



THE AMERICAN LEGION DEPARTMENT OF CALIFORNIA BYLAWS (Approved June 30, 2019)

ARTICLE I

Headquarters

Permanent headquarters of The American Legion, Department of California, shall be at such city as designated by the Annual Department Convention 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, or is paying, national and

department per capita tax for current year and 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. The six (6) vice commanders are to represent the six (6) areas of the Department, as set forth in Article VII, no two being members of 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. They 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 the Department Commander, and shall on their 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 duties.

The Department Vice-Commanders shall be available for conference with the district commanders of the districts of their respective areas and assist in the coordination of the work of The American Legion in their respective areas.

Section 4. DEPARTMENT ADJUTANT

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.

The Department Adjutant shall perform such other duties as are usually incident to the office. They shall keep a record of all meetings of the Department Convention, the Department Executive Committee, and the Advisory Council, and prepare a permanent record for the same. At the direction of the Department Commander, the Department Adjutant shall read the minutes of the previous meeting and make such corrections as allowed.

The Department Adjutant shall, under direction of the Department Commander, cause notice to be given of all meetings. They shall further keep a record of all posts in the department and shall obtain from such posts a complete record of the personnel of such posts.

The Department Adjutant shall receive from the posts, all annual per capita tax and assessments levied upon such posts and keep an accurate record of all receipts of such money. The Department Adjutant shall have general charge of all paid personnel of the department. The Adjutant is authorized, in the event of the death or resignation of the Department Commander to summon the Department Executive Committee for the election of a successor.

The Department Adjutant shall further render to the members of the Department Executive Committee such reports as may be prescribed by the committee, and keep all financial records in readiness for the auditing of department accounts. The Department Adjutant shall maintain a surety bond in an amount acceptable to the Department Executive Committee, payable to: The American Legion, Department of California, for the faithful performance of their duties as such officer, the premium of the bond to be paid by 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 such contracts 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 Department Historian shall also assist district and post historians to coordinate and unify the work of these officials and shall have such other duties as the Department Executive Committee shall prescribe.

Section 7. DEPARTMENT CHAPLAIN and DEPARTMENT SERGEANT-AT-ARMS

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

Section 8. SERVICE OFFICER

The Department Service Officer shall be responsible for supervising the operation and staff of the Department Service Offices in such 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 Junior 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 are authorized to wear their 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 post 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. Upon the issuance of the temporary charter to the new post such members are automatically transferred from the post of which they are a member to the new post, subject to any other regulations or rules concerning transfer of members.

Section 2. A group desiring a post charter shall apply to the Department of California. A temporary charter will 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 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, 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 or electronically transmitted to each member at least ten (10) 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 adjutant, and finance officer. The post should also have a second vice-commander, third vice- commander, chaplain, historian, judge advocate, service officer, and sergeant-at-arms. and assistants as necessary to perform duties.

Section 7. The post 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 in accordance with the post bylaws. Any other officer may hold two (2) or more appointed offices.

Section 8. The Post Finance Officer and any officers 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 installed by a ritual team or a past commander, in accordance with the National Manual of Ceremonies, prior to the first (1st) day of September following the annual post elections.

Section 10. Appointed officer terms shall not exceed one (1) year in office and elected committee member terms shall not exceed three (3) years.

Section 11. Nomination for post elected offices shall be made at regular meetings, notice of which shall be given at the previous regular meeting. The post may require written notice of the nominations meeting be sent to each member at least ten (10) days prior to nomination meeting.

Section 12. 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 commander and vice-commanders. The other elected officers, if any, may be elected by a plurality vote as the post may determine. Secret ballots shall be retained for thirty (30) days by the Post Adjutant.

Section 13. The Post Certification of Officers form shall be submitted to the Department Adjutant before July 15 of each year. Posts failing to submit the form on time will be placed on probation until submission has been verified by the Department Adjutant.

Section 14. The post may provide in its Constitution and/or Bylaws a process to declare an office abandoned in the event a post officer is 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 written notice to all members that such vote will be taken. A vacancy so created shall be filled by the election or appointment process by which the office was originally filled.

Section 15. Each post in its constitution and/or bylaws shall provide for the filling of any vacancy in any elected office.

Section 16. Each post shall pay annually to the Department of California, the bill for the bond of its Officers and such per capita tax levied by Department Convention, plus the per capita tax levied by the National Organization. Posts will pay such per capita tax in full within thirty (30) days of receipt of payment of annual dues received from a post member.

Section 17. Each post shall maintain financial records using standard accounting practices, and shall cause such records 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 officer or other person charged with the responsibility of handling post funds.

