

**THE AMERICAN LEGION  
DEPARTMENT OF KENTUCKY**



**CONSTITUTION  
AND  
BY-LAWS**

**OFFICIAL**

The Constitution and By-Laws of The American Legion, Department of Kentucky, as set out herein, are in full force and effect, being the Revised Constitution and By-Laws adopted at the 104th Annual Department Convention, Louisville, Kentucky, June 23<sup>rd</sup> and 24<sup>th</sup> 2023.

Patrick Keefe  
Department Adjutant

June 2023

**CONSTITUTION  
THE AMERICAN LEGION  
DEPARTMENT OF KENTUCKY**

**PREAMBLE**

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

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in ALL Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

**ARTICLE I  
Name**

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

Section 2. The Headquarters of The American Legion, Department of Kentucky, shall be located at a suitable site within the confines of the Department of Kentucky as designated by the Department Convention.

**ARTICLE II  
Nature**

Section 1. The American Legion, Department of Kentucky, is a department of and subject to the jurisdiction of The American Legion as incorporated by act of Congress and hereinafter referred to as the National Organization.

Section 2. The Constitution and By-Laws of the National Organization of The American Legion are adopted and ratified as the Supreme Law of this Department.

Section 3. The American Legion, Department of Kentucky, is a civilian organization; membership therein does not affect or increase liability for military or police service. Rank does not exist in the Legion and no member shall be addressed by his/her military title in any convention or meeting of the Legion.

Section 4. 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 5. Each member shall perform his full duty as a citizen and exercise his or her right of suffrage, but no person shall hold membership herein who attempts or advocates the overthrow of our government by force of arms, or who is politically directed by a foreign power.

Section 6. The American Legion being a democratic organization and at all times subject to the will of its members, it is hereby established and recognized that, any other provision of the Department, or Post, Constitution or By-Laws to contrary notwithstanding, the government of the Department, and each individual Post, shall be, and is, vested in the membership, which expresses its will through Department Conventions and, between Conventions, through its elected officers, and at the Post level, through its regular meetings. When a Convention is not in session, the Department Executive Committee shall be the governing authority, and when the Executive Committee is not in session, the Department Commander shall be the governing authority. Each authority subordinate to another shall perform its duties and carry out its responsibilities in accordance with the decrees and decisions established by any high authority.

### **ARTICLE III Organization**

Section 1. The American Legion, Department of Kentucky, shall be that part of The American Legion within the State of Kentucky.

Section 2. The American Legion, Department of Kentucky, shall be organized into local units called Posts which shall be known by name and number, as hereinafter provided.

Section 3. There may be created in each county having two or more Posts of The American Legion located therein, a county council, and all Posts located in a county having such a council may be members thereof.

Section 4. The several Posts of The American Legion, Department of Kentucky, shall be grouped for administrative purposes into eleven (11) geographic divisions called Districts, as hereinafter provided.

Section 5. The several districts shall be grouped into three (3) geographic areas, as hereinafter provided.

## **ARTICLE IV Areas**

Section 1. There shall be three (3) geographic areas consisting of the following districts: Area A—Districts one, two and three; Area B—Districts four, five, six, seven and eight; Area C—Districts nine, ten and eleven.

## **ARTICLE V Districts**

Section 1. The several Posts shall be grouped for administrative purposes into eleven (11) geographic districts within the State as follows:

- (a) District One, shall consist of all Posts in the following counties: Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Galloway, Marshall, Livingston, Crittenden, Lyon, Caldwell and Trigg.
- (b) District Two, shall consist of all Posts in the following counties: Union, Henderson, Daviess, Hancock, Webster, McLean, Hopkins, Christian and Ohio.
- (c) District Three, shall consist of all Posts in the following counties: Muhlenberg, Todd, Logan, Butler, Edmonson, Warren, Simpson, Barren, Allen, Metcalf, Monroe, and Cumberland.
- (d) District Four, shall consist of all Posts in the following counties: Breckinridge, Meade, Bullitt, Nelson, Washington, Grayson. Hardin, Larue, Marion, Hart. Green and Taylor.
- (e) District Five, shall consist of all Posts in the following counties: Jefferson, Oldham and Trimble.
- (f) District Six, shall consist of all Posts in the following counties: Carroll, Gallatin, Boone, Kenton, Campbell, Grant and Pendleton.
- (g) District Seven, shall consist of all Posts in the following counties: Henry, Owen, Scott, Franklin, Woodford, Fayette, Bourbon, Clark, Powell, Estill, Lee and Owsley.
- (h) District Eight, shall consist of all Posts in the following counties: Shelby, Spencer, Anderson, Mercer, Boyle, Jessamine, Madison, Garrard, Lincoln, Casey, Adair and Jackson.
- (i) District Nine, shall consist of all Posts in the following counties: Bracken. Mason, Robertson, Harrison. Nicholas, Fleming. Lewis, Greenup, Boyd, Carter, Rowan, Bath, Montgomery, Menifee. Elliott, Lawrence, Morgan and Wolfe.

(j) District Ten, shall consist of all Posts in the following counties: Breathitt, Magoffin, Johnson, Martin, Perry, Floyd, Pike, Knott, Leslie and Letcher.

(k) District Eleven, shall consist of all Posts in the following counties: Clinton, Russell, Wayne, Pulaski, Rockcastle, Laurel. Clay, Harlan, Knox, Bell, Whitley and McCreary.

## **ARTICLE VI County Councils**

Section 1. All Posts belonging to a County Council shall have equal representation therein.

Section 2. The Department Executive Committee, hereinafter provided for, shall formulate rules and regulations to govern the activities of all County Councils and all amendments and changes thereto shall be approved by said committee.

## **ARTICLE VII Posts**

Section 1. The local unit shall be called the Post. Each Post shall have and maintain a minimum membership of fifteen (15). No Post shall be received into this organization until it shall have received a charter. The Department Executive Committee may approve or recommend the establishment of Posts in such number and in such places as it shall see fit, and the Department Commander may exercise the same authority as to any applications received more than thirty (30) days prior to the next regular meeting of said committee. After a Post has been in existence for a period of ninety (90) days, the Department Commander shall within his/her discretion either

- (a) Cause to be issued a permanent charter;
- (b) Cause to be withdrawn the temporary charter; or
- (c) Cause the temporary charter to be extended for one additional period of ninety days.

Section 2. Each Post shall have a Commander, one or more Vice Commanders, an Adjutant, an Executive Committee, a Finance Officer, a Chaplain, a Service Officer, a Children and Youth Officer, a Sergeant-at-Arms, a Historian, and such other officers and committees as the Post shall determine.

