Charter as the particular facts may warrant.

**Section 6.** Upon revocation, cancellation or suspension of the Charter of the Post such Post shall immediately cease operations and upon suspension, revocation or cancellation shall turn over its Charter to the Department Commander and the Department is authorized through the Commander or such other person as may be designated by the Commander to take possession, custody and control of all records, property and assets of such Post provided, however that nothing herein contained is or shall be construed as obligating or requiring the Department to take over, assume, or become liable for any financial responsibility or obligation as to such property.

**Section 7.** The Department Executive Committee shall make provision for the transfer of the Members from any post whose charter is cancelled or revoked to other Posts of their choice, subject to the consent and approval of the Post to which said Member or Members may be transferred.

**Section 8.** At any Department Executive Committee Meeting, upon the affirmative vote of at least two-thirds (2/3) of those Members of the Committee present and voting, any Members of THE AMERICAN LEGION, in good standing, shall be given the privilege on the floor, so long as said Member speaks on the subject before the Committee.

**Section 9.** Except as modified by these Bylaws, the rules of procedure in any Department Executive Committee meeting shall follow the current edition of Roberts' Rules of Order (Newly Revised).

## **ARTICLE XI**

### **Commissions and Committees**

**Section 1.** Subject to ratification by the Department Executive Committee, the Department Commander shall appoint the Members of the Commissions of the Department.

**Section 2.** Each Commission shall be so numerically composed that an equal number shall be selected from each Area. Each Commissioner shall serve a term of three (3) years, or until a successor is appointed.

**Section 3.** The Department Commander and the Department Adjutant shall be ex-officio members of all Commissions. (*Judge Advocate Note: “Ex-Officio” means may participate as full members with voice and vote but are not required to do so. Ex-Officio members may not be counted to determine a quorum).*)

**Section 4.** No person shall serve on the same Department Commission for all or any part of more than three (3) consecutive terms; provided that any full term, which is less than a three (3) year term because of Convention action in creating; abolishing or reorganizing any Commission, shall be excluded from said three (3) consecutive terms. The Department Commander may remove any Members of any Commission who fail to perform the required duties of such Commission. The Department Commander may fill a vacancy caused by such action in the said manner as an original selection.

**Section 5.** With the exception of the Convention City Commission, American Legion Riders Commission and the Finance Commission, an advisory board for each Commission is hereby created. Each District Commander shall nominate a Member from his/her District to serve on each advisory board so created, the person so selected being the District Chair of that particular activity in his/her District, for one (1) year or until a successor is appointed.

**Section 6.** The Department Commander shall designate the Chair and Vice Chair of each Commission, who shall serve at the pleasure of the Department Commander.

**Section 7.** The following Commissions are the permanent Commissions of the Department of California, composed of twelve (12) and six (6) Members.

#### **Twelve Member Commissions**

**AMERICAN LEGION BASEBALL:** To foster the program of THE AMERICAN LEGION as regard to baseball; it shall prepare an annual budget of all its operations and shall include all funds received and expended to be presented to the Finance Commission which will be presented with the Department budget to the Convention.

## Six Member Commissions

**AERONAUTICS and AEROSPACE:** To promote civilian air activities in the Department, including the building of model airplanes, and if deemed advisable competition among persons so engaged. (Aviation in the military field shall be handled by National Security.) To promote Aerospace research and to keep THE AMERICAN LEGION advised of all activity in the field of Aerospace.

**AGRICULTURE, ENERGY AND NATURAL RESOURCES:** To promote the development, supply, quality and environmental conservation, applicable to food, agricultural resources, and *energy*, through study of conditions and problems, and by working in counsel with State agencies and leaders in their respective fields; to implement an active forestry and youth environmental orientation program, to monitor the energy policies applicable to the state, to promote energy conservation and circulate energy policies as a program of THE AMERICAN LEGION, Department of California.

**AMATEUR RADIO:** To assist in the development of amateur radio, and, to that end, to establish an amateur radio chain among volunteer radio enthusiasts.

