



CONSTITUTION OF THE AMERICAN LEGION AUXILIARY DEPARTMENT OF NEVADA

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 association during the Great Wars; to inculcate a sense of individual obligation to the Community, State, and Nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of Justice, Freedom and Democracy; to participate in and contribute to the accomplishments 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 Nevada.

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 any 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 composed of members over the age of eighteen; provided, however, that a wife under the age of eighteen years, who is eligible under Section 1 of this article, shall be classed as a Senior member.

§B: Junior membership shall consist of that group under the age of eighteen years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen years, Junior members shall automatically be admitted into Senior membership with full privileges.

§C: Dues of both classes shall be paid annually or for life.

§D: A member failing to pay such annual dues by January 31st of the current membership year shall be delinquent and suspended from membership privileges. A member deemed delinquent for failing to be dues by December 31st of the current membership year shall be classified as expired.

ARTICLE IV

Department Officers

Section 1. The Department Organization shall have the following department officers: Department President, First Vice President, Second Vice President, Department Secretary/Treasurer, Department Chaplain, Department Historian, and Department Sergeant-at-Arms.

Section 2. The Department Convention shall elect the following department officers: Department President, Department First Vice President, Second Vice President, Department Secretary/Treasurer, Department Chaplain, Department Historian, and Department Sergeant-at-Arms. Such officers shall serve for one term or until their successors are elected; a term shall start upon the adjournment of the Convention at which they are elected and end at the adjournment of the following Department Convention.

Section 3. In the event of a vacancy in the office of the President, the First Vice-President shall become President and shall assume the duties and authority of the office. Vacancies occurring between Department Conventions in these offices, other than the Department President, shall be filled by election by the Department Executive Committee, and any member of the American Legion Auxiliary, in good standing, shall be eligible for election to such vacancy.

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

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

Section 4. The outgoing Department President shall automatically become the National Executive Committeewoman, and the outgoing National Executive Committeewoman shall automatically become the Alternate National Executive Committeewoman, and the Department President shall be the Second Alternate National Executive Committeewoman.

Section 5. All questions affecting the eligibility, election, and conduct of a department officer shall be referred to the Department Executive Committee where a decision by a two-thirds vote in said committee shall be the final authority thereon.

ARTICLE V

Department Executive Committee

Section 1. Between Department Conventions, the Department Executive Committee shall serve as the governing body of the organization with fiduciary, policy, and strategic responsibility for the organization.

Section 2. The Department Executive Committee shall be comprised of:

§A: Voting Members:

The Department President, Department Vice-Presidents, Department Secretary/Treasurer, Department Chaplain, Department Historian, Department Sergeant-at-Arms, and the National Executive Committeewoman, (or in her absence, the Alternate National Executive Committeewoman) and the District Presidents.

§B: Non-Voting Members:

§1. All Past Department Presidents in good standing in her Unit shall be members for life of the Department Executive Committee, with all rights except the right to vote.

§2. The Department Finance Officer shall be a member of the Department Executive Committee, with all rights except the right to vote.

Section 3. The Department President and the Department First Vice-President shall serve as Chairwoman and Vice Chairwoman of the Department Executive Committee respectively.

Section 4. The term of office of a National Executive Committeewoman shall commence immediately following the adjournment of the National Convention next ensuing and shall end at the adjournment of the next succeeding National Convention. The Alternate National Executive Committeewoman shall serve only in the absence of the National Executive Committeewoman.

ARTICLE VI

Department Convention

Section 1. The American Legion Auxiliary Department Convention shall be held annually at the same time and place as the convention of The American Legion for the purpose of electing officers, receiving reports and transacting such other business as shall properly come before it.

Section 2. Representation in the Department Convention shall be by Units. Each Unit shall be entitled to Delegates based upon the number of members whose dues are paid up-to-date as provided in the Standing Rules. Changes to the formula for delegate voting strength and the manner to casting votes may be determined only by action of the Department Convention delegates.

Section 3. Each delegate shall be entitled to one vote. The majority of the delegates present from her Unit may cast the vote of any delegates absent and not represented by an alternate. The manner for casting votes shall be as provided in the Department Convention Standing Rules.

Section 4. No Unit delegation shall be seated unless financial obligations to the Department are paid in full.

Section 5. A quorum shall exist at a Department Convention when one-fourth of the Units are represented by having paid their Department Convention registration fees.

Section 6. Additional information regarding Department Convention delegates shall be as provided in the Standing Rules.

ARTICLE VII

Amendments

Section 1. This Constitution may be amended at any Department Convention by a two-thirds vote of the Department Convention delegates, provided the proposed amendments shall have been submitted through the Department Secretary to all Units and members of the Department Executive Committee by distributing same to them at least twenty (20) 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 Department Convention. Units shall be responsible for distributing the proposed amendments to their delegates to the Department Convention.

Section 2. Amendments proposed after distribution, as shown in Section 1 hereof, may be adopted by a two-thirds vote of the Department Convention delegates, provided they have been read at one session of the Department Convention prior to taking the vote.

Section 3. An amendment not having been previously read or distributed as required in Section 1 may be adopted by the unanimous vote of the Department Convention delegates.

Section 4. Amendments to the National Constitution shall automatically become effective in this Department.

ARTICLE VIII

National Convention

Section 1. The Department Convention shall elect five delegates and one additional delegate for each 1,500 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 one alternate for each delegate to represent the Department at the succeeding National Convention.

Section 2. The National Executive Committeewoman shall be a delegate-at-large to the National Convention with a vote to be exercised with the Department.

Section 3. Any member holding an Elected National Office shall automatically be a delegate to the National Convention, therefore, she need not be elected as such.

Section 4. The retiring (outgoing) Department President shall serve as Chairwoman of the Department delegation at the National Convention.