Section 3. Any member in good standing in any Post shall be entitled to a certificate from his Post stating his/her membership and duration thereof.

Section 4. No Post shall be named after any living person.

## **ARTICLE VIII Eligibility**

Section 1. An individual is eligible for membership in The American Legion only if the individual –

- (1) Has served in the Armed Forces of
  - (A) The United States at any time during –
    - (i) The period of April 6, 1917, through November 11, 1918; or
    - (II) Any time after December 7, 1941; or
  - (B) A government associated with the United States Government during a period or time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and
- (2) Was honorably discharged or separated from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any such periods; provided, further that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service

Section 2. There shall be no form or class of membership except an active membership and dues shall be paid in advance annually or for life. The American Legion of Kentucky shall not discriminate because of sex, age, race, national origin or religious preference.

Section 3. No person may be a member of more than one Post, at any one time, nor shall any member hold any elective office, *at the Department level*, in the American Legion, Department of Kentucky if and in the event said member shall hold any elective or appointive office in any organization composed of war Veterans nor shall any member have the position of Service Officer in any other Veterans organization while holding such office in the American Legion of Kentucky at any level.

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

## **ARTICLE IX**

### **Department Convention**

Section 1. The legislative body of this organization shall be an annual Department Convention. The date and place of each Department Convention shall be determined by a majority vote of the Department Executive Committee, as such election shall be at least two (2) years in advance.

Section 2. The Annual Convention shall be composed of Delegates and Alternates from each Post. Each Post shall be entitled to one Delegate and one Alternate, provided it shall have reported to Department Headquarters during the Convention year a paid-up membership of fifteen (15), and shall be entitled to one additional Delegate and one Alternate for each twenty-five (25) additional memberships or major fraction thereof whose dues have been received by the Department Finance Officer thirty (30) days prior to the date of the Department Convention. The vote of each Post shall be equal to the total number of Delegates to which the Post is entitled regardless of the number attending the Convention. Representation of twenty-five of the Posts authorized to attend shall constitute a quorum.

Section 3. The Delegates to the Department Convention shall be chosen by each Post from among its members in good standing at a meeting held not less than thirty (30) days before the Department Convention is convened, and, said Delegates shall represent said Post at the District and Department Conventions. The vote of any absent Delegate not represented by an Alternate shall be cast by the remaining Delegates of his/her Post present at the Convention. Alternates shall have all privileges of Delegates, except the right to vote when their respective Delegates are present. In the absence of all Delegates and Alternates from any Post at the District or Department Convention, the members of said Post in good standing therein and registered and present at the Convention shall cast the vote of said Post.

Section 4. All past Department Commanders while in good standing in their respective posts shall be life delegates to all department conventions and shall be entitled to one vote.

Section 5. The Rules of Procedure of the Department Convention shall be as set forth in *Robert's Rules of Order*, with such modifications as may be adopted by the Convention, upon the recommendation of the Committee on Rules and Order of Business.

Section 6. No resolution, motion, or other proposal in whatever form, appropriating, directing, or authorizing the expenditure of funds, of which will directly or indirectly result in such expenditures, shall be considered and acted upon by the Department Convention, until such resolution, motion or proposal shall have been read or distributed at the Convention which is to consider same, at least twelve (12) hours prior to the vote thereon.

## **ARTICLE X**

### **Delegates To The National Convention**

Section 1. The Department Convention shall elect as many Delegates and Alternates from the State-at-Large as may be necessary to fill the quota of Delegates authorized by the National Organization. The Department Commander, immediate Past Department Commander, Department Service Director and Department Adjutant shall be delegates from the State-at-Large to the National Convention. The Department Commander shall be Chairman of the Delegation and the Department Adjutant shall be Secretary of the Delegation.

## **ARTICLE XI**

### **Department Officers**

Section 1. The Department convention shall elect a Department Commander, a Department Senior Vice-Commander, a Department Chaplain and a Department Sergeant-at-Arms. Also, a Department Vice-Commander from each Area as defined herein who shall serve without seniority, elected at an Area Convention to be held on Friday afternoon no more than fifteen minutes after recess of the general business session of the Department Convention, with the time designated by the Department Commander. No person who has been elected to a full term of office shall be eligible for re-election to the office of Department Commander and no Department Senior Vice-Commander elected to a full term shall succeed himself/herself in office.

Section 2. Department Officers shall serve until the adjournment of the succeeding Department Convention and thereafter until their successors are chosen. Vacancies in these offices occurring between Department Conventions shall be filled by appointment of the Department Commander, subject to ratification of said appointment at the next regular Department Executive Committee meeting. The Department Adjutant shall maintain a DD form 214, or other proof of eligibility, for all elected department officers.

Section 3. The Department Convention shall elect in odd years a National Executive Committeeman and an Alternate National Executive Committeeman. who shall serve for two years. In the event of the death or resignation of the National Executive Committeeman, the Alternate National Executive Committeeman shall become National Executive Committeeman, and the Department Executive Committee shall appoint an Alternate National Committeeman to serve until the next Department Convention.



Section 4. The Department Convention shall appoint, upon nomination by the Department Commander, a Department Judge Advocate, a Department Historian, a Department Media and Communications Director, a Department Surgeon and a Department Membership Director, all to serve until the close of the succeeding Department Convention. The Department Commander shall appoint a Department Finance Officer who shall assume his/her duties after ratification by the Department Executive Committee and shall serve until his/her successor is appointed and ratified at the first Department Executive Committee meeting after the next succeeding Department Convention. Vacancies occurring between Department Conventions shall be filled by appointment by the Department Commander, subject to ratification by the Department Executive Committee. The Department Finance Officer shall be well versed in the principles of finance and practice of administration.

Section 5. The Department Adjutant shall be hired on a yearly basis after first been approved by a majority of the members of the Department Internal Affairs Committee, on terms and conditions previously established by the Department Convention and subject to approval of the Department Convention immediately following the election of the Department Commander. If no candidate is approved at the Department Convention, the Internal Affairs committee will make recommendations to the Department Commander for candidates to be brought up for approval at the Department Executive meeting on the third or fourth Saturday or Sunday following the Department Convention. Beginning January 1, 2006 full time employees of the American Legion of Kentucky will receive an increase in their annual salary based on the cost of living index as provided by the federal government. This will remain the policy and practice and become a part of the constitution of the American Legion of Kentucky, until it is changed by the actions of a future convention. Any charges brought shall be to the Internal Affairs Committee, and the formal hearing shall have a right of appeal within ten (10) days, to the Executive Committee, at its next regularly scheduled meeting or to the Department Convention, if the Convention convenes prior to the next scheduled Executive Committee meeting. The procedures for appeal shall be as prescribed by the Internal Affairs Committee and approved by the Executive Committee.