**AMERICANISM:** To develop and maintain a spirit of 100% Americanism among Legionnaires and residents of the State of California. To put into effect the Americanism programs of The American Legion; to coordinate any overlapping of plans dealing with Americanism; and to develop an overall policy of Americanism. To act as liaison between all youth and adult organizations and to assist in sponsoring activities of Americanism throughout the State of California; and to coordinate the programs of the Posts and Districts of The Department of California with all public, private and parochial schools and any other organization pursuing the ideals of Americanism.

**AMERICAN LEGION RIDERS:** To support and promote The American Legion Riders as a program of The American Legion Department of California ; *to ensure the program operates within the guidelines set by the Department and act as a liaison between the Department and the Program..*

**BOYS' STATE:** To operate Boys' State for the development of good citizenship in the communities. The Boys' State Commission shall prepare an annual budget of all its operations and shall include all funds received and expended to be presented to the Finance Commission which in turn will be presented with the Department budget to the Convention.

**CHILDREN AND YOUTH:** To carry on the Child Welfare Program of THE AMERICAN LEGION and to promote the program of the education of war orphans.

**COMMUNITY SERVICE:** To structure, produce, and carry on the Community Service Commission betterment program for The American Legion local community in which a post is situated and represents; to identify, promote, support and encourage those programs, activities and events not undertaken by posts throughout the Department, not covered by other Commissions and Committees.

To carry on the Community Betterment Program of THE AMERICAN LEGION.

**CONSTITUTION AND BY-LAWS:** To recommend to the Department changes necessary or advisable for the better operation of the Department and such other duties as are delegated to it by the Bylaws of the Department. *The Department Judge Advocate shall serve as an ex-officio member of the Constitution and Bylaws Committee*

**CONVENTION CITY:** To investigate the facilities and financial ability of cities placing a bid for a Department Convention; to recommend to the Department Convention the city best qualified to hold a Department Convention; and upon the Convention being awarded to a city by the Department Convention; the Department Commission may become the Commander's official representative, with the duties of coordinating all phases of Convention activities with the convention city or corporation.

**COUNTER-SUBVERSIVE ACTIVITIES:** To study and recommend the necessary action to be taken from time to time for the purpose of resisting un-American activities and subversive movements, preventing terrorist attacks within the United States, its territories and possessions.

**DISASTER AND EMERGENCY SERVICES:** To organize the Membership of the Department into a cohesive unit and to facilitate and improve cooperation with all law enforcement agencies concerning disaster relief.

**FINANCE:** To perform such duties as are delegated to it by the Department Bylaws; generally care for the finances of the Department Convention and report to the Department Executive Committee concerning the finances of the Department. The Finance Commission shall prepare a proposed budget for each Commission and Committee before each Department Convention and shall submit the same to the Convention Finance Committee, using the Annual Report of the Personnel Committee to establish salaries and benefits for all Department employees. Said annual report of the Personnel Committee is advisory only and not in any way binding on the Finance Committee.

**FOREIGN RELATIONS AND NATIONAL SECURITY:** To promote the program of THE AMERICAN LEGION in regard to Foreign Relations and National Defense in all its phases.

**HOUSING:** To assist veterans of this State in their present and future housing problems.

**INTERNAL AFFAIRS:** To establish, oversee, modify and coordinate efficient and ethical internal operations of The Department of California and other such activities as are usually incident to the Commission and as directed by The Department Executive Committee.

**LAW AND ORDER:** To foster, within the scope of American Legion principles and policies, an affirmative program of respect for and support of law and order in general and law enforcement agencies in the legitimate function and performance of their offices and duties, and further, that a sub-committee be appointed to formulate American Legion policies concerning the use of narcotics and dangerous drugs.

**LEADERSHIP:** To encourage Members to utilize their innate potentials, and develop within those potentials, the enthusiasm to function for the best interest of THE AMERICAN LEGION, at all levels.

**LEGISLATIVE:** To consider legislative matters, make recommendations to the Department Convention and the Executive Committee, and generally supervise the legislative program of the Department during the session of the State Legislature.