Section 5. Each delegate shall be entitled to one vote. The vote of any delegates absent and not represented by an alternate shall be cast by the majority of the delegates present from the Department.

Section 6. Pre-Convention Committees shall exist for the National Chaplain and National Historian, and for the following national committees: Americanism, Auxiliary Emergency Fund, Cavalcade of Memories, Children & Youth, Community Service, Constitution & Bylaws, Education, Finance, American Legion Auxiliary Girls Nation, Junior Activities, Leadership, Legislative, Liaison to the Child Welfare Foundation, Membership, National Security, Past Presidents Parley, Poppy, Public Relations, and Veterans Affairs & Rehabilitation.

§A: The Pre-Convention Committees that correlate to the national committees shall each be comprised of members of the correlated national committee plus one member assigned by each Department.

§B: All Pre-Convention Committee meetings shall be open to all delegates. Only those delegates assigned to the Pre-Convention Committee shall have voice and vote.

§C: The Pre-Convention Committee meeting on Constitution & Bylaws shall be open to all National Convention delegates and shall be held at a time that does not conflict with the meetings of all other Pre-Convention Committees. Each member of the Pre-Convention Committee on Constitution & Bylaws and one representative assigned from each department shall be entitled to vote on the recommendation(s) to be made to the National Convention delegates.

BYLAWS of the AMERICAN LEGION AUXILIARY DEPARTMENT OF NEVADA

ARTICLE 1 Organization

Section 1. American Legion Auxiliary, Department of Nevada, shall be organized into Department and Units.

Section 2. Districts and Units shall function in accordance with National and Department Constitution, Bylaws, and Standing Rules as prescribed by the Department.

Section 3. The Department shall have the authority to create Districts between the Units and Department to act as a liaison between the organization and for the purpose of promoting the programs of the American Legion Auxiliary. The District shall be administratively subject to the Department and totally under Department jurisdiction. Department Executive Committee shall have the authority to set forth responsibilities and limits of all Districts. In no event shall these responsibilities established by the Department Executive Committee usurp the prerogatives of the National Organization, Department, and Unit.

§A: Should the Department choose to exercise this authority it shall establish and maintain no fewer than two (2) Districts.

Section 4. Such Districts now existing within the Department and heretofore authorized or recognized by the Department are hereby officially recognized, on the condition that they receive charters through the National organization, to the extent of the authority herein granted.

Section 5. All persons handling funds of the Department shall be bonded by a reputable, solvent bonding and surety company; or shall be covered by fidelity-crime insurance in an adequate amount as determined by the Department Audit Committee, Department Finance Committee, and/or Department Executive Committee.

ARTICLE II Election of Officers

Section 1. The election of the following officers shall be by secret ballot: Department President, Department First Vice-President, Department Second Vice-President, Department Secretary/Treasurer, Department Chaplain, Department Historian, and Department Sergeant-at-Arms. A majority of the votes cast shall be necessary to elect. When there is but one candidate for an office, the nominee may be elected by voice vote.

Section 2. All candidates for Department office shall be nominated from the floor in roll call of Units in numerical order at least four (4) hours prior to the election of officers.

Section 3. Delegates and Alternates to the National Convention shall be nominated and elected immediately following the election of the Department Officers.

Section 4. Each Department Officer shall assume the duties of her office upon the adjournment of the Department Convention and shall serve until the adjournment of the succeeding Department Convention, or until her successor is elected and qualified.

Section 5. The year following the outgoing Department Presidents term, she shall serve as the National Executive Committeewoman.

Section 6. The National Executive Committeewoman shall assume her duties upon the adjournment of the meeting of the National Executive Committee following the succeeding National Convention and continue until the close of the following National Convention.

Section 7. The outgoing National Executive Committeewoman shall serve as the Alternate National Executive Committeewoman and be the Chair of the Past Presidents Parley Committee.

Section 8. A vacancy occurring in an office, not including the office of President as provided in Article IV Section 3 of this Constitution and Bylaws, in the Department other than expiration of term shall be filled for the unexpired term by nomination and a majority vote of the Department Executive Committee.

Section 9. No member shall be eligible to seek Department office unless in good standing in her respective Unit.

Section 10. If a member wishes to be considered for a Department Officer position or to be selected as a delegate (or alternate) to National Convention and they cannot be at the Department Convention, they must submit a letter stating their wishes to their unit and to the Department Secretary-Treasurer at least two weeks prior to convention.

ARTICLE III

Duties of Officers

Section 1. Department President: It shall be the duty of the Department President to preside at all sessions of the Department Convention and meetings of the Department Executive Committee; to appoint a parliamentarian; to appoint members of department standing and department committees; to appoint other committees as she deems advisable to further the mission of the organization; and to appoint officials not otherwise provided for in these Bylaws, all subject to confirmation by the Department Executive Committee. The Department President shall serve as an ex-officio member of all committees and shall perform other duties as are usually incident to the office.

Section 2. In the event the Department President becomes incapacitated or is otherwise unable to discharge the duties of the Department President, the Department Executive Committee may declare the position vacant.

§A: In the event there is a vacancy in the office of the Department President, the Department First Vice President shall become President and shall assume the duties and authority of the office. In the event the Department First Vice President has assumed the office of Department President for a period of less than six (6) months, she may run for a succeeding full term as Department President.

Section 3. Department First & Second Vice-Presidents: It shall be the duty of the Department First Vice President to be the presiding officer at a meeting of the organization in the absence of the Department President.

§A: The First and Second Vice Presidents shall assume such other duties as assigned to them by the Department President.