Section 6. In the event of a vacancy in the office of Department Commander, the Department Senior Vice-Commander shall succeed to the office of Department Commander to complete the unexpired term of said office and the office of Department Senior-Vice Commander shall remain vacant for the balance of the term. In the event of a vacancy in the office of Department Commander when the office of Department Senior Vice-Commander is vacant, one of the Department Vice-Commanders shall be elected Department Commander by the Department Executive Committee to complete the unexpired term of office and the vacancy of such Department Vice-Commander shall be filled by said Committee to complete the unexpired term of Department Vice-Commander.

Section 7. The duties of all Department Officers shall be pre-scribed by proper By-Laws to this Constitution.

Section 8. All persons having the custody of funds shall give adequate bonds, which shall be approved by the Department Finance Committee, and the premium on such bonds shall be paid by The American Legion, Department of Kentucky.

## **ARTICLE XII**

### **Department Executive Committee**

Section 1. Between Department Conventions, the administrative power and supervision of all officers shall be vested in the Department Executive Committee, which shall be composed of the Department Commander, Department Vice-Commanders, Department Chaplain, Department Judge Advocate, Department Finance Officer, Department Historian, Department Surgeon, Department Sergeant-at-Arms, Department Media and Communications Director, Department Membership Director, and District Commanders elected by the District Conventions. The Judge Advocate, Chaplain, Historian, Sergeant-at-Arms, Surgeon, Membership Director, Finance Officer, and Department Media and Communications Director shall be members with voice but without vote.

Section 2. All Past Department Commanders, while in good standing in their respective Posts shall be members for life of the Department Executive Committee, with voice but without vote.

Section 3. The duties of the Department Executive Committee shall be prescribed by proper By-Laws to this Constitution.

## **ARTICLE XIII**

### **Finance**

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

Section 2. The annual Department dues shall be as set by the Department Convention, effective with the 2012 membership dues, \$1.00 of that amount being earmarked for Department Children and Youth Programs dispersed only as directed by the Department Executive Committee.

Section 3. The Annual National and Department per capita dues shall be collected by each Post and transmitted within thirty (30) days to the Department Finance Officer through Department Headquarters. Department Headquarters shall submit the Annual National per capita dues to National Headquarters within thirty (30) days thereafter.

Section 4. Annual dues shall be payable October 20 of each year for the succeeding calendar year.

Section 5. The fiscal year of this Department shall be from June 1, to May 31, of each year.

## **ARTICLE XIV Auxiliaries**

Section 1. The American Legion, Department of Kentucky recognizes and endorses an Auxiliary Organization known as the "American Legion Auxiliary."

Section 2. 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 the 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 3. The Auxiliary of this Department shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by the Department of Kentucky.

## **ARTICLE XV Other Programs Recognized**

Section 1. The American Legion Department of Kentucky recognizes an organized program known as Sons of The American Legion (SAL) which is under the control of the Department at all times. The Program is administered at the Department by the Kentucky SAL Detachment at the Department level and by the different SAL Squadrons at the Post level. The SAL Detachment Commander shall make annual reports to Department and submit By-Laws to Department for approval.

Section 2. The American Legion Department of Kentucky, recognizes an organized program known as the Kentucky American Legion Boys State Program, which is under the control of the Department at all times. The Program is administered by its elected Board of Directors. The Director of the Kentucky American Legion Boys State Program shall make annual reports to Department. and submit By-Laws to Department for approval. All finances shall be audited annually by the Department Finance Officer.

Section 3. The American Legion, Department of Kentucky, recognizes an organized program known as the Kentucky American Legion Riders, which is under the control of the Department at all times. The Program is administered by its elected officers at the Department and Post levels. The Department Director of the Kentucky American Legion Rider Program shall make annual reports to Department and submit their By-Laws to Department for approval. All Department level finances of this program shall be audited annually by the Department Finance Officer.

## **ARTICLE XVI Ratification**

Section 1. All acts performed and Charters heretofore granted by the temporary organization of The American Legion of Kentucky, and The American Legion, Department of Kentucky, are hereby ratified and confirmed.

## **ARTICLE XVII By-Laws**

Section 1. Suitable By-Laws shall be enacted by the Department Convention for the government of the Department Organization.

Section 2. Said By-Laws may be amended, repealed, or altered in whole or in part at any Department Convention by the vote of two-thirds (2/3) of the total authorized votes cast by the delegates present and voting at that particular meeting, provided, that the proposed changes shall have been read to the Convention in meeting assembled at least twelve (12) hours before the vote thereon.

## **ARTICLE XVIII Amendments**

Section 1. This Constitution may be amended at any Department Convention by a vote of two-thirds of the total authorized votes cast by the delegates present and voting at that particular meeting, provided that the proposed amendments shall have been submitted to Department Headquarters at least thirty (30) days prior to the convening of the next Department Convention and made available for inspection by the membership, by either publication in the *Kentucky Legionnaire* or by distribution in writing at least twenty-four (24) hours prior to the time designated for a vote on the proposed amendments. A proposed amendment may be amended without further notice by a two-thirds vote cast by the delegates present and voting at that particular meeting, provided that the proposed changes have been read to the Convention at least twelve (12) hours prior to the time scheduled for a vote thereon. Copies of all proposed Constitutional Amendments shall be made available by the Department Adjutant at the Department Convention to the Chairman and/or Secretary of each Post delegation.

## **ARTICLE XIX**

Any conflict in this Constitution with that of The American Legion National Constitution and By-Laws shall be resolved in favor of the latter.

**BY-LAWS OF THE AMERICAN LEGION  
DEPARTMENT OF KENTUCKY**

**ARTICLE I  
Date and Place of Department Convention**

Section 1. The dates and place for the Department Convention shall be fixed by a majority vote of the Department Executive Committee and such selection shall be at least two years in advance.