**NATURALIZATION:** To promote naturalization among unnaturalized residents of the State of California; to urge the broadening of the program now established in schools for the education of unnaturalized residents so that they can pass the required tests for naturalization, including the teaching to unnaturalized persons of the history and background of the United States of America, and through the Posts and Districts to cooperate with the officials of the Naturalization Department of the United States and the courts when classes of persons are naturalized.

**ORATORICAL CONTESTS:** To promote Department Oratorical Contests at Post, District, and Department levels and to conduct the Department finals of such contests.

**PUBLIC RELATIONS:** Through the media, of newspaper, radio and other means of dissemination of news, to spread the programs of THE AMERICAN LEGION and to foster and maintain an adequate speakers' bureau.

**PUBLISHING:** The Publishing Commission shall be totally responsible for setting the criteria of what will be published in the "California Legionnaire." The content of the "California Legionnaire" will reflect the policies, and activities of THE AMERICAN LEGION. The term of employment of the Editor will extend one issue past the Department Convention. All editorials will be signed or approved by the Department Commander. All advertising must comply with American Legion policy, U.S. Post Office Rules and Federal, State and local authority governing public communications. The Publishing Commission shall be totally responsible for the soliciting of competitive bids for the printing of the "California Legionnaire" keeping in mind the financial aspects for the benefit of all California Legion Members. The Publishing Commission shall *consult with the Department Commander before making any policy and* or administrative decisions and *shall document such decisions and forwarded them* in writing to the Department Adjutant for *the* record. Candidates for statewide Legion office shall be given equal space in the columns of the "California Legionnaire." Commissions paid to individuals or companies for obtaining advertising in the "California Legionnaire" will be made known upon the request of any Member in good standing of THE AMERICAN LEGION.

**RITUAL:** To promote and teach the use of ritual in all American Legion meetings as described in the official National Publications, e.g. Officer's Guide, to foster teams at all levels of THE AMERICAN LEGION for initiatory and installation at meetings, and to lend military pageantry to American Legion functions, particularly at patriotic holiday ceremonies and parades, and at State and National Conventions and to supervise contests of uniform bodies.

**SCOUTING:** To foster and promote the scouting program throughout the State among the Posts of THE AMERICAN LEGION of this Department, including such activities as the Boy Scouts, Sea Scouts, Explorer Scouts, Air Scouts, Cub Packs and Girl Scouts.

**SONS OF THE AMERICAN LEGION (S.A.L.):** To promote the program of THE AMERICAN LEGION with the Sons of the Legionnaires and act as a liaison between the Department and the Program...

**VALLEY FORGE:** The program is designed to send qualified California educators to Valley Forge for a one week intensive workshop which enables them to develop a prospectus to ensure the "American way" so that our youth of today may have a better understanding of both historic origins of their liberty and the responsibilities of good citizenship required of them.

**VETERANS AFFAIRS AND REHABILITATION:** The Rehabilitation Program of the Department shall be carried on under the supervision of the Veterans Affairs and Rehabilitation Commission throughout the entire Department. There shall be a Department Service Officer who shall be responsible for supervision of the Department's Service Program. He/she shall act in advisory capacity to the Commission and shall coordinate the work of the staff in the San Francisco, Oakland, Los Angeles and San Diego Offices respectively and such other cities as may be designated by the Commission. The Department Service Officer or designated members of his/her staff shall be official contacts and representatives of THE AMERICAN LEGION, Department of California with the Veterans' Administration at Regional offices and Veterans Administration Hospitals. The duties of the Service Officer and his/her staff shall be generally that of prosecuting claims and protecting the rights and privileges of all veterans, their dependents and survivors and to handle such other matters as may properly be considered service work. The Service Officer and his/her staff shall cooperate with County Service Officers, the Los Angeles County Service Department and the State of California Department of Veterans Affairs. It shall be the policy of the Commission to encourage Posts and Districts to select qualified and able Members to serve as Post and District Service Officers and to provide assistance to help them carry out their duties.

**VETERANS EMPLOYMENT:** To promote the program(s) of employment of veterans and to implement and to ensure that veterans receive due consideration when applying for jobs for which they have earned preferential consideration through their honorable service to God and Country.