§B: In the event the Department First Vice President thus assumes the office of the Department President, the Department Executive Committee may declare the position of First Vice President vacant and shall fill the office of the Department First Vice President with the Department Second Vice President. If this term is less than six (6) months, the person so named is eligible to election by regular process to the office of Department First Vice President.

Section 4. In the absence of both the Department President and the Department First and Second Vice Presidents, a Chairwoman pro tempore shall be elected by the Department Executive Committee.

Section 5. Department Secretary/Treasurer: It shall be the duty of the Department Secretary/Treasurer to record proceedings of the Department Organization in Convention assembled, the Department Executive Committee meetings, to keep all records of the Department Organization, and to perform other duties as assigned. She shall transmit reports and bulletins of all Department Standing Committees and send out all literature and call of meetings. She shall submit dues to the National Treasurer no less than monthly or to meet membership deadlines. She shall perform all other duties incident to the office. She shall turn over, to her successor; all books and papers belonging to the Department within 30 days following adjournment of the Department Convention with the exception of the Convention minutes, said minutes to be included in the printed proceedings of the Convention. It shall further be the duty of the Department Secretary/Treasurer to serve as custodian of the funds of the Department Organization and shall expend the same upon presentation of itemized expense statements as authorized by the Budget. She shall be one of the two signatories on all checks in disbursing the funds of the organization and shall make reports upon the condition of the Department Treasury when called for by the Department President; said report to be included in the printed proceedings of the Convention. She shall turn over, to her successor, all money, vouchers, books and papers belonging to the Department within 30 days following adjournment of the Department Convention and shall perform other duties assigned.

Section 6. Department Chaplain: It shall be the duty of the Department Chaplain to offer prayer and to perform such divine and nonsectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by the Department President or the Department Executive Committee, and shall perform other duties as assigned.

Section 7. Department Historian: It shall be the duty of the Department Historian to complete a historical record of the administrative year in which she serves, make a report to the Department Convention, maintain and update the historical records of the Department Organization through the process provided in the Standing rules, and shall perform other duties as assigned.

Section 8. Department Sergeant-at-Arms: The Department Sergeant-at-Arms shall be in charge of the color detail throughout the meetings at the Department Convention and she shall verify convention rooms are properly prepared. She shall preserve order at all meetings and perform such other duties assigned by the Department President.

Section 9. National Executive Committeewoman: It shall be the duty of the National Executive Committeewoman to fulfill the responsibilities of the National Executive Committee, and to articulate the organization's mission, accomplishments, and goals to the public and to her Department.

ARTICLE IV

Department Executive Committee

Section 1. Role: The Department Executive Committee shall serve as the governing body of the organization with fiduciary, policy, and strategic responsibility for the organization between Department Conventions. It shall be the duty of the Department Executive Committee to ensure that the organization has adequate resources to fulfill its mission. The Department Executive Committee is responsible for the organization's adherence to legal standards and ethical norms.

Section 2. Authority: The Department Executive Committee shall adopt the annual budget for the Department Organization; adopt policies and standing rules, unless otherwise noted in the Department Constitution, these Bylaws or Standing Rules, strategic plans and agreements, and memorandums of understanding; review financial statements and accept the department annual audit; ratify committees; confirm committee and other Department appointments, and confirm the appointment of officials not otherwise provided for in these Bylaws; levy assessments as needed; ratify the cancellation of charters; receive for filing reports from Department subsidiary organizations, and other duties and responsibilities that are the normal function of a corporate board of directors.

§A: Any District established by Department Convention action shall be subordinate to the Department Executive Committee and shall report to, be accountable to, and its actions ratified by the Department Executive Committee.

§B: All questions affecting the election, eligibility, conduct, and capacity of Department Officers shall be referred to and determined by the Department Executive Committee. The Department Executive Committee shall be responsible for establishing the process and procedure for making the determination that a Department Officer or a department committee member serving a single or multiple-year term is incompetent incapacitated, or otherwise unable to discharge the duties of the department office.

§C: All questions affecting the election, eligibility, conduct, and capacity of the National Executive Committeewoman from the Department or of the Department Officers, or members of Department Executive Committee shall be referred to and determined by the Executive Committee or governing board of the Department, which shall be the final authority thereon. The rules governing the fulfillment of this section shall be a provided in the Standing Rules.

§1. It shall be the duty of the National Executive Committeewoman to fulfill the responsibilities of the National Executive Committee, and to articulate the organization's mission, accomplishments, and goals to the public and to her Department.

Section 3. Meetings

§A: The Department Executive Committee shall meet within twenty-four (24) hours of the adjournment of the Department Convention, in the Convention city.

§B: Written notice of other Department Executive Committee meetings shall be provided to members of the Department Executive Committee at least two (2) weeks prior to the designated meeting and shall meet at such time and place as the Department President may designate.

Section 4. Quorum: Four of the voting Department Executive Committee members shall constitute a quorum of the Department Executive Committee.

ARTICLE V

Committees

Section 1. Pursuant to the Article on Duties of Officers, the Department President may appoint committee chairs, as she shall deem advisable to further the mission of the organization, subject to the ratification by the Department Executive Committee. When a vacancy occurs of a committee chair, the Department President shall appoint a member to serve the remainder of the unexpired term, all subject to the confirmation by the Department Executive Committee.

ARTICLE VI

District Organization

Section 1. A District Conference shall be held in each District, at least once a year, said Conference to be held at the same time and place as the District Conference of The American Legion in said District, if possible.

Section 2. The District Conference shall be composed of delegates and alternates to be elected by Units with the district, each Unit being entitled to two delegates at large, and one delegate for each ten paid-up members or major fraction thereof, and to one alternate for each delegate. The Unit president shall be the Chairwoman of the delegation, if present.

