

American Legion Auxiliary Department of Kansas



Constitution and Bylaws

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Table of Contents

<u>Constitution of the American Legion Auxiliary, Department of Kansas</u>	<u>1</u>
Article I – Name	2
Article II – Nature	2
Article III – Eligibility	2
Article IV – Membership	2
Article V – Department Officers	3
Article VI – Department Executive Committee	3
Article VII – Convention	3
Article VIII – Incorporation	4
Article IX – Amendments	4
<u>Bylaws of the American Legion Auxiliary, Department of Kansas</u>	<u>5</u>
Article II – Duties of Officers	5
Article III – Department Executive Committee	7
Article IV – Appointment of Committees	8
Article V – District Organization	9
Article VI – Unit Organization	10
Article VII – Administrative Assistant	12
Article VIII – Finance Director	12
Article IX – Finance	12
Article X – Delegates to National Convention	13
Article XI – Subsidiary Organizations	14
Article XII – Parliamentary Authority	14
Article XIII – Amendments	14

Constitution
of the
American Legion Auxiliary, Department of Kansas

Preamble

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

To uphold and defend the Constitution of the United States of America;

To maintain law and order;

To foster and perpetuate a one hundred percent Americanism;

To preserve the memories and incidents of our associations in all wars;

To inculcate a sense of individual obligation to the community, state and nation;

To combat the autocracy of both the classes and the masses;

To make right the master of might;

To promote peace and goodwill on earth;

To safeguard and transmit to posterity the principles of justice, freedom and democracy;

To participate in and contribute to the accomplishment of the aims and purposes of The American Legion;

To consecrate and sanctify our association by our devotion to mutual helpfulness.

ARTICLE I

Name

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

ARTICLE II

Nature

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

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

ARTICLE III

Eligibility

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

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

- a) Senior membership shall be comprised of members age eighteen (18) and older; provided, however, a member eligible under Section 1 of this article and who is under the age of eighteen (18) years and married shall be classified as a Senior member.
- b) Junior membership shall be composed of members under the age of eighteen (18) years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen (18) years, Junior members shall automatically be admitted into Senior membership with full privileges including voting and holding office.
- c) Dues of both classes shall be paid annually or for life.

ARTICLE IV

Membership

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

¹ Membership in the American Legion Auxiliary shall be limited to the:

Grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and
grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917, to November 11, 1918 and any time after December 7, 1941 who being a citizen of the United States at the time of their entry therein served on active duty in the Armed Forces of any of the governments associated with the United States during either eligibility periods and died in the line of duty or after honorable discharge;
grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941 who served on active duty in the Armed Forces of the United States during either eligibility periods and died in the line of duty or after honorable discharge; and
to those women who of their own right are eligible for membership in The American Legion.

ARTICLE V

Department Officers

Section 1. Section 1. The Department Convention shall elect annually a President, Vice President, Secretary/Treasurer, or a Secretary and a Treasurer, Chaplain, Historian, and a District President and Vice President from each District who shall each serve a one-year term.

Section 2. The Department Convention shall elect biennially (every two years) a National Executive Committee person and Alternate National Executive Committee person who shall each serve a two-year term.

A member may not serve as National Executive Committee person or Alternate National Executive Committee person for more than two consecutive two-year terms.

Section 2. The Department President assumes her duties immediately upon her election at Department Convention. The President will wear the President's pin. The immediate Past President wears the Past President's pin. The Past President is the Chairman of the Delegation at National Convention. The Department President will be installed at the installation of the National Officers.

Section 3. The National Executive Committee person, or the Alternate National Executive Committee person, if the National Executive Committee person is unable to attend, will be the voting member of the National Executive Committee from Kansas.

ARTICLE VI

Department Executive Committee

Section 1. The Administrative and Executive powers shall be vested in the Department Executive Committee, which shall be composed of the Department President, Department Vice President, Department Secretary/Treasurer, or a Department Secretary and a Department Treasurer, Department Chaplain, Department Historian, the President from each District, (or in the absence of a District President, the District Vice President shall act in behalf of the District President) the National Executive Committee person (in the absence of the National Executive Committee person, the Alternate National Executive Committee person shall act in behalf of the National Executive Committee person).

All Past Department Presidents in good standing in their Units, who are members of the Department of Kansas and who served as President in the Department of Kansas, shall be members for life of the Department Executive Committee, with all rights (right to attend Department Executive Committee Meetings and those held in Executive Session) except the right to vote.

Section 2. The District Vice Presidents and the Alternate National Executive Committee person may attend for learning and awareness of current issues in the Auxiliary with a voice but no vote.

Section 3. Members of the Department Executive Committee may not serve the Department of Kansas as a hired employee.

ARTICLE VII

Convention

Section 1. The legislative body of the organization shall be a Department Convention to be held annually at a place and time to be determined by The American Legion, or in the event The American Legion does not fix a time and place, or an emergency situation demands additional consideration, it shall be fixed by the Department Executive Committee.