**ARTICLE II  
Executive Committee**

Section 1. Regular meetings of the Department Executive Committee shall be held on the third or fourth Saturday and Sunday at the discretion of the Department Commander, immediately following the adjournment of the Annual Department Convention, with at least seven days written notice to each Committee member, and on the third, fourth or fifth Friday, (beginning no earlier than 7:30 p.m.) and Saturday of January of each year, and any meeting not held at the prescribed time by reason of lack of quorum, or other bona fide reasons, said meeting shall be called by the Department Commander. On the written request of a majority of the voting members of the Department Executive Committee, stating the purpose thereof, the Department Commander shall call a special meeting of the Department Executive Committee. Should a single issue arise between Department Executive Committee meetings, the Department Commander may, at his/her discretion, submit the issue, clearly stated, by mail to each member of the Department Executive Committee. Upon receipt of the vote of the voting members, received in Department Headquarters, the Department Adjutant shall record the vote in the permanent records of the Department and shall retain each member's vote in the official records of the Department. The Department Adjutant shall notify each member of the Department Executive Committee as to the action taken on the issue in question. This procedure shall only be used in cases of emergency where it is indicated that the issue involved would not justify the expense of calling a special meeting of the Department Executive Committee.

Section 2. The annual Winter Conference shall be held on the third, fourth or fifth Saturday and Sunday of January, each year, immediately following adjournment of the semi-annual meeting of the Department Executive Committee.

Section 3. Notice of all meetings of the Department Executive Committee shall be mailed by the Department Adjutant to each member not less than seven (7) days prior to the meeting.

Section 4. The Department Executive Committee shall have the authority between Department Conventions as herein defined and restricted by the By-Laws.

Section 5. A majority in number of the voting members of the Executive Committee shall constitute a quorum for the transaction of business at any regular or special meeting.

Section 6. The Executive Committee shall have immediate supervision over the work of all officers and may require report from any officer at any time. The Department Finance Officer shall make a general report at each Executive Committee Meeting and the Department Adjutant shall report at each meeting on those matters which he determines should be of interest to the Committee. This report should be general in nature and should reflect the happenings within the Department which occurred since the last meeting, and which has not been previously reported.

Section 7. The expenses of the voting members of the Department Executive Committee, the Department Chaplain, the Department Sergeant-at-Arms, the Department Finance Officer, the Department Judge Advocate, the Department Historian, the Department Surgeon, the Department Media and Communications Director, Department Membership Director and Past Department Commanders from within the confines of the Commonwealth of Kentucky to regular and special meetings of the Department Executive Committee shall be paid by the Department, provided that each such person shall be recorded present at and shall faithfully remain in attendance during each meeting of the Executive Committee, except when excused by the Department Commander for a good cause.

Section 8. Action upon all motions and/or resolutions considered by the Department Executive Committee shall be done by voice unless a roll call vote is requested by a voting member. All resolutions and all motions and/or resolutions involving expenditure of funds shall be by roll call of each member; and the votes shall be recorded by name in the Executive Committee minutes.

Section 9. A copy of the minutes of each regular or special meeting of the Department Executive Committee shall be mailed to each Post Commander within sixty (60) days following adjournment of the meeting.

Section 10. The Department Executive Committee shall promptly and in good faith take any action required of it by any motion, resolution or other official act passed by the Department Convention and shall refrain in good faith from taking any action, or further action, on any matter or motion, resolution or official act that has been defeated or rejected by the Department Convention so that the Department Executive Committee will at all times observe and be subject and amenable to the precepts and policies as may be determined by the Department Convention and be in harmony at all times with its objectives in every respect.

## **ARTICLE III**

### **Duties of Department Officers**

Section 1. The Department Commander shall be the executive head of The American Legion, Department of Kentucky, with full power to enforce the provisions of the National Constitution and By-Laws, the Department Constitution and By-Laws, and the will of the National and Department Conventions. In cooperation with the Executive Committee of the Department he/she shall be responsible for the enforcement of discipline and maintenance of good conduct on the part of the several Posts and Districts and their members. He/she shall be the presiding officer of the Department Convention and all other Department meetings and gatherings at which he is present. He/she shall represent the Department in its relations with Federal, State, and other governmental bodies. He/she shall have authority to designate a Department Vice Commander or other Legionnaire to represent him/her at public ceremonies and meetings. He/she shall receive from members, Posts, private citizens and organizations, complaints affecting the conduct of members, and Posts or affecting the welfare of the Department and shall present same to the Department Executive Committee for appropriate action. He/she shall appoint all committees that he/she may deem necessary or that shall be provided for by the Department Executive Committee or the Department Convention, subject to ratification by the Department Executive Committee.

**Section 2. The Department Senior Vice-Commander shall be chief deputy of the Department Commander and, in addition to the duties set forth herein, shall perform such duties as may be prescribed by the Department Commander or the Department Executive Committee. He/she shall be the chief representative of the Department Commander with regard to any duty, responsibility or function which may be delegated to him/her. He/she shall be the presiding officer of the Department Convention and all other Department meetings and gatherings when the Department Commander is absent or otherwise unable to act.**

**To further ensure that the Department Senior Vice Commander is sufficiently acclimated to the duties of the Department Commander, if he/she chooses to take on the responsibilities of that position and is duly nominated, they are encouraged to attend official meetings and training at National Headquarters. In the event that the Senior Vice Commander does attend such events, the cost of their lodging and travel will become part of the Department Commander's allowable expense. These expenses should be kept to a minimum.**

Section 3. The Department Vice-Commanders shall act as representatives of the Department Commander on all matters referred to them and shall on the request of the Department Commander preside over meetings of the Department Convention, the Department Executive Committee and other meetings and gatherings, and shall perform other duties as are usually incident to the office. In addition, the holder of this office shall (1) promote membership within the area, (2) coordinate efforts of the District Commanders within the area and request and receive a quarterly report from each District Commander, and (3) shall report quarterly to the Department Commander and



Internal Affairs Committee in a manner directed by that committee. The Department Vice-Commanders shall serve as members of the Membership Commission.

Section 4. The Department Adjutant:

1. Plans, organizes and directs the administrative activities of the central office; supervises the work of subordinates; studies and establishes work methods and procedures.

2. Performs a variety of public relations duties; answers questions of the public and the media relating to the function of the organization and its activities.

3. Maintains communications with The American Legion Posts in the Department, Department Officers, District Officers, the American Legion Auxiliary and National Headquarters in matters of policy and direction, promoting and coordinating programs and conveying or collecting information; maintains contact with other agencies.

4. Supervises the receipts and deposit of cash and the maintenance of related accounts and records; supervises solicitation to all members for contributions and the receipt and disbursement of funds for authorized programs; supervises the preparation of payrolls; reviews and signs checks and vouchers; reviews financial records and statements; draft proposed annual budget and administers same when approved; invests surplus monies, upon direction of proper authority. No obligation of the Department shall be paid unless and until a receipt or voucher is submitted with the form on which the claim is made. Receipts for food are not required for those individuals authorized an official call-in.