Section 3. The District Conference shall elect annually, by a majority of votes cast, a District President, District Vice-President(s), District Secretary-Treasurer, District Chaplain, District Historian, and District Sergeant-At-Arms; said officers shall be installed at said District Conference and take office immediately following the succeeding Department Convention.

Section 4. All persons handling funds of the District shall be bonded by a reputable, solvent bonding and surety company; or shall be covered by fidelity/crime insurance in an adequate amount as determined by the Unit.

ARTICLE VII

Unit Organization

Section 1. Those who desire to form a Unit shall apply to the Post to which it will attach and the Department in which it resides. Upon receipt of a properly executed charter application from the Department, the National President and the National Secretary shall sign the Unit charter.

Section 2. The minimum membership of a Unit shall be ten (10) senior members, with the exception of the Department Headquarters Unit that shall have no minimum membership requirement.

Section 3. A Unit shall be given the name, location, and number of The American Legion Post to which it is attached.

Section 4. A Unit shall remain in good standing provided that it maintains a minimum of ten (10) senior members who are in good standing and maintains good conduct as determined by the Department Executive Committee.

Section 5. Each Unit of the American Legion Auxiliary shall be responsible for verifying eligibility and deciding its membership, subject to the restrictions of the national governing documents. No person who is a member of an organization which has for its aim the overthrow of the United States Government 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 Auxiliary.

Section 6. All persons handling funds of the Unit shall be bonded by a reputable, solvent bonding and surety company; or shall be covered by fidelity/crime insurance in an adequate amount as determined by the Unit.

Section 7. The Department shall establish a Headquarters Unit, which will have no minimum membership and no charter. This Unit is organized to serve as a holding Unit for those who wish to maintain their American Legion Auxiliary membership but are not currently identified with a Unit. Annual dues shall be defined in the Standing Rules. This Unit shall not be affiliated with any Department Post. This Unit's membership shall not be included in any District or Unit membership quotas and shall not have voting privileges on the Department Convention floor.

ARTICLE VIII

Finance

Section 1. The revenue of the American Legion Auxiliary shall be derived from annual membership dues in a per capita amount established by the Department Convention delegates, and from such other sources as may be approved by the Department Executive Committee. Modification to the Department per capita dues for members shall require a two-thirds vote in the affirmative by the Department Convention delegates. Dues shall be payable in amounts as provided in the Standing Rules. A member's status is dependent upon timely payment of dues as provided in this Constitution, Article III Section 2 §D.

Section 2. The fiduciary responsibility of the Department Executive Committee shall include adoption of the Department Organization's budget, and review and acceptance of financial reports and the annual audit.

Section 3. The Department Organization shall ensure that all persons handling funds of the Department Organization shall be bonded by a reputable, solvent bonding and surety company, or shall be covered by fidelity/crime insurance in an adequate amount approved by the Department Secretary/Treasurer and reported to the Department Audit Committee.

Section 4. With the exception of the Department Secretary/Treasurer, there shall be no salaried officers. Necessary expenses incurred by department officers, National Executive Committeewoman, and chairmen of department committees in the exercise of their duties to the American Legion Auxiliary, may be paid from the department treasury when authorized by the department budget or authorized by the Department President and confirmed by the Department Executive Committee.

ARTICLE IX

Suspension, Cancellation, and Revocation of Charters

Section 1. The Department Executive Committee may suspend, cancel, or revoke Unit charters for good cause.

Section 2. Any Unit that a) fails to meet the obligations imposed upon it by the governing documents, policies, or requirements of the National Organization or Department, or b) ceases to function as an American Legion Auxiliary Unit from one Department Convention to the next, shall surrender its charter at the direction of the Department President. When a Unit so directed to surrender its charter fails to do so, the Department Executive Committee may take immediate steps to revoke the charter.

Section 3. An American Legion Auxiliary Unit whose charter has been suspended, cancelled, or revoked by the Department may appeal the decision of the Department Executive Committee to the National Executive Committee.

Section 4. Upon suspension of an American Legion Auxiliary Unit charter, 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, assets, property, and belongings of the Unit and to provide for the governance and administration of the Unit during said suspension.

Section 5. With regard to suspensions, cancellations, and revocations of Unit charters, in no event shall the Department organization be required to assume any financial obligation with regard to records, assets, property, and belongings.

Section 6. Cancellation of a Unit charter shall be in order when two (2) or more Units merge, when a Unit ceases to function, or under such other conditions as might make such action necessary within the Department. In the event a Unit charter is canceled or revoked without the consent of such Unit, it shall have the right of appeal to the Department Executive Committee.

Section 7. The Department Executive Committee may prescribe rules of procedures to be following in the revocation, suspension or cancellation of Unit charters, with full power to revise or amend such rules, provided, however, that until such rules have been adopted, the procedure now in existence shall be applicable. All rules and procedures shall be in accordance with the principles of due process of law.

ARTICLE X

Parliamentary Authority

Section 1. The rules contained in the current edition of *Robert's Rules of Order, Newly Revised* shall govern this organization in all cases in which they are applicable and in which they are not inconsistent with applicable state statutes, or the Department Constitution, Bylaws, and Standing Rules.

ARTICLE XI

Amendments

Section 1. The Bylaws may be amended at any Department Convention by a two-thirds vote of the Department Convention delegates, provided the proposed amendments shall have been submitted through the Department Secretary to the Units and members of the Department Executive Committee by distributing same to them at least twenty (20) days prior to the convening of the next Department Convention; provided further that all proposed amendments shall be read at a regular meeting of the Department Convention. Units shall be responsible for distributing the proposed amendments to their delegates to the Department Convention.

Section 2. Amendments proposed after distribution by the Department Secretary may be adopted by a two-thirds vote of the Department Convention delegates, provided they have been read at one meeting of the session prior to taking the vote.