Section 18. The Post Financial Audit Certification along with an annual Income and Expense report shall be submitted to the Department Adjutant. Posts with gross annual revenues fifty thousand dollars (\$50,000) and over, shall have their books examined by a reputable bookkeeper or certified public accountant and attach a copy of their report to the Post Financial Audit Certification. Such audit shall occur by October 1st and examine the immediately preceding fiscal year of the post. The post fiscal year shall be determined by the post. Each post shall submit the certification to the

Department Adjutant prior to November 15th with copy sent by the Department Adjutant to the respective District Commander and District Adjutant. Failing to submit the certification by deadline will cause a post to be placed on probation until submission has been verified by the Department Adjutant

Section 19. The Department Commander, Department Executive Committee, District Commander, Post Commander, or the Post Executive Committee, may require a post financial audit as deemed advisable. Any post failing to submit a Post Financial Audit Certification within required timeline, or any general or special extension thereof, shall be placed on probation until submission has been verified by the Department Adjutant.

Section 20. The Department Constitution and Bylaws Commission shall approve a model Constitution and/or Bylaws for posts, to be adopted, or modified and adopted by posts. No modifications or subsequent amendments shall be inconsistent with the National Constitution and/or Bylaws of The American Legion or the Constitution and/or Bylaws of The American Legion, Department of California.

Section 21. Proposed amendments must be submitted in writing at a regular meeting of the post and read there at. 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 no amendment be adopted unless notice be mailed to each member, giving notice 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 ten (10) days. 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 22. 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 be inconsistent with the National Constitution and/or Bylaws of The American Legion or the Constitution and/or Bylaws of The American Legion, Department of California.

Section 23. All amendments to post constitution and/or bylaws hereafter adopted shall 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 amendments are consistent with the National Constitution and/or Bylaws of The American Legion or the Constitution and/or Bylaws of The American Legion, Department of California.

Section 24. 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 make such revisions required by the National Constitution and/or Bylaws of The American Legion or the Constitution and/or Bylaws of The American Legion, Department of California.

Section 25. The Department Constitution and Bylaws Commission may permit each post to certify

to the Department Adjutant their constitution and/or bylaws, approved by the Department Constitution and Bylaws Commission, has been amended to conform to all revisions required by the National Constitution and/or Bylaws of The American Legion or the Constitution and/or Bylaws of The American Legion, Department of California Section 26. The Department Constitution and Bylaws Commission shall report annually at the meeting of the Department Executive Committee immediately preceding the Department Convention, the list of posts failing to comply with the provisions of Section 24, Article V, of the Department Bylaws, and the Department Adjutant shall notify the Convention Credentials Committee the delegates of the reported posts are not entitled to be accredited with the Department Convention until the post has 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 American Legion year.

ARTICLE VI

Districts

Section 1. The following districts are hereby created: District 1: Del Norte, Humboldt and Mendocino Counties District 2: Siskiyou, Trinity and Shasta Counties District 3: Modoc, Lassen, Sierra and Plumas Counties District 4: Yuba, Sutter, Colusa, Tehama, Butte and Glenn Counties District 5: Lake, Sonoma, Marin, Napa and Solano Counties District 6: Sacramento and Yolo Counties District 7: El Dorado, Nevada and Placer Counties District 8: San Francisco County District 9: Contra Costa County District 10: Alameda County District 11: San Joaquin, Calaveras, Amador and Alpine Counties District 12: Stanislaus, Merced, Mariposa and Tuolumne Counties, and Madera County North of the Fresno River, except the portion of the City of Madera lying North of the Fresno River District 13: Santa Clara County District 14: Fresno and King Counties, and Madera County South of the Fresno River, and the portion of the City of Madera lying North of the Fresno River District 15: Tulare County and Kern County lying North and West of the Tehachapi Divide District 16: Ventura, San Luis Obispo, and Santa Barbara Counties District 17: Los Angeles County District 18: Los Angeles County District 19: Los Angeles County District 20: Los Angeles County District 21: Riverside County District 22: San Diego County District 23: Los Angeles County District 24: Los Angeles County District 25: San Bernardino County District 26: San Mateo County

District 27: Mono and Inyo Counties, and Kern County lying East of the Tehachapi Divide District 28: Santa Cruz, San Benito and Monterey Counties District 29: Orange County District 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 they may designate, at which election each post in such district shall cast the same number of votes as it held 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 District 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 the district is located and is the executive officer of the district. It is the duty of the District Commander to cooperate with the officers of the posts and the county council in the district.