Section 2. Representation to the Department Convention shall be by Units. Each Unit shall be entitled to three delegates and one additional delegate for each fifty (50) members or major fraction thereof, who are members in good standing, for the meeting for which they are elected and whose current dues have been paid and recorded by the ALA national membership tracking system thirty (30) days prior to the convening of said Department Convention. An equal number of alternates shall be elected.

Section 3. Delegates-at-large to the Department Convention shall be the members of the Department Executive Committee who are members of the Department of Kansas, and are in good standing in their Units.

Section 4. The delegates and alternates to the Department Convention shall be elected not less than two (2) weeks prior to the convention. Alternates shall have priority in the order of their election.

Section 5. Each registered delegate shall be entitled to one vote. The vote of any registered delegate absent and not represented by an alternate shall be cast by the majority of the delegates present from the Unit for Constitution, Bylaw and Standing Rules changes only.

Section 6. A quorum shall exist at a Department Convention when ten (10%) percent of the Units of the Department are represented in whole or in part.

ARTICLE VIII

Incorporation

The American Legion Auxiliary, Department of Kansas shall be incorporated. The corporation Board of Directors shall be: Department President, Department Vice President, Department Secretary/Treasurer, or a Department Secretary and a Department Treasurer, Department Chaplain, Department Historian, National Executive Committee person, the District Presidents and Department Finance Committee.

ARTICLE IX

Amendments

Section 1. This constitution, or any part thereof, may be amended at any Department Convention by a vote of two-thirds (2/3) of the total votes cast, provided the proposed amendments shall have been submitted through the Department Secretary to the Units and members of the Department Executive Committee by mailing/emailing same to them at least forty-five (45) days prior to the convening of the next Department Convention; and provided further that all proposed amendments shall be read at a regular meeting of the convention at least four hours (4) before the vote is taken thereon, if a copy has not been given to each delegate at registration or if the delegate does not retain or have access to a copy of the amendment packet.

- a. All amendments to the Constitution must be presented in a three (3) column format (current wording, proposed amendment and if adopted, will read) and include the location (Heading with document, article and section) and rationale.

Section 2. All Amendments must be submitted to the Department of Kansas Constitution and Bylaws Chairman at least sixty (60) days prior to the convening of the Department of Kansas convention and must contain rationale for the proposed change. Amendments may be submitted by a unit, district or any two (2) members in good standing in the Department of Kansas. Amendments can come from the Constitution & Bylaws Committee providing they have been published and sent to the Units and members of the Department Executive Committee at least forty-five (45) days prior to the convening of the next Department Convention and providing a rationale.

Section 3. Proposed amendments submitted after distribution or revision as shown in Section 1, may be adopted by a two-thirds (2/3) vote of the delegation, provided they have been read at one meeting of the session prior to taking the vote.

Section 4. Proposed amendments not having been previously read or distributed as required in Section 1, may be adopted by the unanimous vote of the convention body.

Section 5. This Department Constitution shall be automatically amended to conform to any amendment to the National Constitution.

[Return to Contents](#)

Bylaws
of the
American Legion Auxiliary, Department of Kansas

ARTICLE I
Election of Officers

Section 1. The officers, except for the National Executive Committee person and Alternate National Executive Committee person of the American Legion Auxiliary, Department of Kansas shall be elected annually at the Department Convention. Nomination shall be made from the floor and the vote shall be taken by written ballot. A majority vote of the delegates present shall be necessary for election. If there is but one nominee, election may be by acclamation.

- a) The National Executive Committee person (NEC) and Alternate National Executive Committee person shall be elected biennially (every two years) to a two-year term.
- b) A member may not serve as National Executive Committee person or Alternate National Executive Committee person for more than two consecutive two-year terms.

Section 2. All officers thus elected shall enter upon the duties of their respective offices immediately upon their election and installation. The Department President begins the duties upon election at the Department Convention but is formally installed at the National Convention.

- a) Outgoing Officers shall finish their commitments through June.

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

Section 4. No person shall be eligible to serve as Department President or Department Vice President for more than two (2) consecutive years, or two (2) non-consecutive terms of one year each.

Section 5. No person shall be elected to the office of National Executive Committee person (NEC) for more than two (2) terms.

Section 6. No candidate for Department Office shall announce more than one year before election. Announcements shall be made at Fall Conference and additional announcements may be made at Mid-Winter Forum and Department Convention. Candidates should have their Unit and District endorsements.

ARTICLE II
Duties of Officers

Section 1. It shall be the duty of the Department President to:

- a) Preside at all meetings assembled and at the Department Executive Committee meetings.
- b) Appoint members of the standing committees, and to create such other committees, and appoint members thereon, as deemed advisable, and shall make appointments not otherwise provided for, all with the approval of the Department Executive Committee.
- c) Be an ex officio member of all committees with a voice and vote. The Department President shall be notified of all called Committee meetings.
- d) Make arrangements for Department Executive Committee meetings.
- e) If the President fails to make arrangements for a Department Executive Committee meeting, the Vice President shall have the authority to make meeting arrangements.