Section 3. An amendment not having been previously read or distributed may be adopted by the unanimous vote of the Department Convention delegates.

ARTICLE XII

Authority

Section 1. The authority under which the Department, Districts, and Units of the American Legion Auxiliary shall function is vested in the National Constitution & Bylaws and such Standing Rules as have been duly adopted. Any provision of the Department, Districts, or Units Constitution or Bylaws, or any regulation of the Department, Districts, or Units, in conflict with the foregoing authority shall be void.

STANDING RULES of the AMERICAN LEGION AUXILIARY DEPARTMENT OF NEVADA

PREFACE

These American Legion Auxiliary Standing Rules are duly adopted by the appropriate department governing body of the American Legion Auxiliary, Department of Nevada, to provide guidance to the American Legion Auxiliary, the Department, Units, subsidiaries, and affiliated entities. Standing Rules have the same importance as the Department Constitution & Bylaws and may be amended as frequently as needed.

Certain Standing Rules can only be amended or rescinded by action of the Department Convention delegates, as specified therein. Standing Rules that specifically state, “As provided in the Department Bylaws” can only be amended by action of the Department Convention delegates.

Except when otherwise specified in the Bylaws or these Standing Rules, a standing rule may be amended or rescinded by a two-thirds vote of the Department Executive Committee, or, if notice has been given, by a majority vote. In addition to these Standing Rules, supplementary department policies or rules may be adopted, as the Department Executive Committee or Department Convention needs them from time to time.

Any amendment to the National Constitution, Bylaws, and/or Standing Rules will automatically amend this Department Constitution, Bylaws, and/or Standing Rules.

Upon amendment, article and section numbering of this Constitution, Bylaws, and Standing Rules will be automatically updated as necessary.

As required by the United States trademark laws and the American Legion Auxiliary National Bylaws, all Department subsidiary organizations of the American Legion Auxiliary shall be subject to regulation by action of the Department governing bodies of the American Legion Auxiliary.

I. DEPARTMENT ORGANIZATION

1. The American Legion Auxiliary shall coordinate with The American Legion on all similar governance and program matters and conduct itself at all times in a manner that ensures harmony.
2. The National Judge Advocate of the American Legion shall be the Counsel General of the American Legion Auxiliary. All requests for information from and opinions by the Counsel General **MUST** come through the Department Secretary or Department President to the National Secretary, and thence referred to the Counsel General for his ruling and said ruling will be sent by the National Secretary to the Department Officer.

II. DEPARTMENT

1. The Department shall be governed by the Department Constitution and/or Bylaw, and Standing Rules, which shall not conflict with the National Constitution & Bylaws, rules and policies.

2. The Unit has the responsibility for the discipline of its members. A member disciplined by her 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. The Department may discipline a Unit for failure to discipline a member.
3. It shall be the responsibility of the Department Executive Committee to determine all questions affecting the election, eligibility, conduct, and capacity of the Department's officers and directors, Department Executive Committee members, and the Department's National Executive Committeewoman. Differences that may arise within the Department should first be taken up with the Department Executive Committee.
§A: Governance issues within the Department not resolved by the Department Executive Committee may be appealed to the National Executive Committee. The National Executive Committee has the authority to accept or reject appeals for consideration.
4. The National Judge Advocate has given the opinion that a Post has no power to regulate a Unit, or no Department of the Legion to regulate the Department of the Auxiliary.
5. The Department has the authority to establish Department policies for endorsement of candidates for National offices.
6. Names and address of all elected Department Officers and the Department Secretary, whether elected or appointed, must be provided to National Headquarters no later than thirty (30) days after Department Convention.
7. The Department Headquarters Unit annual dues shall be, in addition to the sum of the National and Department per capita amounts, six dollars (\$6) per Senior member and twenty-five cents (\$0.25) per Junior member.
8. A Department President may be re-elected for one term only and, if the Department President succeeds her self, the National Executive Committeewoman shall be elected and shall be a Past Department President.

III. DEPARTMENT CONVENTION

1. The date and place of the Department Convention of the American Legion Auxiliary shall conform to that of The American Legion.
2. The Unit attached to the Post hosting the American Legion Department Convention shall automatically be the Host Unit of the American Legion Auxiliary Department Convention; if the hosting Post has no attached Unit, a Unit or District may volunteer or be assigned by the Department President to act as host.
§A: The hosting Unit or District shall be in charge of the preliminary plans and local arrangements of the Department Convention subject to consultation with and approval of the Department Secretary/Treasurer.
3. Representation in the Department Convention shall be by Units. Each Unit shall be entitled to one (1) delegate and one (1) additional delegate for each ten (10) members, or major fraction thereof, whose

current dues have been received by the Department Secretary/Treasurer. The Unit President shall be the Chairwoman for the delegation, if present. The Department President, Department Vice President(s), Department Chaplain, Department Historian, Department Sergeant-at-Arms, the National Executive Committeewoman, and the Past Department Presidents in good standing with her Unit shall be delegates-at-large with vote to be exercised with their respective Units. The vote of any delegate absent and not represented by an alternate may be cast by the majority of the delegates present from her Unit.