5. Supervises the preparation, publishing and distribution of bulletins to Department, District and Post Officer.

6. Oversees the preparation, duplication and distribution of material regarding the various American Legion programs and other information; handles details for the Boys' State Program as directed, American Legion Membership Incentive Awards, and various other programs.

7. Handles administrative functions before, during and after conventions and conferences; establishes workable schedules of committee and commission meetings and special functions; attends required committee and commission meetings and records proceedings.

8. Conducts administrative research on special problems; directs the preparation of and reviews records, statements, and reports; prepares reports.

9. Carries out directives of the convention, Executive Committee and the Department Commander.

10. Represents the Department as directed in Legislative matters; maintains liaison with officials of Legion Departments and Posts, the government and other public and private organizations.

11. Coordinates and is jointly responsible for the publication and distribution of the *Kentucky Legionnaire*.

12. Attends to all correspondence of the organization and to the issuing of all bulletins, notices, orders, and documents from Department Headquarters, none of which shall be official unless attested by the Department Adjutant.

13. Shall conduct a school for post adjutants each year during the month of August, separate from conferences and conventions. Post adjutants attending shall be paid mileage provided that each such adjutant shall be recorded present and shall faithfully remain in attendance during the schooling sessions.

14. Shall conduct all Instruction Seminars on Saturday of the date of the meeting of the Executive Committee for Area Commanders and District Commanders.

15. Shall maintain DD for 214 or proof of eligibility for all Department Officers.

Section 5. The duties of Membership Director shall be to assist the Department Commander in promoting membership within the Department. He/she shall be appointed by the Department Commander, subject to ratification by the Department Executive Committee, and shall serve at his/her pleasure. His/her precise duties, restricted to membership affairs, shall be prescribed by the Department Commander. He/she shall not be a candidate for any elected office within the American Legion on the Department or National level. In the event that the Membership Director shall become such a candidate during his/her term, he/she shall immediately resign or shall be removed from office by the Department Commander or the Department Executive Committee.

Section 6. The duties of Department Surgeon shall be to interpret and recommend to the Department Commander, Department Service Director, and the Department Executive Committee, all matters pertinent and relating to the health and welfare of all veterans, their widows and dependents and the general population.

Section 7. The Department Finance Officer shall be subject to the direction of the Department Executive Committee and shall correlate the activities of this office with the Internal Affairs Committee, and shall report as required to the Department Commander and the Department Executive Committee. This Officer shall be charged with the collection and custody of the funds of the Department, and all monies received for the Department from any source, shall be paid immediately by the persons receiving them, to the Department Finance Officer. All such funds shall immediately be deposited in a depository selected by the Department. The Department Finance Officer shall cause to be collected from Posts and all other sources, all monies due the Department, and may, with the advice of the Department Judge Advocate, take such legal steps as may be necessary for such collection. He/she shall cause to be paid by check, all obligations of the Department, but shall pay no such obligations without approval of the Finance Committee or the Department Executive Committee. All checks shall bear two signatures as directed by the Internal Affairs Committee.

Section 8. The Department Historian shall be responsible for compiling of a complete Historical Record of the Department. He/she shall have authority to request from the offices of the Department, the Posts and Districts thereof, any information necessary to the performance of his/her duties, and shall prepare and submit annually to the Department Executive Committee, thirty (30) days before the Department Convention, a report covering the activities and interests of the Department throughout the year, accompanied by such suggestions relative to the preservation of the Historical Records of the Department as he shall deem appropriate.

Section 9. A Department Service Director shall be employed by the Department Executive Committee and shall be a full time paid employee of The American Legion of Kentucky, working under the supervision of the Department Commander and the Department Headquarters. The salary and expense account of the Department Service Director shall be fixed and approved by the Department Executive Committee upon recommendation of the Department Commander. The Department Service Director shall collect and compile laws and information pertaining to the Veterans Administration and other institutions dealing with veterans' affairs, and, shall make recommendations as to the betterment of service to veterans and their dependents. He/she shall act as personal representative of claimants, appeals, and problem and special cases before the rating and appellate agencies of the Veterans Administration, and shall report to each Department Convention his/her activities and the general situation affecting veterans' rehabilitation, hospitalization, compensation, pension, and all other matters pertinent to the welfare of veterans and widows of deceased veterans. The Department Service Director shall do all these things consistent with the objectives of The American Legion to promote and carry out a cooperative and harmonious relationship with the Veterans Administration and the Kentucky Center for Veterans Affairs, and he/she shall perform such other duties as may be designated by Department Headquarters as will contribute to the fullest and most effective service to veterans, their dependents and The American Legion of Kentucky.

Section 9a. The term of employment of the Department Service Director shall be for one year, provided, however, that this term shall be extended on a year-to-year basis, unless terminated for good cause, which includes unsatisfactory service. He/she may be removed from office for nonfeasance or misfeasance, dishonesty or any other conduct determined to be detrimental to The American Legion. In no event shall he/she be removed until written verified charges have been brought, a formal hearing held, and he/she having been found guilty as a result thereof. Any charges preferred shall be to the Internal Affairs Committee, and the formal hearing shall be held by that Committee. Any party to the hearing shall have a right of appeal within ten (10) days, to the Executive Committee at its next regularly scheduled meeting or to the Department Convention, if the Convention convenes prior to the next scheduled Executive Committee meeting. The procedures for appeal shall be as prescribed by the Internal Affairs Committee and approved by the Executive Committee.

Section 10. The Department Chaplain shall officiate at the Department Convention, all regular and special meetings of the Department Executive Committee, and shall perform such other duties, ordinarily incident to the office of Chaplain as shall be assigned him/her by the Department Commander.

Section 11. The Sergeant-at-Arms shall attend the Department Convention and all regular and special sessions of the Department Executive Committee and the annual Fall, Winter and Spring Conferences and shall be reimbursed for travel, lodging and meals on the same basis as is prescribed for other officers as set forth by the Department Executive Committee for attending such functions. It shall be his/her responsibility to see that the Colors are properly Displayed and to perform such other duties as may be prescribed by the Department Commander.

Section 12. The Department Judge Advocate shall be the chief legal counsel of the American Legion Department of Kentucky and shall appoint any needed assistant Judge Advocates. They shall perform such duties as may be prescribed or required by the Department Executive Committee or by the Department Commander. The Assistant Judge Advocates may be removed from office by the Department Commander. The Department Judge Advocate shall be a lawyer and also his/her assistants shall be lawyers, and furthermore they may be paid for legal services rendered as determined by contract to be negotiated between the Department and the Judge Advocate. The Department Judge Advocate shall be prohibited from taking any action of any kind that may influence in any way the election or defeat of any candidate for office within the American Legion, Department of Kentucky, The American Legion Auxiliary, Department of Kentucky, The Sons of the American Legion, Detachment of Kentucky, The Kentucky American Legion Media Alliance, The American Legion Riders, or any area, district, post, squadron, unit, or chapter thereof. The casting of a personal vote should not be construed as a violation.