The Department President shall:

- f) Have the authority to be one of the two signatories on Department checks;
- g) Have the privilege of having a vote of the Department Executive committee by referendum.

Section 2. It shall be the duty of the Department Vice President to:

- a) Shall work with members of the Department Holding Unit to advise and help move to active units in their area.
- b) Work with District Vice Presidents holding quarterly meetings.
- c) When called upon, assist the President, and in the President's absence perform the President's duties
- d) Assume other duties as are assigned by the Department President.
- e) May serve as the ALA Department Membership Chairman
- f) Through active participation in department activities, shall familiarize with the purpose, process, and the programs of the American Legion Auxiliary.
- g) Succeed the President in office in case of death, resignation, or removal.
- h) If having succeeded the President, still be eligible for election by regular process to the office of Department President
- i) Be invited to attend, without vote, the meetings of the Finance Committee and the Constitution and Bylaws Committee
- j) Shall collect a donation from each Department officer, Department Committee Chair and Past Department President for the Department President's gift to be presented at Department Convention

Section 3. It shall be the duty of the Department Secretary to:

- a) Act as Secretary for the Department Convention, Executive Committee and Finance Committee, and is the Corporate Secretary for the American Legion Auxiliary, Department of Kansas.
- b) Keep a record of the proceedings of the Department Convention, Department Executive Committee and Department Finance Committee meetings.
- c) Oversee and direct distribution of minutes of all meetings. Department Executive Committee Executive Session minutes and all closed session minutes shall originate and be sent from the Department Secretary.
- d) Oversee and manage emblem usage.
- e) Send and give notice of all meetings.
- f) Serves as ex-officio member of Risk and Compliance Committee.
- g) Serve as primary liaison to the Audit Committee.
- h) In collaboration with the Department Administrative Assistant and Department Treasurer, file for retention of all documents related to the American Legion Auxiliary, Department of Kansas at the department office.
- i) Assure all Department files to include but not limited to, written, recorded, electronic, or audio are delivered and archived at the ALA Department of Kansas office no later than 30 days following event or meeting.
- j) Perform all other duties incident to the office.
- k) Oversee and manage all required Department Executive Committee board members compliance paperwork including, but not limited to distribution and retention of the Confidentiality Agreement.

Section 4. It shall be the duty of the Department Treasurer to:

- a) Serve as Compliance Officer. Duties to include, but not limited to filing of all government required documents (including but not limited to monthly and quarterly taxes, 990 filing), and assure compliance of the policies of the American Legion Auxiliary, Department of Kansas. Works collaboratively with department committees to assure stability and compliance. Serves as ex-officio member of Risk and Compliance Committee.
- b) Assist the Units and Districts with 990 filings and other tax needs.
- c) Serve as primary liaison to the Audit Committee.
- d) In collaboration with the Department Administrative Assistant and Department Secretary file for retention of all documents related to the American Legion Auxiliary, Department of Kansas at the department office.
- e) Assure all Department files to include but not limited to, written, recorded, electronic, or audio are delivered and archived at the ALA Department of Kansas office no later than 30 days following event or meeting.
- f) Perform all other duties incident to the office.

Section 5. If one person is elected to serve both offices of Department Secretary and Department Treasurer, that member shall be responsible for all the duties listed in Bylaw Article II Section 3 and Section 4.

Section 6. It shall be the duty of the Department Chaplain to offer prayer at the opening and closing of each meeting, and to perform such other duties as the President may direct. The Department Chaplain shall be responsible for the Department Convention Memorial Services. The Department Chaplain shall send cards to those in the hospital. The Department Chaplain shall submit all required National reports.

Section 7. The Department Historian shall compile the historical records of the Department organization and shall make an annual report at the Department Convention, and to the National Historian.

Section 8. It shall be the duty of the National Executive Committee Person to attend all National Executive Committee meetings and serve as the voting member from Kansas. This member also serves as the official host to visiting national guests. The National Executive Committee person will report to the membership at Fall Conference, Department Convention and other events as requested by the Department Executive Committee or Department President.

- a) The National Executive Committee person shall report at the Fall Conference all information received at the National Executive Committee meeting that would be necessary for the operation of our Department. The National Executive Committee person will share all information with the Alternate National Executive Committee person.

Section 9. In the event of absence of the National Executive Committee Person from a required function, the Alternate National Executive Committee Person will serve as the voting member from Kansas or official host as deemed necessary by the Department President.

Section 10. District Presidents under the supervision of the Department President shall

- a) Encourage and promote the programs of the ALA.
- b) Preside at all District meetings during the year and at District caucuses of the District at Department Convention.
- c) Submit to the Department President approval by the Department Executive Committee, the District President's project and District's budget before initiating activity.
- d) When the Department President's membership is in your District, the District President will collect a donation from their District and all other Districts to purchase a gift for the Department President for their year of service and present this gift during the Department Convention.

Section 11. District Vice Presidents shall be the District Membership Chairman and shall work with the Department Membership Chairman. The District Vice President shall assist the District President and act for the District President in the District President's absence.