4. Check-in of delegates to the Department Convention will begin on Friday Morning and close on Sunday at 9:00 am.
5. There shall be a delegate fee of five (5) dollars per delegate to the Department Convention, which must be paid whether the Unit is attending or not.
6. The Department President shall be the Chairwoman of the Department Convention. The Department First Vice-President shall be the Vice Chairwoman of the Department Convention; and in compliance with Constitutional requirements, may act in the place of the Department President.
7. The Department Secretary/Treasurer shall be the Secretary of the Department Convention.
8. Each Department Officer, Department Chairwoman, District President, and Unit President shall present to the Department Convention a written report of her year's official activities. Each report shall be limited to three (3) minutes reading time, with the exception of the Department Finance Officer and Membership Chairwoman. In the absence of the officer or Chairwoman, the Department Secretary shall read the report. The body of the convention must approve any report in excess. All Department Chairwomen are expected to keep a file containing a record of their activities during the year, including all reports turned into her from Units. Said file is to be turned over to the incoming Department President for forwarding to their successor at the Department Convention.
9. Any Department Chairwoman having a recommendation to the Department Convention shall first send it to each Unit for discussion, approval, disapproval, or further recommendations and then shall be given to the Convention Resolutions Committee by a delegate.
10. There shall be the following Department Convention Committees:
 - §A: Committee on Credentials: The purpose of the Committee on Credentials is to pass the credentials of the Department and to handle all matters where delegation contests arise.
 - §B: Committee on Rules: The purpose of the Committee on Rules is to propose rules under which the Department Convention shall operate. The Rules shall provide for the orderly organization and operation of the Department Convention. The Department Convention Standing Rules shall be adopted by a majority vote of the Department Convention delegates with continuing power of revision.
 - §C: Committee on Resolutions: The purpose of the Committee on Resolutions is to receive resolutions.
 - i: This committee shall meet in advance. This committee has no authority to take any action on a resolution. Resolutions shall be presented for explanation by a member of the Committee on Resolutions. Upon conclusion of discussion of each resolution, the committee may vote to

- a. recommend to the Department Convention delegates that a proposed resolution be adopted;
- b. recommend to the Department Convention delegates that a proposed resolution not be adopted; or
- c. make no recommendation to the Department Convention delegates regarding a proposed resolution.

ii. The committee on Resolutions shall report its activity to the Department Convention delegates.

- a. Any Department Chairwoman having a recommendation to the Department Convention shall first send it to each Unit for discussion, approval, disapproval or further recommendations; which approval, disapproval or further recommendations shall be given to the Convention Resolutions Committee by a delegate.

§D: Committee on Courtesy: The purpose of the Committee on Courtesy is to compose and write a resolution thanking all involved for a successful Department convention.

§E: Any other special Department Convention committee as deemed appropriate by the Department President.

11. The Department President shall appoint an Election Committee consisting of one (1) election judge, two (2) tellers and the Credentials Chairwoman, who shall verify the vote count. No current Department Officer or office nominee may be a member of this committee.

12. The Department proceedings shall be ready for distribution within sixty (60) days after the close of the Department Convention.

13. The election of a Western Division National Vice President will take place at the Department Convention two (2) years prior to a member of the Department of Nevada having the honor of serving in that capacity.

§A: An endorsed candidate for the Western Division National Vice President shall not send notice of her endorsement until the year before she will be a candidate for such office.

14. Delegates and Alternates to the National Convention shall be nominated from members registered and present at the Department Convention, from the floor of said convention, and shall be elected by voice vote immediately following the election of Department officers.

IV. NATIONAL CONVENTION

1. Duties of Delegates to the National Convention

§A: National Convention delegates shall be present at assigned pre-convention committee meetings

§B: National Convention delegates shall attend the Western Division Caucus

§C: National Convention delegates shall attend all session of the National Convention

V. DUTIES OF DEPARTMENT OFFICERS

1. In addition to the duties of the Department Officers as outlined in the Department Constitution and Bylaws, the following rules and regulations shall govern Department Officers.

§A: Department President

- i. The Department President shall be free to appoint as an Advisory Committee composed of those Past Department Presidents from whom she intends to seek advice and counsel, and such a committee shall act in an advisory capacity.
 - a. Should the Department President choose to appoint an advisory committee, this committee shall be comprised of not less than three (3) members, but may be comprised of as many members as deemed appropriate, for such tasks as may be assigned.

§B: Department Vice Presidents

- i. In the event the Department President is unable to make her official visits, Department Vice Presidents may be authorized to act as the official representative(s) of the President.

§C: Department Treasurer

- i. The Department Treasurer shall order a Past Department President's pin and a Past Department Secretary's pin (only one time) for presentation during installation of Department officers at the Department Convention.

§D: Department Chaplain

- i. The Department Chaplain shall conduct the official Memorial Service for any deceased Past Department President at the Department Convention.
- ii. The Department Chaplain shall be responsible for all invocations and benedictions at official meetings.

§E: Department Historian

- i. The Department Historian shall compile a history of the year in which she served, to be completed prior to Department Convention. She shall prepare a written report to be read at the Department Convention and sent to the National Historian with a copy to be given to the Department President under whom she served.
- ii. The Department Historian shall be responsible for compiling and submitting the Department History in the contest for a National award.

§F: National Executive Committeewoman

- i. In the year following the outgoing Department President's term, she shall serve as the National Executive Committeewoman and shall hold the position of Chairwoman of the National Security committee. In addition, she shall be the co-Chairwoman of any Distinguished Guests Committee.

VI. COMMITTEES

1. The Department Standing Committees may be:

§A: Americanism

- i. Purpose: The purpose of the Americanism committee is to promote patriotism and responsible citizenship.
- ii. Composition: The Americanism committee shall be composed of a chairwoman and any members that shall be deemed appropriate.