**WAYS AND MEANS:** The duties of this Commission shall be the development of plans, ideas, and promotions to secure additional funds by and for the Department. All plans, ideas and promotions of said Commission must be presented to the Department Commander and the Executive Committee for approval.

## Committees

**Section 8.** The Department Commander is empowered to appoint all special committees that may be ordered by the Department Convention, Department Executive Committee, National Convention, National Executive Committee, or such other committees that he/she considers necessary, and to appoint the Chair and Vice Chair.

### **Section 9. MEMBERSHIP COMMITTEE**

The Department Commander at the organizational meeting of the Department Executive Committee immediately following the adjournment of the Annual Department Convention shall appoint a Membership Committee composed of seven (7) members, one (1) representative from each Area of the Department and one (1) representative from the Department at large, such representative being designated as Chair and shall also have the title of DEPARTMENT DIRECTOR OF MEMBERSHIP and be authorized to wear a white American Legion cap. The duties of such Committee shall be to foster and promote membership in THE AMERICAN LEGION, Department of California. An advisory board for such Membership Committee shall consist of the seven (7) Department Vice-Commanders and the District First Vice-Commander of each District of the Department.

**Section 10.** All District First Vice-Commanders will be obligated to attend both the Fall and Spring Meetings of the Department Executive Committee; moreover, the attendees will be reimbursed in accordance with the provisions of Article X, Section 3 of the Department of California Bylaws.

### **Section 11. PERSONNEL COMMITTEE**



The Department Commander shall appoint a five (5) member committee which shall have the duties of studying job classifications, salary schedules, employee benefits and all policy matters involving paid personnel of the Department. The Committee shall meet at least once each year and shall present to the Department Commander and the Finance Commission a report of its recommendations. *The Department Adjutant and Judge Advocate shall be ex-officio members of the committee with voice but no vote.*

## ARTICLE XII

### Apportionment and Election of Delegates to the National Convention

**Section 1.** The Delegates and Alternates to the National Convention shall consist of such number as is prescribed by Article V, Section 3 of the Constitution of THE AMERICAN LEGION.

**Section 2.** The Delegates to the National Convention of THE AMERICAN LEGION of California shall be elected from the Membership of the Department in the following manner:

- a. The Department Convention shall elect from the Membership of the Department at the same time and in the same manner provided for the election of Department Officers, five (5) Delegates-at-Large and as many more Delegates-at-Large and Alternate Delegates-at-Large to which the Department shall be entitled.
- b. All other Delegates and Alternate Delegates to which the Department shall be entitled shall be elected from the Districts, by the duly elected Delegates from such Districts. Such election shall take place at the Annual District Meeting, and any vacancies shall be filled at a District Caucus at the Department Convention. Each District shall elect one (1) Delegate and one (1) Alternate Delegate for each one thousand (1,000) paid-up memberships and extra Delegates and Alternate Delegates shall be apportioned to the Districts having the greater portion of one thousand (1,000) Members provided that each District shall have at least one (1) Delegate and one (1) Alternate.
- c. Alternate Delegates elected from each District shall be designated to serve in the place of absent Delegates, elected from the District, until the entire list of all said Alternates then present from said District is exhausted.
- d. To the extent any District fails, by 10 am of the first day of a Department Convention, to elect all of the National Delegates and Alternate Delegates to which it is entitled under subparagraph "b" above, such unelected Delegates and Alternate Delegates shall be elected by such Department Convention, and to the extent not so elected by such Department Convention, such remaining unelected Delegates and Alternate Delegates may be appointed by the Department Commander.

**Section 3.** Each District, when certifying it's list of Alternate Delegates, elected from said District, may also certify in order of their election and the Alternates present shall then be designated in that order.

**Section 4.** Except as above provided, Alternate Delegates shall be designated to serve in the place of absent Delegates by the Chair of the Delegation, in accordance with the rules of the National Convention.

**Section 5.** The reasonable and necessary expenses of the Department Commander, the Department Junior Past Commander and the Department Adjutant to and from the National Convention shall be paid by the Department. The Department Adjutant shall act as the Secretary of the Delegation but shall not be a Delegate to the National Convention.