Section 12. Any officer, who shall neglect or improperly perform the duties incumbent upon the office, may be removed by a vote of three-fourths (3/4) of the members of the Department Executive Committee present, provided such officer shall be served with notice of the charges made against the member, and provided further that the member be afforded the opportunity of a fair and impartial trial in such manner as the Department Executive Committee shall prescribe.

ARTICLE III

Department Executive Committee

Section 1. The Department Executive Committee shall have the supervision and control over all property belonging to the Department and shall supervise the administration of the Department according to its Constitution and Bylaws, and under such other rulings as the Department may prescribe.

Section 2. Vacancies in any Department elective office shall be filled by the Department Executive Committee. A vacancy in the office of District President or District Vice President shall be filled by a member from that respective district.

Section 3. Meetings:

- a) The Department Executive Committee shall meet at the time of the Fall Conference, and within one week preceding the Department Convention and immediately following the Department Convention.
- b) Special meetings may be called by the Department President, who gives notice to all members stating the date, time, location, and purpose. Notification may be by email or mail five days prior to the meeting unless the urgency of business demands a shorter time period.
- c) A Department Executive Committee meeting shall be called upon the written request of three (3) members of the Executive Committee. A written or email confirmation response will be sent within forty-eight (48) hours stating date and time of meeting to be held at Department Headquarters or via electronic means within three (3) weeks of notification.
- d) Meetings may be held in person or via electronic means. Voting may be by voice, ballot, email, or other electronic means.

Section 4. Quorum: A quorum shall consist of 2/3 of voting members of the Department Executive Committee. No person will be entitled to more than one (1) vote.

Section 5.

Suspension:

Any member of the Department Executive Committee may be suspended from the Department Executive Committee, with good cause, following written notice by certified mail and a three-fourths (3/4) affirmative vote of all members of the Department Executive Committee present at any regular or special meeting called expressly for that purpose. Good Cause shall be if a member of the Department Executive Committee is charged with any serious act of misconduct including (but not limited to) an act of dishonesty, theft or misappropriation of property, or any act injuring, abusing or endangering others.

Removal:

After adjudication of formal charges, any suspended member of the Department Executive Committee may be permanently removed from the Department Executive Committee following written notice by certified mail and a three-fourths (3/4) affirmative vote of all members of the Department Executive Committee present at any regular meeting or special meeting called expressly for that purpose. At this meeting, the suspended member shall have the right to speak or otherwise present reasoning for reinstatement to the Department Executive Committee.

- a) The member subject to the suspension or removal action shall not be entitled to vote on such action or be counted as a member of the Department Executive Committee when calculating the required three-fourths (3/4) vote.

Section 6

Resignation:

Any member of the Department Executive Committee may resign from the Department Executive Committee at any time by giving notice in writing to the Department Executive Committee. Resignation shall take effect at the time specified therein, and unless otherwise specified, no acceptance of such resignation shall be necessary to make it effective.

ARTICLE IV

Appointment of Committees

Section 1. The Department President shall appoint chairmen and members of standing committees, which are named by the National President, and such other committees as deemed advisable, subject to the approval of the Department Executive Committee. The Department President shall be an ex officio member of all committees.

Section 2. The Department Standing Committees shall be Advisory, Americanism, Auxiliary Emergency Fund, Cavalcade of Memories, Children and Youth, Community Service, Constitution and Bylaws, Education, Finance, Junior Activities, Leadership, Legislative, Membership, National Security, Past President’s Parley, Poppy, Public Relations, Risk and

Compliance, Strategic Planning, ALA Sunflower Girls State, Technology and Veterans Affairs and Rehabilitation. Each Department President shall have the privilege of naming the chairman of these Standing Committees for the year.

- a) The National Security Chairman is to be the immediate Past President. If the immediate Past President is unable to serve, the President will appoint a member to serve as Chairman, subject to ratification by the Department Executive Committee.
- b) The Past President's Parley Chairman is to be the Past President the second term out of office. If the Past President the second term out of office is unable to serve, the President will appoint a member, who will have been a Past Department President in Kansas, to serve as Chairman, subject to ratification by the Department Executive Committee.
- c) No member shall serve on a committee more than three (3) consecutive years with the exception of Finance, Junior Activities, Community Service, Constitution and Bylaws, ALA Sunflower Girls State, Poppy, Public Relations, Technology, the third member of the Americanism Committee (Oratorical Liaison), the second member of the Children & Youth Committee (Cadet Law) and the third member of the Children & Youth Committee (Liaison to the Child Well-being Foundation).

Section 3. Duties of Committees not specifically outlined in these Bylaws and Standing Rules shall be assigned to them by the Department President.

Section 4. Department Committee Chairmen requesting Units to contribute to new or additional program funds, shall submit a request in writing to the Department President, who will present to the Finance Committee for recommendation to the Department Executive Committee.

Section 5. The Department Executive Committee shall have the power to remove any Department Committee Chairman or Committee Member, who fails to perform the duties of the office, or whose conduct is prejudicial to the best interest of the American Legion Auxiliary, providing the member is furnished with written notice of the charges against them, and provided further that the member shall be afforded the opportunity to be heard in such manner as the Department Executive Committee may prescribe.