§B: Audit

- i. Purpose: The purpose of the Audit committee is to provide oversight assistance to the Department Executive Committee in fulfilling its responsibilities regarding accounting and reporting practices, reliable systems of internal control, the corporate responsibility program, and the quality and integrity of the Department's financial reporting.
- ii. Composition: The Finance committee shall be composed of three (3) members appointed annually, with the Department Secretary/Treasurer and the Department Finance Officer acting as advisors privy to all discussions and meetings but with no votes.
 - a. The original members of this committee shall serve for three (3), two (2), and one (1) years, respectively; following this, the term of office for members of this committee shall be three (3) years.
 - b. No single District within the Department shall be represented by less than one (1) or more than two (2) members on the Audit committee.
- iii. Duties: The Audit committee shall complete a formal audit of the Department's current-year books and present an audit report at the pre-convention Department Executive Committee meeting and on the floor during the Department Convention.
 - a. All Department books shall be closed on June 30th for the fiscal year. The Audit committee shall audit all Department books as of the close of business on April 30th; an audit of the balances for May and June, to conclude the fiscal year, shall be conducted and a report given at the first Department Executive Committee meeting following the post-convention meeting of the DEC.
 - b. Girls State books shall be audited for the previous year and all findings shall be submitted to the Finance Officer to be presented at the pre-convention DEC meeting and included in the finance report presented at the Department Convention.

§C: Auxiliary Emergency Fund (AEF)

- i. Purpose: The purpose of the Auxiliary Emergency Fund committee is to raise funds for and awareness of the Auxiliary Emergency Fund, to promote knowledge about the program, to disseminate information to members about the application process, and to assist members in need.
- ii. Composition: The AEF committee shall be composed of a chairwoman and any members that shall be deemed appropriate.

§D: Children and Youth

- i. Purpose: The purpose of the Children and Youth committee is to work collaboratively with the American Legion to promote programs that protect, care for, and support children and youth, especially those of our military and veterans.

- ii. Composition: The Children and Youth committee shall be composed of a chairwoman and any members that shall be deemed appropriate.

§E: Community Service

- i. Purpose: The purpose of the Community Service committee is to work in cooperation with the American Legion to direct and sponsor programs and services that provide care and protection for our nation's children, especially those of our military and veterans.
- ii. Composition: The Community Service committee shall be composed of a chairwoman and any members that shall be deemed appropriate.

§F: Constitution and Bylaws

- i. Purpose: The purpose of the Constitution and Bylaws committee is to inform members about proper governing documents at all levels of the American Legion Auxiliary.
- ii. Composition: The Constitution and Bylaws committee shall be composed of a chairwoman and any members that shall be deemed appropriate.
- iii. Duties:
 - a. This committee shall be responsible for considering and proposing, from time to time, such revisions of the Constitution, Bylaws, and Standing Rules as may be deemed necessary in the interest of the organization.
 - b. The committee shall make the Constitution and Bylaws, being duly approved by the Department Convention assembled, to all members within the Department, with newly revised documents made available upon adoption of amendment(s).

§G: Education

- i. Purpose: The purpose of the Education committee is to promote quality education for children and adults through classroom activities, literacy programs, scholarship promotion, and support of education beyond high school.
- ii. Composition: The Education committee shall be composed of a chairwoman and any members that shall be deemed appropriate.

§H: Finance

- i. Purpose: The purpose of the Finance committee is to oversee the development and implementation of general Department financial policy subject to approval or ratification by the Department Executive Committee, to provide oversight of the budget, and to report any significant variance regarding the budget to the Department Executive Committee.
- ii. Composition: The Finance committee shall be composed of a chairwoman (to be known as the Finance Officer) and no less than three (3) members, with the Department Secretary/Treasurer serving as an advisor privy to all discussions and meetings but with no vote.

- a. The original members of this committee shall serve for three (3), two (2), and one (1) years, respectively; following this, the term of office for members of this committee shall be three (3) years.
 - b. No single District within the Department shall be represented by less than one (1) or more than two (2) members on the Finance committee.
- iii. Duties: The Finance Committee shall oversee the general financial policy of the Department, prepare the fiscal yearly budget, and supervise the expenditure of funds under the budget, with all actions subject to ratification by the Department Executive Committee.

§I: Girls State

- i. Purpose: The purpose of the Girls State committee is to provide an outstanding and unique educational opportunity to young women, which instills the basic ideas and principles of American government.
- ii. Composition: The Girls State committee shall be composed of a Director, Chair, and three (3) members.
 - a. The original members of this committee shall serve for three (3), two (2), and one (1) years, respectively; following this, the term of office for members of this committee shall be three (3) years.
 - b. The Director, Chairwoman, and no less than one (1) member of the committee shall have attended a Girls State program as a delegate.
 - c. The Department Executive Committee and Girls State committee together shall act as the Girls State Board of Directors.
 - 1. A person may serve on both the Department Executive Committee and the Girls State committee, but in any circumstance requiring a vote of the Board of Directors, no person shall have more than one (1) vote.

§J: Junior Activities

- i. Purpose: The purpose of the Junior Activities committee is to offer guidance to Junior groups who, organized as committees within Units, conduct their own meetings and carry out their own activities in accordance with the mission of the American Legion Auxiliary.
- ii. Composition: The Junior Activities committee shall be composed of a chairwoman and any members that shall be deemed appropriate.

§K: Legislative

- i. Purpose: The purpose of the Legislative committee is to advocate open communication with local, state, and nationally elected officials, to ensure members are aware of and informed about issues central to the support and well-being of our veterans and their families and to promote grass-roots levels of advocacy and action.
- ii. Composition: The Legislative committee shall be composed of a chairwoman and any members that shall be deemed appropriate.

§L: Liaison to the Child Welfare Foundation

- i. Purpose: The purpose of the Liaison to the Child Welfare Foundation committee is to work with the American Legion Child Welfare Foundation to benefit the children and youth of America.
- ii. Composition: The Liaison to the Child Welfare Foundation committee shall be composed of a chairwoman and any members that shall be deemed appropriate.

§M: Membership

- i. Purpose: The purpose of the Membership committee is to promote the benefits of membership and to promote retaining and recruiting a diverse, active membership to carry out the mission and programs of the American Legion Auxiliary.
- ii. Composition: The Membership committee shall be composed of a chairwoman and any members that shall be deemed appropriate.