Section 13. The National Executive Committeeman, or his/her Alternate, shall attend all meetings of the National Executive Committee and the Department Executive Committee and in the performance of his/her duties shall be under the supervision and control of the Department Convention and of the Department Executive Committee. He/she shall render an annual report of his activities to the Department Convention.

Section 14. District Commanders shall be voting members of the Department Executive Committee and shall in this capacity perform any and all duties necessary to the proper function of this committee. They shall be subject to special assignments by the Department Commander and shall report quarterly to the Internal Affairs Committee, in a manner directed by that committee. In addition, each District Commander shall be required to submit a written report or article in each issue of The Legionnaire relating to activities and functions within their respective districts. District Commanders shall schedule and hold district meetings within their District and shall meet with and visit the Posts within the District. In the event that the office of District Commander is vacated, for any reason, his/her replacement shall be appointed by the Department Commander from the elected District Vice Commanders, if applicable, subject to ratification by the Department Executive Committee. The District Commander may be removed from office by the Department Commander for non-performance of his/her duties subject to ratification by the Department Executive Committee

Section 15. The Department Media and Communications Director shall build awareness of and support for the primary mission and purpose of The Kentucky American Legion among Kentucky communities, Federal, State and local government agencies, and media representatives of the press, radio and television, and the Internet. The Director shall be the Head of the Media and Communications standing committee and oversee the operations of the Kentucky Media Alliance. They shall perform such other duties as may be assigned to him by the Department Commander or Department Executive Committee.

a. **The Media and Communications Director oversees an annual awards program similar in scope to the National Media and Communications program to recognize excellence in communications by Kentucky American Legion Family members.**

b. **The Media and Communications Director may establish a committee to conduct the Media Awards Program or to assist with other media-related functions.**

Section 16. Full-time paid employees of the American Legion, Department of Kentucky, shall be the Department Adjutant, the Department Service Director and such others as the Adjutant may recommend and the Executive Committee approve. The Department Adjutant, upon evaluation of work to be performed, shall advise the finance committee of any proposed increases or decreases in the number of full-time employees required to perform the work of the Department. He/she shall notify the Department Commander of the number and types of personnel needed and of any changes to be proposed. He/she shall propose any such changes, fully justifying his/her recommendations to satisfy the need, the presentation and vote may take place by mail at the discretion of the Department Commander.

Section 17. Full-time employees shall refrain from taking any action of any kind that may influence in any way the election or defeat of a candidate for office within the American Legion, Department of Kentucky, the American Legion Auxiliary, Department of Kentucky, the Sons of the American Legion, Detachment of Kentucky, the Kentucky American Legion Press Association, The American Legion Riders, or any area, district, post, squadron, unit, or chapter thereof. The casting of a personal vote shall not be construed as a violation of this Section.

## **ARTICLE IV**

### **Department Standing Committees**

Section 1. "The following department standing committees shall be appointed by the Department Executive Committee upon nomination by the Department Commander unless otherwise provided herein, with said committees to serve at the pleasure of the appointing power except as hereinafter provided, and shall be composed of one member of each of the eleven (11) American Legion Districts except the Department

Finance Committee, the Internal Affairs Committee and the Membership Commission which shall be composed as hereinafter provided for. The Department Commander, except as herein provided, shall designate the chairperson of these committees and shall prescribe duties as may from time to time be necessary to efficient operation and coordination of activities. The committees are:

1. Constitution and By-Laws Commission
2. Children and Youth
3. Veterans Affairs and Rehabilitation
4. Media and Communications
5. Convention and Conference Commission
6. Legislative
7. Sons of the American Legion
8. Finance
9. Internal Affairs
10. Membership Commission
11. Americanism
12. National Security

Section 2. The Department Finance Committee shall consist of four members of The American Legion of Kentucky. The Department Commander shall be a member of the committee during his/her tenure of office, without vote. The remaining three members of the Finance Committee shall be appointed by the Department Commander, with the advice and consent of the Department Executive Committee. One of the three shall be appointed for a term of one year, another for a term of two years, and the other for a term of three years. Their successors shall be appointed for a period of three years. The continuity of service of the present members of the committee shall not be affected by this amendment. Each member of the Department Finance Committee shall hold office until his successor is duly appointed and qualified. The Department Commander shall designate the chairman of this committee, who shall serve as chairman for one year, and the Department Commander shall fill any vacancies occurring on this committee by appointing another qualified member to fill the unexpired term of the member being replaced, said appointment subject to final ratification by the Department Executive Committee at its next regular meeting. The Department Finance officer shall be an ex-officio member of said committee, and the Department Adjutant shall be ex-officio Secretary of said committee.

No one shall be eligible to serve on this committee while holding an elective or appointed office at the Department level or while serving on a Department Committee. A Past Department Commander may serve on the committee. However, only one Past Department Commander may serve at one time.

Any person appointed to serve on this committee shall be well versed in American Legion programs, purposes and procedures and shall be familiar with the basic principles of finance and practice of administration.

Should a member of the Committee become a candidate for an office in The American Legion above the Post level he/she shall automatically be disqualified from further service on the Committee.

Section 3. The Department Finance Committee shall be charged with the preparation of the annual budget and the handling of funds under that budget. The budget shall be prepared, and a copy mailed to each member of the Executive Committee at least fifteen (15) days prior to the first meeting of the Department Executive Committee following the Department Convention, and the budget shall be considered for ratification at that meeting of the Executive Committee.

Section 4. The Chairperson of all Department Standing Committees shall report in writing to the Department Adjutant at least ten (10) days before the convening of the Department Convention and the Committee shall meet as often as necessary during the Department Convention to prepare supplemental reports and make recommendations to the Convention Committees.

Section 5. The Internal Affairs Committee shall be comprised of six (6) members who shall be appointed by the Department Commander and approved by the Department Executive Committee. The present committee is comprised of five (5) members and one (1) member's term expires in 1995, leaving four (4) members. These four (4) members shall remain on the Committee and the Department Commander shall appoint two (2) new members to be approved by the Department Executive Committee and the two (2) new members shall serve for three (3) years, two (2) members shall serve for two (2) years and two (2) members shall serve for one (1) year and the number of years to be served by each present member shall be determined by lot. Thereafter two members shall be appointed each year by the Department Commander and approved by the Department Executive Committee to serve for three (3) years. As a member's term expires, he/she shall not be eligible to be reappointed for a period of at least two (2) years.