ARTICLE V

District Organization

Section 1. Districts shall function in accordance with National, and Department Constitution, Bylaws and Standing Rules. Organization and administration of Districts shall be in accordance with the National and Department Constitutions and Bylaws and such Standing Rules as are prescribed by the Department Convention. A District shall act as a liaison between the Department and assigned units for the purpose of promoting the programs of the American Legion Auxiliary.

Section 2. Each District shall nominate a candidate for President and Vice President at the District Convention. Additional candidates may be nominated for District President and District Vice President at the Department Convention. All candidates for District President and District Vice President shall be members of that respective District. District Presidents and District Vice Presidents shall be elected by the voting body at the annual Convention of the Department.

Section 3. The District President shall appoint chairmen corresponding to the committees named by the Department, and shall appoint other officers, chairmen, and any committees necessary in the District, not otherwise provided for by the District Bylaws, all subject to the ratification by the Department Executive Committee.

Section 4. The District President and Vice President shall be under the supervision of the Department President.

Section 5. Each District shall nominate a Vice President in the same manner to assist the President in the President's duties.

Section 6. The Department Executive Committee shall have the power to remove any District President or Vice President, or any appointed positions ratified by the DEC, who fails to perform the duties of the office, or whose conduct is prejudicial to the best interest of the American Legion Auxiliary, providing the member is furnished with written notice of the charges against them, and provided further that the member shall be afforded the opportunity to be heard in such manner as the Department Executive Committee may prescribe.

Section 7. The Department Executive Committee may discipline a District or cancel the charter of a District for any good and sufficient cause. All such actions must be imposed in accordance with the principle of fundamental fairness, which includes notice and the opportunity to be heard, in such a manner as the Department Executive Committee may prescribe.

Section 8. The number of delegates to the District Convention shall be determined by each District Constitution and Bylaws.

Section 9. The Units of each District shall bear the expenses of the District Convention. The manner of providing the funds shall be determined by each District.

Section 10. Each District may draft its own Constitution and Bylaws, but it must not conflict with the National and Department Constitution and Bylaws.

Section 11. The District President shall inform the District Chairmen of their duties, including distribution of the Department Program Action Plan to the District Chairmen for distribution to the Units, and return of the reports to meet dates required by the Department deadlines.

ARTICLE VI

Unit Organization

Section 1. Units shall be chartered by the National President and the National Secretary upon receipt of the charter application properly executed, with handwritten signatures on the original page of the application (white sheet), and accompanied by the per capita dues and individual membership record forms. Application for Unit charters shall be signed by the Department President and the Commander and Adjutant of The American Legion Post to which the Unit is attached and said charter shall be closed thirty (30) days after the application has been signed by the Commander of said American Legion Post.

Section 2. The minimum membership of a Unit shall be ten (10) Senior members for application for a charter. The Department membership committee may work with an established Unit having less than 10 members for options, upon request of the Unit.

Section 3. A Unit shall be given the name of the American Legion Post to which it is attached.

Section 4. A Unit charter shall not be canceled until such action is first approved by the Department and National Executive Committees.

Section 5. When a Unit ceases to function, or its charter has been canceled, the charter and all Unit records and funds shall be forwarded immediately to Department Headquarters.

Section 6. No person may, at any time, be a member of more than one (1) Unit.

Section 7. Any member in good standing in a Unit shall be entitled to transfer to another Unit.

Section 8. A member not subject to suspension or membership revocation under due process is eligible to transfer their membership to another Unit if they have paid the current membership dues to the current Unit for either the current year or the immediate past membership year. A member transferring to a new Unit must pay current year dues to their current Unit or the Unit into which they wish to transfer to. Transfer is final upon verification of eligibility, evidence of paid membership, and acceptance of the transferee by the new Unit. Evidence of Paid Membership includes:

1. American Legion Auxiliary membership card.
2. Verification of membership by ALA Department or National Headquarters membership records.
3. Other documentation verifying current or immediate past year membership dues such as a cancelled check or receipt; or
4. When verifying documentation is not available, a sworn statement that the member's membership dues payment was tendered.

Section 9. A Unit member may withdraw provided their current dues are fully paid. Upon withdrawal, however, the member shall be prohibited from joining any other Unit as a new member during the remainder of the current year for

which said dues are paid. In the event a member wishes to remove their membership from one Unit to another during the current year, it shall be done by transfer and not by withdrawal.

Section 10. Per the American Legion Auxiliary National Bylaws, the Unit has the responsibility for the discipline of its members. A member disciplined by said member's Unit may appeal the Unit's disciplinary action in writing to the Department Executive Committee. The Department Executive Committee shall review the appeal and respond as it deems appropriate. The action of the Department Executive Committee is final. Disciplinary actions against members, including membership suspensions, are not appealable to the National Organization. All discipline must be imposed in accordance with the principles of due process and equal protection. A Department may discipline a Unit for failure to discipline a member.

Section 11. A person may not be admitted or retained as a member without the person's or the person's legal representative's consent.