**Section 6.** All Delegates and Alternates to the National Convention must obey the mandates of the Department Convention.

**Section 7.** The registration fee of all Delegates from this Department to the National Convention shall be paid by the Department of California. The amount of such registration fee shall be included in the budget approved by the Department Convention.

## **ARTICLE XIII**

### **Initiative and Recall**

**Section 1.** Whenever ten percent (10%) of the Posts have voted in favor of initiating any amendment to the Constitution and/or Bylaws or a recall of a Department Officer, or referendum, the Department Adjutant shall certify this action to the Department Executive Committee, which shall direct the Adjutant to prepare a ballot to be sent to all Posts in the Department. Upon this ballot shall appear the question of whether the Post favors the proposed amendment, the recall of Department Officer, or the referendum in question, as the case may be.

**Section 2.** Upon a two-thirds (2/3) vote of the Executive Committee in favor of initiating any amendment to the Constitution and/or Bylaws the Adjutant shall prepare a ballot to be sent to all Posts in the Department. Upon this ballot shall appear the question of whether the Post favors the proposed amendment.

**Section 3.** Matters submitted by initiative, referendum or recall shall be decided by a majority vote of the voting strength of the Posts, as determined by the preceding Department Convention; provided that any initiative, or referendum that is an amendment to the Constitution and/or Bylaws shall require the same vote to pass as like amendments would require if presented at the Department Convention.

## **ARTICLE XIV**

### **Auxiliaries**

**Section 1.** THE AMERICAN LEGION recognizes an auxiliary organization to be known as “THE AMERICAN LEGION AUXILIARY”.

**Section 2.** Membership in THE AMERICAN LEGION AUXILIARY shall be limited to mothers, wives, daughters, sisters, and granddaughters of Members of THE AMERICAN LEGION, and to the mothers, wives, daughters, sisters and granddaughters of all men and women who were in the Armed Forces of the United States during those periods and conditions set forth in Article IV, Section 1, of the National Constitution of THE AMERICAN LEGION, 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 of the governments associated with the United States during any of said periods; and died in line of duty or after honorable discharge; and to those women who of their own rights are eligible for membership in THE AMERICAN LEGION.

**Section 3.** The Auxiliary shall be governed in this Department of THE AMERICAN LEGION by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by this Department of THE AMERICAN LEGION.

## **ARTICLE XV**

### **Delinquencies and Suspensions**

**Section 1.** The dates of Delinquency & Suspension *of* members shall be those dates and conditions set forth in Article IV, Section 4, of the National Bylaws of THE AMERICAN LEGION.

**Section 2.** The Posts may waive the provisions hereof upon payments of dues for the year in which the reinstatement occurs with reference to former Members who have been prevented from payment of dues by reason of active military service.

## ARTICLE XVI

### Discipline of Members

**Section 1.** Each Post of THE AMERICAN LEGION shall be the judge of its own membership subject to the restrictions of the National Constitution and Bylaws, except that no person who is a member of any organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a Member of THE AMERICAN LEGION.

**Section 2.** Members of THE AMERICAN LEGION who are Members of Posts of this Department shall be subject to disciplinary action as provided in the Trial Manual of the Department as adopted at a Department Convention and subsequent amendments thereto *made by the Department Convention*.

## ARTICLE XVII

### Disbursement of Department Funds

**Section 1.** All funds of the Department shall be deposited in insured bank accounts in the name of THE AMERICAN LEGION, Department of California, and shall be withdrawn only on the joint signature of any two (2) of the following four (4) persons, namely: the Department Commander, the Department Adjutant, Comptroller, the Chairperson of the Department Finance Commission or a member of said commission in lieu of the Chairperson, to be designated by the Chairperson of said Commission for said purpose with the approval of the Department Commander.

**Section 2.** Said four (4) persons shall sign all signature cards for each account in which funds of the Department are deposited and said bank shall be instructed that the signature of any two (2) of said four (4) persons are required to withdraw funds provided; however, that only one (1) may be a Department employee.