No one shall be eligible to serve on this committee while holding an elected or appointed office at the Department level or while serving on a Department Committee. A past Department Commander may serve on the committee, however; no more than two Past Department Commanders may serve at one time.

Any person appointed to serve on this committee shall be well versed in American Legion programs, purposes and procedures and shall be familiar with the basic principles of finance and practice of administration.

Should a member of the Committee become a candidate for an office in the American Legion above the Post level he/she shall automatically be disqualified from further service on the Committee. No more than one person from the same District shall serve on the Committee.

In addition to the duties assigned by other Sections of these By-Laws, this Committee shall be concerned with the Internal Affairs of the organization and, particularly, with problem areas. These duties include conferring with all Department Officers, including the Department Adjutant, and with all Committees relative to ways

and means by which a particular officer or Committee may perform assigned duties more effectively and efficiently. The primary effort of the Committee shall be directed toward promoting efficiency, economy, and honesty among the officers and employees of the organization. Although it is not intended that this Committee usurp the authority or power of the Department Commander or Executive Committee, it is necessary for the proper functioning of the Committee that it be, and it is hereby granted, authority to conduct investigations and make recommendations on its own initiative.

Section 6. The Convention and Conference Committee shall be comprised of five members who shall be appointed by the Department Commander and approved by the Department Executive Committee. The members shall be initially appointed to serve for 1,2,3,4 and 5 years, respectively, with one member's term to expire each year. As a member's term expires, his/her replacement shall be appointed for a period of five (5) years.

The committee shall be responsible for contracts to be made between the Department and hotels, motels, orchestras, bands, food vendors, etc. To set guidelines for groups who want to host the Conventions and/or Conferences. All actions of this committee shall be determined by the Department Executive Committee. Such actions shall be made at least two years prior.

Section 7. The Membership Commission shall be comprised of seven (7) members as follows: The Department Membership Director, who shall act as chairperson of the commission; the three area vice-commanders and one member from each area (A B & C) who shall be appointed by the Executive Committee upon recommendation of the Department Commander. Each member of the Commission shall serve for one year unless re-elected or reappointed to that commission.

Section 8. The Department Surgeon shall chair the Standing Commission and the Department Convention Committee of the Veterans Affairs and Rehabilitation.

## **ARTICLE V**

### **Convention Committees**

Section 1. Department Convention Committees hereinafter set forth in this Article shall be comprised of one member from each Legion District, duly elected by District Convention, and an Alternate shall also be elected for each Committeeperson to serve in the absence of or inability of the regular Committeeperson to serve, and in the absence of any elected Department Convention Committeeman or Alternate at his/her respective committee meeting. The District Commander of the absent Committeeperson and Alternate shall appoint a Department Convention Delegate from his/her District to serve in the absence of said Committeeman or Alternate. The Resolutions Committee will meet the evening prior to the Department Convention after being ratified by the Department Commander. The remaining committees to report to the Convention at the call of the presiding officer. "The Department Commander shall appoint the chairperson of these committees and the chairperson must be a member of the committee.



1. Rules and Order of Business
2. Credentials
3. Constitution and By-Laws
4. Resolutions
5. Veterans Affairs and Rehabilitation
6. Children and Youth
7. Americanism and Community Service
8. Legislative

Section 2. Every resolution to be considered by the Resolutions Committee must be typewritten or legibly presented by an original and three (3) copies.

Section 3. As conditions precedent to consideration of the Resolutions Committee a resolution must be received by the Department Adjutant at least five (5) days prior to the opening session of the Department Convention, and shall have attached to said resolution a statement setting forth clearly the reasons or arguments why said resolution should be adopted.

Section 4. Local resolving clauses shall be omitted from all Resolutions for consideration by the Department Convention and shall contain a resolving clause in form as follows:

"Resolved, by The American Legion, Department of Kentucky in Department Convention assembled in \_\_\_\_\_, Kentucky,  
 (Name of Convention City)  
 \_\_\_\_\_ 20\_\_\_\_, That.... "  
 (Month) (Dates)

Section 5. Provided further that a resolution may be considered by the Department Convention without conforming to the foregoing rules of procedure if any such resolution is reported favorably by both the Resolutions Committee and the Department Executive Committee, and if the failure of said resolution to be so processed is for the reason that the subject matter, purpose or aim of said resolution arose at such a time that following the foregoing procedural processes is an impossibility.

## **ARTICLE VI**

### **Post Elections**

Section 1. All Posts of the Department of Kentucky shall be required to hold their annual election of officers at a regular or called meeting to be held not less than thirty (30) days nor more than ninety (90) days prior to the date set for the Department Convention.

Section 2. All Posts of the Department of Kentucky shall certify to Department Headquarters at least fifteen (15) days prior to the date set for the Department Convention a list of the names and addresses of their post officers elected for the fiscal year using the Post Officer Card provided by Department Headquarters.

Section 3. All Posts shall also be required to fill out and return to Department Headquarters at least fifteen (15) days prior to the date set for the Department Convention the Post Consolidated Report Form (CPR). If completing the CPR electronically to National Headquarters, the Post will also forward a copy of the CPR to Department Headquarters.

Section 4. No membership cards shall be issued to any Post which has not submitted to the Department Headquarters their Post officer Card and their CPR at least 15 days before the start of the Annual Department Convention.

Section 5. The Post Adjutant shall verify the eligibility of all members seeking election, and once elected shall forward a list of all elected post officers to the Department Adjutant within two weeks; and shall maintain a DD Form 214, or proof of eligibility for all post elected officers.

## **ARTICLE VII**

### **District Organization and Meetings**

Section 1. Each District of the Department shall hold an annual convention within the geographic confines of the District not less than 15 days nor more than 75 days prior to the convening of the Department Convention, such District Convention to be called by the District Commander within the foregoing provisions and at his/her option as to time and place. At said convention there shall be elected a district commander and not more than three district vice-commanders and one election will be held to fill those positions, If more than three nominees (or the districts designated number), the election shall continue with the nominee with the lowest number of votes being dropped until the designated number of vice-commanders remain, and they shall serve equally. There shall be elected three delegates to the National Convention and three alternate delegates to the National Convention. Said elections shall be reported by the respective district commanders immediately thereafter to the Department Adjutant who shall certify the same to the Department Convention for approval. The terms of office for the District Commanders and Vice-Commanders shall be from the last day of the Department Convention after their election until the last day of the next Department Convention."