Section 5. District Commanders shall ensure properly executed Consolidated Post Reports, Certification of Post Officers, Notification of Post/Squadron Commanders and Adjutants report, and Certification of Department Convention Delegates are submitted from the posts within their district and submission verified by the Department of California not later than twenty (20) days prior to the opening of the annual Department Convention. Posts failing to submit these properly executed reports twenty (20) days prior to the opening of the annual Department Convention shall be placed on probation until submission has been verified by the Department Adjutant.

District Vice-Commanders

Section 6. 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 ViceCommander to at all times cooperate with the District Commander and assist them in the performance of their duties.

District Councils

Section 7. In each district there shall be a district council composed of the commander, first vicecommander and second vice-commander and such delegates as may be selected from each post, the number to be determined by the respective district, provided, however, that at the annual meeting as fixed by Article IX, Section 22, of the Department Bylaws, each post shall be represented by the delegates accredited to the Department Convention that year.

Section 8. Delegates of the posts to the district council of their respective district shall be elected or appointed as prescribed by the constitution and/or bylaws. Posts shall fill vacancies in their delegation representing the post at the district council meeting in the same manner as delegates are selected.

Section 9. Districts have the right to formulate their own rules of procedure with regard to matters dealing with representation, assessments, or rules concerning voting in such districts.

Section 10. In addition to the Annual Meeting prescribed in Article IX, Section 22, of the Department Bylaws, the District 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 11. District Councils shall adopt a constitution and/or bylaws for the government of the business of the district, but no such constitution and/or bylaws shall be inconsistent with the National Constitution and/or Bylaws of The American Legion or the Constitution and/or Bylaws of The American Legion, Department of California.

Section 12. District Council Constitution and/or Bylaws may provide in the event any District Officer is absent for two (2) consecutive meetings of the district council without being excused by the District 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 the Department Bylaws.

Section 13. District Council Constitution and/or Bylaws shall provide for the filling of any vacancy in an elected office.

Section 14. 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 15. Districts 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, their constitution and/or bylaws, with such revisions as are required by the National Constitution and/or Bylaws of The American Legion or the Constitution and/or Bylaws of The American Legion, Department of California. The Department Constitution and Bylaws Commission may permit each district to certify to the Department Adjutant it has an existing constitution and/or bylaws approved by the Department Constitution and Bylaws Commission and that the same has been amended to conform to all changes made necessary by the changes in the National Constitution and/or Bylaws of The American Legion or the Constitution and/or Bylaws of 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 1 – Comprising Districts 1, 2, 3, 4, 5, 6, and 7 Area 2 – Comprising Districts 8, 9, 10, 13, 26, and 28 Area 3 – Comprising Districts 11, 12, 14, 15, and 27

Area 4 – Comprising Districts 17, 19, and 23 Area 5 – Comprising Districts 21, 22, 25, 29, and 30 Area 6 – Comprising Districts 16, 18, 20, and 24

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, representing at least two-thirds (2/3) of the active members in the county, a county council shall be organized. Membership in which shall be mandatory upon all posts in the county.

Section 2. Within fifteen (15) days after receipt of such written request, the Department Commander or their designated representative shall call a meeting of representatives of all posts in such county to affect 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. County councils shall have such powers as may be delegated to it by the posts comprising it.

Section 4. County councils shall have the authority to file charges against any member post in accordance with the provisions of the Department Administrative Hearing Manual as adopted at a Department Convention and amended by the Department Executive Committee. Section 5. County councils 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. Upon the written request of two-thirds (2/3) of the posts in the county, representing at least two-thirds (2/3) of the active members in such county, the Department Commander shall dissolve the county council, and all debts, financial obligations, and/or assets of the council remaining, at the time of the dissolution, shall be distributed to each post in the county in proportion to the active membership of each post .

Section 7. County councils may adopt a constitution and/or bylaws for the government of the business of the county council, but no such constitution and/or bylaws, or any amendments, shall be inconsistent with the National Constitution and/or Bylaws of The American Legion or the Constitution and/or Bylaws of 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. There shall be a three-year succession of conventions in the host city beginning in the year 2020.

Section 3. The annual convention [limited to three (3) consecutive days of which one (1) day shall be a Sunday], 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, active forty five (45) days prior to the opening date 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 4. 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 be authenticated by the post commander or 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 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 5. Convention registration fees shall be established by the Department Executive Committee 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. Section 6. 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 delegates shall be waived.

Section 7. All chairpersons of the department standing commissions, if not elected as delegates, shall be delegates of the Department Convention, but with no right to vote.