- a) Junior members must have consent by a parent or legal guardian.
- b) Verification of consent from the Unit secretary or Unit membership chairman must be provided to the American Legion Auxiliary, Department of Kansas Secretary / Treasurer if requested.

Section 12. Per the American Legion Auxiliary National Bylaws, the Department Executive Committee may discipline a Unit or cancel the charter of a Unit for any good and sufficient cause. All such actions must be imposed in accordance with the principle of fundamental fairness, which includes notice and the opportunity to be heard. The Department shall permanently keep a record of all disciplinary actions, communications, or meetings.

Section 13. Any Unit failing to meet the obligations imposed upon it by the Constitution and Bylaws, or by rulings of the Department Convention or Executive Committees, Department of Kansas, or ceasing to function from one Department Convention to the next as an American Legion Auxiliary Unit, or refusing to pay the per capita tax due Department and National Organizations, shall, upon order of the Department President, after a vote by the Department Executive Committee, surrender its charter.

- a) The hearing and trial of any cause involving the cancellation, suspension, or revocation of the Charter of any Unit of the American Legion Auxiliary, Department of Kansas shall be had and held under rules of procedure to be adopted by the Department Executive Committee.
- b) Upon SUSPENSION of the charter of any Unit of the American Legion Auxiliary, Department of Kansas, the Department Executive Committee is authorized, directed by and through its duly authorized agent, to take possession, custody, and control of all the records, property, and assets of and belonging to such Unit, and to provide for the government and administration of such Unit during said suspension.
- c) Upon CANCELLATION or revocation of the charter of any Unit of the American Legion Auxiliary, Department of Kansas, the Department Executive Committee is authorized, empowered, and directed, by and through its duly authorized agents, to take possession, custody and control of all records, property, and assets of such Unit, and to take all necessary and proper steps and proceedings to wind up and close the affairs of the Unit. The Department Executive Committee may provide for such continued recognition and activities of members in said Unit as it may deem proper.

Section 14. An American Legion Auxiliary Unit whose charter has been canceled may appeal from the decision of the Department Executive Committee to the National Executive Committee, as provided in Article XI, Section 4 of the National Bylaws.

Section 15. The Department Executive Committee may order the suspension of a Unit charter, for a period not to extend beyond the closing of the next succeeding Department Convention, as a disciplinary measure of pending action relative to final revocation, provided such suspension of a Unit Charter shall be completed after the offending Unit has been given written notice of the charges against it, and has been afforded a fair and impartial hearing by the Department Executive Committee under such rules of procedure as may be adopted by the Department Executive Committee to assure due process.

Section 16. A cancellation of a Unit charter shall be in order where two or more Units merge, where a Unit ceases to function, or under such other conditions as might make such action necessary. In the event a Unit charter is canceled without the consent of such Unit, it shall have the right to appeal to the National Executive Committee.

Section 17.

- a) Each Auxiliary Unit, except Unit 58, should elect a President, one or more Vice Presidents, Secretary, Treasurer (or Secretary-Treasurer), and any other positions. Unit officers shall be members of the Unit Executive Committee. Units may elect three (3) additional members to the Executive Committee if they so choose. Unit Executive Committees should have no less than five members.
- b) A Unit must elect a Unit President and a Secretary/Treasurer or Secretary and Treasurer each year. Each Unit Constitution and Bylaws should establish the definition of the Unit's Executive Committee.

Section 18. All officers shall be elected annually, and shall assume office immediately following their election and installation (no later than July 1) and shall hold office for one year or until their respective successors are chosen and qualified. New officers automatically become custodians of all property and records.

Section 19. Each Unit Secretary and Treasurer (or Secretary/Treasurer) must be bonded under position bond available. The fee of the aforesaid bond shall be paid by the Unit to the Department upon receipt of invoice.

Section 20. Unit 58 is a "Holding Unit" set up by National for those members whose Unit has ceased to function or are new to the state and have not yet transferred to another Unit. Unit 58 dues are paid into the Department. Unit 58 is not assigned to a District and has no officers. The Department Executive Committee shall be responsible for the discipline of members of Unit 58. Any disciplinary actions must be imposed in accordance with the principle of fundamental fairness, which includes notice and the opportunity to be heard, in such a manner as the Department Executive Committee may prescribe.

ARTICLE VII

Administrative Assistant

Section 1: Role: The ALA Department of Kansas shall have an Administrative Assistant.

Section 2. Authority: The Administrative Assistant shall be responsible for implementing the policies and directives of the Department Executive Committee.

Section 3. Duty: The Administrative Assistant shall be responsible for supervising staff and operations at Department Headquarters. The Administrative Assistant shall make such reports at the Department Executive committee meetings as requested by the Department Executive Committee. The Administrative Assistant shall perform other such duties as listed in the Standing Rules and Employee Handbook or as assigned.

ARTICLE VIII

Finance Director

Section 1: Role: The ALA Department of Kansas may employ a Finance Director.

Section 2: Authority: The Finance Director shall be responsible for implementing the financial policies and directives of the Department Executive Committee and Department Finance Committee.

