

**CONSTITUTION  
AND BY-LAWS  
OF  
THE AMERICAN LEGION  
DEPARTMENT OF GEORGIA**



**Prepared by**

**The American Legion  
Department of Georgia  
3035 Mt. Zion Road  
Stockbridge, GA 30281**

**Revised 2023**

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OF  
THE AMERICAN LEGION  
DEPARTMENT OF GEORGIA**

**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 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 safe-guard 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**

The name of this organization shall be “The American Legion, Department of Georgia, a **Corporation.**”

## **ARTICLE II – NATURE**

Section 1. THE AMERICAN LEGION, Department of Georgia, is one of the Departments of THE AMERICAN LEGION as permanently created and organized at Minneapolis, Minnesota, November 12, 1919, and is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by his military or naval title in any Convention or meeting of the Legion.

Section 2. THE AMERICAN LEGION shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

## **ARTICLE III – ORGANIZATION**

Section 1. THE AMERICAN LEGION, Department of Georgia, shall consist of Posts composed of not less than twenty-five (25) members of THE AMERICAN LEGION located in the several counties and cities of the State of Georgia now or hereafter holding charters from THE AMERICAN LEGION.

Section 2. A temporary charter may be applied for and issued for a Post with only fifteen (15) members; however, to continue to hold a charter longer than one year from the date of issuance, the Post must have twenty-five (25) members in good standing and apply for a permanent charter.

## **ARTICLE IV – ELIGIBILITY**

Section 1. Any person shall be eligible for membership in THE AMERICAN LEGION who was a member of the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States and assigned to active duty at some time during any of the following periods: April 6, 1917 to November 11, 1918; December 7, 1941 to December 31, 1946; June 25, 1950 to January 31, 1955; February 28, 1961 to May 7, 1975; August 24, 1982 to July 31, 1984; December 20, 1989 to January 31, 1990; August 2, 1990 to cessation of hostilities as determined by U.S. Government; all dates inclusive, and all veterans who may become eligible by virtue of changes in the national organization's inclusion dates in the future, or who, being a citizen of the United States at the time of his entry therein, served on active duty in the armed forces of any of the

governments associated with the United States during any of said periods; provided, however, that such service shall have been terminated by honorable discharge or honorable separation or continued honorably after any of said periods; 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 himself 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 annually.

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

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

## **ARTICLE V – DEPARTMENT CONVENTION**

Section 1. The legislative body of the Department shall be the Department Convention, to be held annually in the months of June, July or August. The duration of the Convention shall not be more than three (3) days and shall not be held during the week of July 4. Beginning with the Legion year 1973-74, there shall be a standing Committee known as the "Department Convention Committee" composed of five (5) members; the Department Commander and Department Adjutant shall be members and the other three members shall be named by the Department Commander and approved by the Department Executive Committee; one for a one year term; thereafter, each succeeding appointee shall serve for a full term of three (3) years, or until removed by a majority vote of the Department Executive Committee. The Committee shall be charged with the recommending to the Department Executive Committee the sites and dates of future Department Conventions for its approval.

Section 2. In the Department Convention each Post shall be entitled to five delegates and one additional delegate for each twenty-five (25) members or major fraction thereof whose current dues have been received by the Department Headquarters ten (10) days prior to the meeting of said convention, and to one alternate for each delegate; provided that in no instance except as in Section 2, Article VII, shall such

a Post be entitled to a greater number of delegates than **fifty** (50), together with the corresponding number of alternates.

Section 3. A certified list of the names and addresses of all Post officers for the next succeeding year shall be attached to the Credentials Certificate of each Post and such certified list of newly elected Post officials and such Credentials Certificate containing the names of delegates and alternates, shall be sent to the Department Adjutant, ten days prior to the Department Convention, or delivered to the Chairman of the Credentials Committee prior to each Department Convention.

Section 4. 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 his Post. Alternates shall have all the privileges of delegates except that of voting.

Section 5. A quorum shall exist at a Department Convention when sixty (60) percent of the Posts are represented which have certified delegates as herein provided.