**Section 3.** Said persons shall expend or disburse the monies authorized to be expended or disbursed by the Department Convention or the Department Executive Committee, within the limits and subject to the restriction provided in Article IX, Section 10. Said person shall cause a record of all such expenditures and disbursements to be kept showing the amount thereof and the purposes for which made and shall execute vouchers for the same and furnish copies thereof to the Department Adjutant.

**Section 4.** No Commission or Committee, or Member thereof, may incur any bill in excess of or beyond the budget approved by the Convention or the Executive Committee, and shall not approve the expenditure of any funds in the name of THE AMERICAN LEGION without prior approval of the Convention or the Executive Committee.

**Section 5.** Before assuming their duties as such Disbursing Officers, the Department Adjutant shall execute and deliver the surety bond set forth in Section 4 of Article IV and the other of said persons shall execute and deliver to the Department Executive Committee for their approval and acceptance a surety bond in such penal sum as the Department Executive Committee shall determine, payable to THE AMERICAN LEGION, Department of California for the faithful performance of their duties or be otherwise bonded by the Department by position bonds in the minimum amount of one hundred thousand dollars (\$100,000), the premiums of the bonds to be paid from the treasury of the Department.

## **ARTICLE XVIII**

### **Reserve Fund**

**Section 1.** There shall be deposited to the credit of the Reserve Fund one cent (1) from the per capita tax from each Member, deposits are to be made not later than the first work day of the month following its receipt. On or before December 31st of each year, the Department Finance Commission shall set aside to the credit of the fund a sum equal to at least fifty percent (50%) of the net surplus of the Department of California accruing during the preceding fiscal year. Such other amounts shall be credited to the fund as may, from time to time, be designated by a Department Convention.

**Section 2.** The assets of the fund shall be invested and reinvested in bonds of any government agency or savings deposits or savings certificates of deposit that are properly insured, and the investments shall be made by the Department Commander and Department Adjutant upon the approval by majority vote of the Department Finance Commission.

**Section 3.** The investments accruing to the fund shall be credited to the fund.

**Section 4.** None of the fund shall be expended, loaned or otherwise used except on direction of a Department Convention or by a two-thirds (2/3) vote of the Department Executive Committee, at a regular or special meeting assembled, with the approval of a majority of Department Finance Commission. In the event the Department Finance Commission shall disapprove such use of monies or other assets of the fund, the Department Executive Committee may by a three-fourths (3/4) vote, approve such expenditure or use and the decision of the Department Executive Committee so voted shall be final.

**Section 5.** The Reserve Fund shall not exceed five dollars (\$5.00) per capita in any one (1) year based upon the Membership of the Department at the preceding Department Convention. Any sum in the fund in excess of such requirements shall be forthwith transferred to the General Fund of the Department.

## **ARTICLE XIX**

### **Amendment**

**Section 1.** This Constitution and/or Bylaws may be amended by initiative proceedings or by submitting the proposed amendment to any regular Department Convention and securing a two-thirds (2/3) vote, together with a majority vote of the Posts represented in the Convention.

**Section 2.** Any Department special committee appointed to study and revise the Department Constitution and/or Bylaws shall make known its recommendations for proposed changes to the Department Adjutant by February 1<sup>st</sup> of the year, and the Adjutant shall duplicate the recommendations and mail them to each Post with a postmark date no later than March 1<sup>st</sup>, so that Posts shall have time to study the changes and inform their Delegates to Department Convention in regards to the proposed changes. This requirement shall not be construed as to preclude further Constitution and/or Bylaws changes that may be recommended by any Delegate or Commission at any Department Convention.

**Section 3.** Any provision of this document shall be automatically amended to conform to any amendment adopted by THE AMERICAN LEGION at its National Convention or to the National Constitution and/or Bylaws of THE AMERICAN LEGION which said amendment affects this Department in its internal organization.

**Section 4.** Hereafter all *proposed* revisions to this document and its component parts when printed by the *Department* shall show all changes and amendments in italic type as adopted by the Department Convention immediately preceding.

# # #