Section 3: Duty: The Finance Director shall be responsible for acting as custodian of the funds for the American Legion Auxiliary, Department of Kansas and maintaining required financial records and documents. The Finance Director shall make such reports to the Department Executive Committee meetings and as required by the Department Finance Committee. The Finance Director shall perform other such duties as listed in the Standing Rules and Employee Handbook or as assigned.

Section 4: If the Department does not employ a Finance Director, The Department Finance Committee and the Department Secretary/Treasurer or Department Treasurer assumes the responsibilities of these duties.

ARTICLE IX

Finance

Section 1. The revenue of the American Legion Auxiliary, Department of Kansas, shall be derived from annual membership dues of Senior and Junior members, and from such other sources as may be ratified by action of the Department Convention or by the Department Executive Committee. Modification to the Department dues for membership shall require a two-thirds vote in the affirmative by the Department Convention delegates.

Section 2. Dues shall be payable annually for the succeeding year, following the Department Convention. Dues shall be payable in amounts as provided in the Standing Rules.

Section 3. The amount of the calendar year dues sent to Department for Senior membership and Junior membership will be what is required by Department and National.

Section 4. Dues shall be payable annually for the succeeding year, following the Department Convention. A member failing to pay such annual dues by January 31 shall be classed as delinquent and shall be suspended from all membership privileges, provided however, such suspended member shall be notified by the Secretary of the Unit of such suspension prior thereto. Payment of back dues after suspension shall reinstate such member to active membership. Any member delinquent to December 31 of the year of delinquency shall automatically be dropped from the rolls and may not thereafter be reinstated without vote of the Unit, where the Constitution of the Unit requires a vote on application for membership and the payment of all past dues, or by re-establishing eligibility and making application as a new member.

Section 5. The expenses necessary for the performance of official duties shall be paid from Department funds according to rules prescribed by the Department Convention or the Department Executive Committee and the Department Finance Committee.

Section 6. All matters of finance (including asking Units for contributions to any project or fundraisers open to the public) shall be referred to the Department Finance Committee through the Department President, for consideration and recommendation before being presented to the Department Executive Committee or the Convention Assembly for action. This includes the District President's project.

Section 7. No member or group of members shall subject the Department to liability without the approval of the Finance Committee and the authorization of the Executive Committee.

Section 8. The Administrative Assistant and Finance Director shall be bonded with a surety bond at Department expense.

Section 9. There shall be no salaried elected officers. The Department President shall receive a monthly contingent fund, which shall partially cover the duties performed as Department President, upon submission of receipts.

Section 10. All books of the American Legion Auxiliary, Department of Kansas shall be reviewed and taxes filed annually by a Certified Public Accountant. The American Legion Auxiliary, Department of Kansas shall have an outside audit by a Certified Public Accountant at the vote of the Department Executive Committee.

Section 11. The following shall have the authority to be one of two signers:

- a. on the General Account and the Rehabilitation account: Department Treasurer, Department Finance Chairman, Department President, Department Vice President.
- b. ALA Sunflower Girls State account shall have the SGS Director, SGS Secretary/Treasurer, and the Department Treasurer as signers.
- c. Deputy and Representative of their own ALA Department of Kansas VA facility bank account (Colmery-O'Neil, Eisenhower, Dole, Fort Dodge, and Kansas Veterans Home) shall have the Department Treasurer or Department Finance Chairman as the third signature with their two signatures.

Section 12. The fiscal year shall be from July 1 to and including June 30 of the following year or to comply with National.

ARTICLE X

Delegates to National Convention

Section 1. The Department shall be entitled to seven (7) delegates; and one (1) additional delegate for each one thousand two hundred (1,200) members, or major fraction thereof, whose current dues have been received by the National Treasurer thirty (30) days prior to the meeting of said Convention, and to one (1) alternate for each delegate.

Section 2. Delegates and alternates to the National Convention shall be elected by the Department not less than two (2) weeks before the National Convention.

Section 3. The delegates shall be elected as follows:

- a) The first three (3) delegates shall be the outgoing Department President, the incoming Department President and the incoming Department Vice President. Beginning with the fourth designated delegate, a national officer candidate (ALA National Central Division Vice President, ALA National Chaplain, ALA National Historian) will be designated delegates in the order listed above.
- b) The next eleven (11) delegates shall be the duly nominated first delegate from each District according to membership ranking as of the end of business on the Monday preceding Department Convention. The remaining delegates shall be assigned in the following order: nominated delegates according to membership rankings as of the end of business on the Monday preceding the Department Convention.

Section 4. The alternates shall be elected as follows:

- a) If the duly elected first delegate and their alternate cannot attend National Convention, the duly elected second delegate and their alternate from the District will represent that District. All delegates and alternates must be in good standing in their District and Units. If the duly elected second delegate and their alternate resign, the positions will be filled by duly elected delegates and alternates according to ranking in membership as of the end of business on the Monday preceding Department Convention.
- b) The alternates to the Department Designated Delegates shall be nominated from the floor of the Convention and shall be elected by the individual votes of the delegates. Alternates shall be ranked according to the number of votes received.
- c) The alternates to the remaining delegates shall be nominated at the District Conventions and elected by the Department Convention in the same manner as the delegates are elected.