## **ARTICLE VI – DEPARTMENT OFFICERS**

Section 1. The Department Convention shall elect a Department Commander, one Senior Vice-Commander, and five Junior Vice-Commanders; the five Junior Vice-Commanders shall serve without seniority. In the event of the vacancy of office of the Department Commander, the Department Senior Vice-Commander shall succeed to the office of Department Commander without further election. If such Department Senior Vice Commander shall die, resign, be removed from office or succeed to the office of Department Commander, the Department Executive Committee shall elect from among the Department Junior Vice Commanders a successor for the unexpired term. If, after succeeding to the office of Department Commander and before a new Department Senior Vice-Commander has been elected, he shall die, resign or be removed from office, the vacancy shall, likewise, be filled from among the Department Junior Vice-Commanders. In the event a Department Junior Commander dies, resigns or is removed from office, the Department Commander shall appoint a replacement subject to approval of the Department Executive Committee. The Department Convention shall also elect a Treasurer. In the event a Treasurer dies, resign, or is removed from office, the Department Commander shall appoint a replacement to fulfill the unexpired term, subject to the approval of the Department Executive Committee. And, as provided by the National Constitution of THE AMERICAN LEGION, a National Executive Committeeman and an Alternate National Executive Committeeman shall be elected every two (2)

years. In the event the office of the National Executive Committeeman shall become vacant for any reason whatsoever, the Alternate National Executive Committeeman will automatically be advanced to the office of National Executive Committeeman. In the event the office of Alternate National Executive Committeeman shall become vacant, the Department Commander shall appoint a successor for the unexpired term, subject to the approval of the Department Executive Committee. The Department Commander shall appoint a Department Judge Advocate, Department Historian, Department Chaplain and a Department Sergeant-at-Arms, subject to the approval of the Department Executive Committee.

Section 2. In the event of a vacancy in the office of the Department Adjutant, the Department Executive Committee shall elect a successor. The Adjutant's duties shall be assigned by the Department Commander and the Department Executive Committee mandates by the Department Convention, consistent with the Constitution and By-Laws of the Department of Georgia. The tenure may be terminated at any time by the Department Executive Committee, when, in the opinion of a majority of its members, the best interest of the Legion requires the removal of the Department Adjutant.

Section 3. Elective Department officers shall be formally installed at the concluding ceremony of the Convention at which they are elected. They shall assume their functions immediately.

Section 4. Appointed Department officers and chairmen and members of Department committees shall serve at the pleasure of the Department Commander, unless otherwise provided herein or in the By-Laws, and may be removed (and be replace), without cause, at any time by the Department Commander. The Department Executive Committee shall have no control over such removal or dismissal, and the Commander shall not need the Department Executive Committee's approval, but shall be empowered to take such action at his/her discretion; provided, however, replacements for such removed Department officers or Department committee chairmen or members shall be subject to the approval of the Department Executive Committee.

## **ARTICLE VII DEPARTMENT EXECUTIVE COMMITTEE**

Section 1. Between Department Conventions all administrative power shall be vested in the Department Executive Committee, which shall be composed of the Department Commander, the three most recent Past Department Commanders, National Officers and Past National Commanders from the Department of Georgia, Vice Commanders,

Treasurer, Judge Advocate, National Executive Committeeman, Alternate National Executive Committeeman, and a District Commander for each Numbered District. The Department Adjutant, Chief Sergeant-At-Arms, Department Service Officer, Department Chaplain, Department Historian, Finance Committee Chairman and American Legion Rider Chairman shall be members of the Executive Committee with voice, but without vote.

Section 2. All voting members of the Department Executive Committee shall be delegates to the Department Convention, and to the District Convention within their respective District, with vote, which votes shall be exercised with their respective Posts. All Past Department Commanders who are not members of the Executive Committee under the terms of Section 1 of this Article shall be delegates to the Department and District Conventions for life, with vote, which vote shall be exercised with their respective Post.

**ARTICLE VIII –  
AMERICAN LEGION GEORGIA BOYS STATE**

Section 1. The name of this corporation shall be American Legion Georgia Boys State, Inc., and its general offices shall be location at The American Legion, Department of Georgia, and 3035 Mt. Zion Road, Stockbridge, Georgia 30281.

Section 2. This is a non-profit corporation and shall be a subordinate non-profit corporation of The American Legion, Department of Georgia. The articles of incorporation were duly authorized by the members of the corporation.