Section 8. A quorum at a Department Convention shall consist of seventy-five percent (75%) of the districts partially or fully represented. District quorum at convention shall consist of the represented posts from within the district. No post shall be represented at Department Convention by proxy.

Section 9. 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; 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; Media and Communication; 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 Department Executive Committee shall deem fit.

Section 10 The Credentials, Organization and Rules, and Resolution Assignment Committees, shall be appointed by the Department Commander in such number as they deem advisable, from among such delegates as will be present in the city of the convention prior to its convening.

Section 11. 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 chairperson and two (2) members designated by them of each corresponding department standing commission shall be ex-officio members of such convention committees with voice and vote, but not counted to determine a quorum. Section 12. Convention standing committees, except Credentials, Organization and Rules, and Resolution Assignment, shall organize and function within 48 hours prior to the opening of the Convention.

Section 13. Resolutions shall first be presented to the Resolution Assignment Committee for classification and assignment to the appropriate committees without recommendation.

Section 14. After resolutions have been classified, they shall be returned to the Department Adjutant to be retained until called for and received by the chairperson of the respectively assigned standing convention committee.

Section 15. No department citation shall be given to any individual or organization without prior approval of the assembled convention delegates, or in the event of an emergency, and not previously refused by the assembled convention delegates, by approval of two-thirds (2/3) of the Department Executive Committee.

Section 16. 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 Department 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 majority approval of the Department Finance Commission, or a three-fourths (3/4) vote of the Department Executive Committee without the majority approval of the Department Finance Commission. Such action of the Department Executive Committee shall be final. Funds of the department shall not 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 (1st) six (6) months of each fiscal year, ordinary department expenses may be made on the basis of anticipated income. After January 1st 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. If it appears to the Department Executive Committee that

the aggregate income for the fiscal year will be less than the aggregate expenditures authorized by said budget, the Department Executive Committee shall have authority to reallocate the income available for expenditures from budget items in such manner as deemed for the best interests of The American Legion – Department of California. Such reallocation shall be made by a two-thirds (2/3) vote of the Department Executive Committee with the majority approval of the Department Finance Commission, or by a three-quarters (3/4) vote of the executive committee without the majority approval of the finance commission.

Section 17. The fiscal period of the Department shall begin July 1st and end June 30th 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 deemed necessary or advisable.

Section 18. 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.

Section 19. There shall be a Department Advisory Council 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, but no vote.

Section 20. The Department Commander, the Department Vice-Commanders, and the Department Sergeant-at-Arms shall be elected at the annual Department Convention and shall hold office until the close of the following Department Convention.

Section 21. 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 22. 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 23. 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 District Meeting and any vacancies shall be filled at the first (1st) 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 24. The Department Adjutant shall provide the various District Commanders with a list 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 their District Council shall have been paid or satisfied at the time of the Annual Election, including the following: Submission to department of the Post Certification of Officers form for the current year. The payment of delegate fees for the Department Convention for prior years. The payment of said obligations contracted thirty (30) days prior to the Annual District Meeting. Submission to department of a Post Financial Audit Certification, as outlined in Article V, Section 17. Approval of the post constitution and/or bylaws including any required amendments thereto by the Constitution and Bylaws Commission. The payment of all per capita dues or other moneys due from it to the District Council. Properly submitted Consolidated Post Reports.

Section 25. Post not in compliance with Article IX, Section 23 of these bylaws shall be placed on probation and announced at the pre-convention DEC.

Section 26. No member of the Department Executive Committee shall be elected to the same office for two (2) successive terms, with exception of District Commanders. A District Commander may be elected for up to two (2) consecutive one-year terms.

Section 27. The Department Chaplain should not be of the same denomination for two (2) successive terms.

Section 28. 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 29. The department offices of 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 Department Executive Committee upon recommendation of the Department Commander.

Section 30. A vacancy in an elected 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 the Department Adjutant in the event of a vacancy in that office, shall summon the Department Executive Committee to elect a successor to fill such vacancy for the balance of said term.

Section 31. Vacancies in the district offices shall be filled as provided by the constitution and/or bylaws of the district.

Section 32. 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 Annual 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 33. 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

Department 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 Junior 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 Department 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.

Section 3. The Department Executive Committee shall meet for business sessions within fortyeight (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 committee. All such meetings shall be held at a time and place designated by the commander except if a meeting be called by five (5) members of the 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 committee by unanimous action may designate such time and place. Expenses of the committee members attending meetings of the committee shall be limited to transportation and per diem as fixed by the committee. No expense shall be allowed for attendance at meetings of the committee held just previous to and immediately after the annual Department Convention.