§N: National Security

- i. Purpose: The purpose of the National Security committee is to promote a strong national defense.
- ii. Composition: The National Security committee shall be composed of the National Executive Committeewoman, who shall act as chairwoman, and any members that shall be deemed appropriate.

§O: Past Presidents' Parley

- i. Purpose: The purpose of the Past Presidents' Parley committee is to recognize and honor female veterans and to utilize the experience and knowledge of past Auxiliary leaders for the training and encouragement of future Auxiliary leaders.
- ii. Composition: The Past Presidents' Parley committee shall be composed of a chairwoman and any members that shall be deemed appropriate, all of whom must have previously held the position of President at some level within the Auxiliary.

§P: Poppy

- i. Purpose: The purpose of the Poppy committee is to educate our membership and the public concerning the significance of the Poppy and the financial benefit realized by our nation's veterans as a result of its distribution.
- ii. Composition: The Poppy committee shall be composed of a chairwoman and any members that shall be deemed appropriate.

§Q: Public Relations

- i. Purpose: The purpose of the Public Relations committee is to work collaboratively with all levels of the organization to create, implement, and support a proactive communication network that advances the objectives and programs of the American Legion Auxiliary and positively projects our image and programs to the general public.
- ii. Composition: The Public Relations committee shall be composed of a chairwoman and any members that shall be deemed appropriate.

§R: Veteran Affairs and Rehabilitation (VA&R)

- i. Purpose: The purpose of the VA&R committee is to promote programs and services that assist and enhance the lives of veterans and their families, ensuring restoration and/or transition to normally functioning lives.
 - ii. Composition: The VA&R committee shall be composed of a chairwoman and any members that shall be deemed appropriate.
2. Other ad hoc committees may be created from time to time when deemed necessary by the Department Executive Committee.

VII. DISTRICT

1. Differences that may arise within the District should be stated in writing and sent to the attention of the Department President and Department Secretary, so that the problem may be brought before the Department Executive Committee (DEC) for their ruling. Only if these measures fail to resolve the differences will National Headquarters be contacted; that contact is to be made only by the Department.
2. No District member from one District shall have access to the records of another District.

VIII. UNIT

1. Differences that may arise within the Unit should first be taken up with the District President. If the problem has not been resolved, the problem is to be stated in writing, and sent to the attention of the Department President and Department Secretary. If the problem still exists it will be brought before the Department Executive Committee (DEC) for their ruling. Only if the above measures fail to resolve the differences will National Headquarters be contacted; that contact is to be made only by the Department.
2. No Unit member from one Unit shall have access to the records of another Unit.

IX. GIRLS STATE

1. Girls State fees shall be governed as follows.
 - §A. Fees for Girls State shall be set by the recommendation of the Girls State Board and approved through the Finance Committee.
 - §B. If a delegate does not attend Nevada Girls State, nor her alternate, the refund policy for delegate fees will be as follows: if the Director is notified a minimum of thirty (30) days prior to the beginning of the annual Nevada Girls State session, the entire registration fee will be refunded. If a delegate cancels with less than thirty (30) days notice, and no alternate can attend in her place, there will be no refund of the registration fees. Other fees are non-refundable at any time.

X. DEPARTMENT SCHOLARSHIPS

1. The Department President's Scholarship may be awarded Nevada's entry in the competition for the National President's Scholarship in the amount of Three Hundred Dollars (\$300.00) for first (1st)

place only. The money allotment shall be 60% from the General Fund and 40% from the Children & Youth Fund of the Department. The Education Chair will select winners.

2. The Department winner of the Spirit of Youth Auxiliary Scholarship competition may be awarded a scholarship in the amount of One Hundred dollars (\$100.00). Should the winner be the daughter of a veteran, the money allotment shall be 60% from the General Fund and 40% from the Children & Youth Fund of the Department. Should the winner be a granddaughter of a veteran, the scholarship award shall be taken from the General Fund. The Education Chair will select winners.

XI. POPPIES

1. All Units shall remit ten percent (10%) of their net proceeds of each Poppy Drive and transmit to the Department Secretary-Treasurer within thirty (30) days following the date of the Poppy Drive.
2. The revenue from distribution of Poppies are restricted funds and shall be carried as a separate item in the books; as such revenue is to be used solely for programs benefitting veterans and/or their families.
3. Rules for Expenditure of Poppy funds:
 - §A: For the rehabilitation of veterans honorably discharged from the United States Armed forces after April 6, 1917.
 - §B: For the welfare of the families of veterans of the above named period.
 - §C: For the rehabilitation of hospitalized military service personnel returning home and awaiting discharge who require treatment in service hospitals.
 - §D: For the welfare of veterans, active military personnel, and the families of veterans and active military personnel of the above named period where financial and medical need is evident.
 - §E: For the purpose of poppy kits and supplies used to make symbolic poppies and poppy items that will be distributed for donations to the Poppy Fund.
4. Entries in the Poppy Poster contest shall not be judged until after the Department Convention has convened. Certificates, instead of cash, shall be given to the Poppy Poster contest winners.

XII. FINANCE

1. The revenue of the American Legion Auxiliary shall be derived from annual membership dues of Senior and Junior members, and from such other sources as may be approved by the Department Executive Committee.
 - §A: The annual dues shall be collected by each Unit and transmitted through Department to the National Treasurer.
 - i. The annual dues of Senior members to be remitted to the Department shall be fifteen (15) dollars plus the National per capita dues.
 - ii. The annual dues of Junior members to be remitted to the Department shall be one (1) dollar plus the National per capita dues.
 - §B: Dues shall be payable annually for the succeeding calendar year or may be paid for life.