Section 2. Each American Legion District in this Department, at the District Convention held immediately prior to the Department Convention, shall elect a member and an alternate member from the delegates to the Department Convention to serve on each of the Department Convention Committees. Each District Commander shall furnish a list of the various convention committee appointments to the Department

Adjutant and shall have the right to name members of such convention committees at the Department Convention to fill any vacancy caused by a previously named member failing to appear.

Section 3. Each District Commander may appoint a District Adjutant or, in his/her discretion, may cause said District Adjutant to be elected in the same manner as provided herein for the election of other District Officers. The District Adjutant shall maintain a DD form 214, or other proof of eligibility, for each elected district officer.

Section 4. The duties of the District Commander shall be as follows: (a) to serve as a member of the Department Executive Committee, (b) to preside over all District meetings, (c) to promote American Legion Membership and other American Legion activities within the confines of his/her geographical district, (d) to make such reports as shall from time to time be required by the Department Executive Committee or Department Convention. The Department Commander may delegate to a District Vice-Commander any and all duties and authority set forth herein.

## **ARTICLE VIII Monies and Collections**

Section 1. All Districts, Posts and other intermediate body officials handling American Legion monies shall be properly bonded with a good and solvent bonding and surety company, as surety, to cover double the average amount of money handled in a single year. In case of delinquencies in the payment of monies due Department and National Headquarters, action shall be taken at once by the proper officials to bring about a speedy and complete settlement. The bonds provided by Department, Post and other intermediate body officials shall be approved by the Department Judge Advocate and the Department Executive Committee.

Section 2. The Department Commander or Executive Committee shall, should it be deemed advisable, detail special auditors to investigate the membership roll and financial statement of any District, Post, or other intermediate body, and all cost of said audits shall be borne by the unit whose accounts are being audited.

## **ARTICLE IX Charters**

Section 1. The Department Executive Committee may suspend, cancel, or revoke a Post Charter upon a proper showing of cause. The action taken by said committee shall be final and conclusive unless an appeal is taken to the National Executive Committee within thirty (30) days from the date of said suspension, cancellation, or revocation. The action taken by the National Executive Committee upon such appeal shall be final.

Section 2. Any Post failing to meet the obligations imposed upon it by this Constitution and By-Laws or ceasing to function for six months as an American Legion Post, or voluntarily ceasing to function as a Post, or merging with one or more other Posts, or refusing to pay the Department and National per capita dues, or under such other conditions as might make such action necessary shall upon order of the Department Executive Committee, surrender its charter for cancellation.

Section 3. Upon revocation, cancellation or suspension of a Post Charter, said Post shall immediately cease operations and shall turn over its charter to the Department Executive Committee which is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all records, property, and assets of said Posts: provided, however, that nothing herein shall be construed as requiring this Department to take over or assume any financial responsibility as to such property. Said action shall be taken in accordance with the uniform code provided by the National Executive Committee.

Section 4. The Uniform of Procedure for the Revocation, Cancellation or Suspension of Post Charters, as adopted by the National Executive Committee of The American Legion May 1-2, 1941, Indianapolis, Indiana, and amended by that body November 6-7, 1948, is hereby adopted and made a part of this Constitution, the same as if fully written herein.

## **ARTICLE X**

### **Discipline of Post and Post Members**

Section 1. Each Post of The American Legion sits in judgement of its own members in disciplinary proceedings, and has the prerogative to accept, or not, whomever is eligible, provided that the post does not refuse membership to an eligible applicant based on criterion prohibited by law, such as ethnicity, gender, age, etc.

Section 2. Each Post shall draft and adopt a Constitution and By-Laws not in conflict with the National and Department Constitutions. Said Constitutions and By-Laws shall govern the activities of the Post, and a copy of the current Constitution and By-Laws of each Post, and a copy of all amendments and changes thereto shall be forwarded to the Department Adjutant for record purposes.

Section 3. Post members may be suspended or expelled from The American Legion only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose his membership until given a trial by the Post or Department in accordance with the Uniform Code of Procedure as prescribed by the National Executive Committee. The accuser must be a member of the post Legion membership, the charges must be specific, and the procedure with the Uniform Code of Procedure as prescribed by the National Executive Committee and outlined in the Officers Guide must be exactly followed with the exception of Part IV of the established procedure; Alias Writ, that requires the Writ to be issued again and again until service is had. If after two

(2) unsuccessful attempts to issue the Writ to the accuser by certified mail with the accuser refusing to sign for the delivery, the Post may assume that the accused is denying acceptance of the Writ on purpose to stop the proceedings. In such an instance, the Post must document the attempted deliveries and then may continue with the suggested procedures as written.

Section 3-a. A member who is temporarily suspended from the post social functions remains "in good standing" in the American Legion and may attend all scheduled and special meetings of the post and may not be prohibited from seeking office in the American Legion.

Section 4. A member whose dues for the current year have not been paid by January 1 shall be classed as delinquent. If his/her dues are not paid on or before February 1, he/she shall be suspended from all privileges. If he/she is still under such suspension on June 30 of such year, his/her membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be re-instated to active membership in good standing by the vote of the Post and payment of current dues for the year in which the reinstatement occurs.

## **ARTICLE XI**

### **Transfer of Membership**

Section 1. A member of any American Legion Post, within or without the Department, who is in good standing in said Post, may be transferred to and admitted to full membership in any Post of the Department, upon his/her request and by and with the consent of the Post to which the Legionnaire has applied for transfer. The Department Adjutant, will supply to each Post forms to carry this By-Law into effect.

## **ARTICLE XII**

### **Amendments**

Section 1. These By-Laws may be amended at any Department Convention by a vote of two-thirds of the total authorized votes cast by the delegates present and voting at that particular meeting, provided that the proposed amendments shall have been submitted to Department Headquarters at least thirty (30) days prior to the convening of the next Department Convention and made available for inspection by the membership, by either publication in the Kentucky Legionnaire or by distribution in writing at least twenty-four (24) hours prior to the time designated for a vote on the proposed amendments. A proposed amendment may be amended without further notice by a two-thirds vote cast by the delegates present and voting at that particular meeting, provided that the proposed changes have been read to the Convention at least twelve (12) hours prior to the time scheduled for a vote thereon. Copies of all proposed By-Laws Amendments shall be made available by The Department Adjutant at the Department Convention to the Chairman and/or Secretary of each Post delegation.

## **ARTICLE XIII**

Section 1. All words in the By-Laws in the masculine gender shall include the feminine gender.