Section 5. Units in each District shall vote for the specified number of delegates and alternates to the National Convention, out of those nominated, and shall not vote for a lesser number.

Section 6. National Convention Delegates and Alternates elected from the Kansas districts shall be members of units that reside within that specified district.

Section 7. The outgoing Department President shall be Chairman of the Delegation to the National Convention.

ARTICLE XI

Subsidiary Organizations

Section 1. Incorporated Districts will function as a Subsidiary of the American Legion Auxiliary, Department of Kansas, with its own Articles of Incorporation.

- a) The District shall submit their budget to the Department Executive committee for approval.
- b) The Administrative Assistant and Finance Director shall be a signatory on all bank accounts.
- c) The District shall submit a monthly financial report and an annual financial statement to Department Headquarters.

Section 2. Sunflower Girls State will function as a subsidiary of the American Legion Auxiliary, Department of Kansas, with its own Articles of Incorporation.

- a) The Board of Directors shall be the American Legion Auxiliary Department President, American Legion Auxiliary Department Vice President, Director of Sunflower Girls State, Assistant Director of Sunflower Girls State and the Secretary/Treasurer of Sunflower Girls State.
- b) The Department Secretary/Treasurer shall be a signatory on all bank accounts.
- c) Sunflower Girls State shall submit a monthly financial report and an annual financial statement to Department Headquarters.

ARTICLE XII

Parliamentary Authority

Section 1. The Department organization shall be governed by Robert’s Rules of Order, Newly Revised in all points not covered by this Constitution and Bylaws.

ARTICLE XIII

Amendments

Section 1. These Bylaws may be amended at any Department Convention by a vote of two-thirds (2/3) of the total authorized representation thereat, provided the proposed amendments shall have been submitted through the Department Secretary to the Units and members of the Department Executive Committee by mailing/emailing same to them at least forty-five (45) days prior to the convening of the next Department Convention; and provided further that all proposed amendments shall be read at a regular meeting of the convention if a copy has not been given to each delegate at registration or if the delegate does not retain or have access to a copy of the amendment packet.

- a. All amendments to the By-laws must be presented in a three (3) column format (current wording, proposed amendment and if adopted, will read) and include the location (Heading with document, article and section) and rationale.

Section 2. All Amendments must be submitted to the Department of Kansas Constitution and Bylaws Chairman at least sixty (60) days prior to the Department of Kansas convention and must contain rationale for the proposed change. Amendments may be submitted by a Unit, District or any two (2) members in good standing in the Department of Kansas. Amendments can come from the Constitution & Bylaws Committee providing they have been published and sent to the Units and members of the Department Executive Committee at least forty-five (45) days prior to the convening of the next Department Convention and providing a rationale.

Section 3. Proposed amendments submitted after distribution or revision as shown in Section 1, may be adopted by a two-thirds (2/3) vote of the delegation, provided the amendments have been read at one (1) meeting of the session prior to taking the vote.

Section 4. Proposed amendments not having been previously read or distributed as required in Section 1, may be adopted by the unanimous vote of the convention body.

Section 5. These Bylaws shall be automatically amended to conform to any amendment in the National Bylaws.

Amendment Notes:

Constitution, Bylaws, Standing Rules: Department Convention: May 19, 2019
Standing Rules: Fall Conference, September 20, 2019
Standing Rules: Post Convention DEC: May 19, 2019
Standing Rules: Mid-Winter DEC: February 1, 2020
Standing Rules: Special DEC Meeting: June 13, 2020
Standing Rules: Pre-Convention DEC: May 14, 2021
Constitution, Bylaws, Standing Rules: Department Convention: May 16, 2021
Standing Rules, Fall Conference, September 18, 2021
Standing Rules, Referendum, March 8, 2022
Constitution, Bylaws, Standing Rules: Department Convention: June 5, 2022
Standing Rules and Policies, Special DEC Meeting: August 7, 2022
Standing Rules and Policies, Fall Conference DEC Meeting, September 16, 2022
Standing Rules, Special DEC Meeting: February 21, 2023
Standing Rules, Pre-Convention DEC Meeting, June 2, 2023
Constitution, Bylaws, Standing Rules: Department Convention: June 4, 2023
Bylaws: ALA National Convention, August 29, 2023
Standing Rules, Mid-Winter DEC Meeting, February 3, 2024
Standing Rules, Pre-Convention DEC Meeting, May 31, 2024
Constitution, Bylaws, Standing Rules: Department Convention: June 1, 2024
Standing Rules, Pre-Convention DEC Meeting, May 29, 2025
Constitution, Bylaws, Standing Rules: Department Convention: May 31, 2025
Standing Rules Fall Conference DEC Sept 2025
Constitution, Bylaws, Standing Rules, Policies: Department Convention: May 30, 2026
Standing Rules: Special DEC 6/28/26