Section 4. 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 5. 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. A post may be placed on probationary status, for a period not to exceed one (1) year, prior to the Department Executive Committee suspending, canceling, or revoking a post charter to assist the post in correcting actions or inactions that place the charter in jeopardy. Probationary status is administrative in nature and 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. Suspended status allows for the district to direct the operations of the post until operational control can be re-established and requires Department Executive Committee action for placement and removal of such status.

Section 6. Any post failing to meet the conditions, obligations, duties or liabilities imposed upon it by the National and/or Department Constitution and/or Bylaws or failing to pay its per capita or other monies due from the post to the National, 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 7. 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 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 8. The department 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 9. 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 10. 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.

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. Commissions shall be numerically composed that an equal number shall be selected from each area. Commissioners 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 with voice and vote, but not 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 member of any commission who fails to perform the required duties. 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 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 the district to serve on each advisory board, the person so selected being the district chairperson of that particular activity in the district, for one (1) year or until a successor is appointed.

Section 6. The Department Commander shall designate the chairperson and vice chairperson 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.

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 Department Executive Committee, and generally supervise the legislative program of the department during the session of the State Legislature.

MEDIA & COMMUNICATIONS: The editor of The California Legionnaire, appointed each year by the incoming Department Commander, shall serve on this Commission as the Commissioner from said editor's area of the Department of California. The mission of the Media & Communications Commission shall be to make recommendations on the content of internal and external communications, for the purpose of disseminating information and promoting a positive image of the Department of California. This commission will also develop press release templates, lists of media outlets, and other tools needed by posts, districts, and the department, for disseminating information to the media.

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.

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 department 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: 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. They shall act in advisory capacity to the Commission and shall coordinate the work of the staff in such other cities as may be designated by the Commission. The Department Service Officer or designated members of 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 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 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 Department 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 they consider necessary, and to appoint the chairperson and vice chairperson.

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 nine (9) members, one (1) representative from each area of the department, one (1) North chairperson, one (1) South Chairperson, and one (1) representative from the department being designated as having the title of Department Director of Membership and be authorized to wear a department level (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 committee shall consist of the six (6) department vice-commanders and the district first vice-commander of each district of the department.

Section 10. **CONVENTION 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 convention committee to provide guidance and insight regarding the selection of department convention locations and the details and activities surrounding the event. The committee shall consist of five (5) voting American Legion members along with five (5) advising members. The advising members shall consist of two (2) American Legion Auxiliary department members, two (2) Sons of the American Legion detachment members, and one (1) American Legion Rider department member.

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.

Section 12. TRAINING 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 seven (7) member committee which shall have the duty of promoting, developing, and delivering effective training opportunities for all levels of the department in order to best engage our members with the purpose and programs of The American Legion and increase the overall functionality of the organization.

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–Department 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 their 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. 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 Department Executive Committee in favor of initiating any amendment to the constitution and/or bylaws the Department 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 Department of California 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 American Legion 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 and 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 Department Administrative Hearing Manual as adopted at a Department Convention and amended by the Department Executive Committee.

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 three (3) persons, namely: the Department Commander, the Department Adjutant, , 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 three (3) 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 three (3) 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 15. 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 be maintained by 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 Department Convention or the Department 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 maintain the surety bond set forth in Article IV, Section 4 for the signatory agents outlined in Article XVII, Section 1, above.

ARTICLE XVIII

Reserve Fund

Section 1. A reserve fund, representing at minimum, twenty percent (20%) of the operating expenses of the previous fiscal year shall be maintained by the department.

Section 2. The assets of the fund shall be invested and reinvested in bonds of any government agency, savings deposits, or savings certificates of deposit that are properly insured. 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. The Department Executive Committee may, by a three-fourths (3/4) vote, approve such expenditure or use where majority approval of the Department Finance Commission is absent and the decision of the Department Executive Committee, so voted, shall be final.

Section 5. The reserve fund shall not exceed fifteen dollars (\$15.00) 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 transferred to the general fund of the department in accordance with the process outlined in Article XIII, Section 4, above.

ARTICLE XIX

Amendment

Section 1. This Constitution and/or Bylaws may be amended by initiative proceedings or by submitting the proposed amendment to the Annual 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 1st of the year, and the adjutant shall notify each post of the recommendations by mail, with a postmark date no later than March 1st, so posts 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 being 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 changes to this document, and its component parts, when printed by the department shall be shown in a manner such as italics, strike-through, or underline type as to make obvious the proposed changes from the document adopted by previous Department Convention. Section 5. Adoption of these Department Constitution and Bylaws supersedes all previous additions and/or amendments.

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