Section 3. Any person who is a member in good standing of The American Legion, Department of Georgia, shall be eligible for membership on the Board of Directors, and may become a member upon recommendation of the Department Commander with the approval of the Department Executive Committee, provided a vacancy shall exist.

Section 4. The management of the corporation shall be vested in a Board of Directors comprised of eight (8) members, one of which shall be the incumbent Department Commander of The American Legion, Department of Georgia. All members shall be appointed with staggered terms of office, beginning with seven (7) years and working down to one (1), with the Secretary/Treasurer being elected from within the Board of Directors on a yearly basis.

Section 5. The term of office of a member of the Board of Directors shall coincide with the term of office of the State Commander of

The American Legion, Department of Georgia, from one State Convention to the next.

Section 6. As the term of office for any member of the Board of Directors expires, the Department Commander, with the approval of the Department Executive Committee, shall appoint a member in good standing to fill that vacancy.

Section 7. Any member of the Board may be expelled by a majority vote of the Board, with the approval of the Department Executive Committee. Any tie vote within the Board shall be considered a vote in favor of the member in question.

Section 8. The Board of Directors shall be responsible for the management and control of all affairs of said corporation. They shall meet at the call of the Director or upon the request of any three (3) members of the Board. They shall receive no compensation for their services, but may receive allowances for expended funds in performance of their duties. Justification of expenses shall be presented to the Corporation Treasurer before any reimbursements are made.

Section 9. The Board of Directors shall meet no less than two (2) times per year and shall make a yearly written report to include a complete financial statement to the Department Executive Committee, The American Legion, Department of Georgia on or before the first day of the Annual Fall Conference.

Section 10. Any amendments to the By-Laws of the Corporation will be submitted to the Department Executive Committee, The American Legion, Department of Georgia for final ratification.

## **ARTICLE IX – POST ORGANIZATION**

Section 1. Those who desire to form a Post shall make application for a charter to the Department Commander. When the application, properly executed by the charter members of the proposed Post, has been approved by the Department Commander and the Department Adjutant, it shall be forwarded to National Headquarters where the Charter will be issued by the National Commander and the National Adjutant. Post charters so issued shall be countersigned by the Department Commander and the Department Adjutant.

Section 2. Each Post shall have a Post Commander, a Senior Vice- Commander, one or more Junior Vice-Commanders, an Adjutant, a Judge Advocate, a Chaplain, a Service Officer, a Finance Officer, an



Historian, a Sergeant-at-Arms, an Executive Committee and such other officers as the Post may determine.

Section 3. Post charters may be revoked by the Department Executive Committee with the approval of the National Executive Committee. Post charters may be suspended, placed on probation or canceled, as provided in the By-Laws.

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

Section 5. Each Post shall be the judge of the qualifications of its own membership, subject only to the restrictions of this Constitution and By-Laws.

Section 6. Each Post shall elect its officers annually at a time not less than fifteen (15) nor more than sixty (60) days in advance of the ensuing Department Convention. They shall be installed in their respective offices at the next succeeding regular meeting of the Post following the Annual Department Convention, and commence to function immediately.

## **ARTICLE X – DISTRICT ORGANIZATION**

Section 1. The Department of Georgia shall be integrated into Numbered Districts as determined by the Department Executive Committee.

Section 2. In each District there shall be a Commander, a Senior Vice-Commander, one or more Junior Vice-Commanders, an Adjutant, a Judge Advocate, a Chaplain, a Service Officer, a Finance Officer, an Historian, a Sergeant-at-Arms, and Executive Committee consisting of the District officers and representation from each Post therein. Between District Conventions, the District Executive Committee shall have general supervision of the affairs of THE AMERICAN LEGION within each District.

Section 3. The District officers shall be elected upon the nomination of the Posts of the District at an annual District Convention to be held not earlier than sixty (60) days nor later than fifteen (15) days prior to the Department Convention.

Section 4. The term of office of District Officers shall begin with that of the Department Commander and other Department officers as recited in Section 3, Article VI.

Section 5. Each District organization must adopt such Constitution, By-Laws, and rules and provide for such additional officers and organizations as it shall determine, which are not inconsistent with any provisions of the Department Constitution and By-Laws, including the method of determining voting strength as set forth in paragraph 2, Article V, on the basis of members reported to Department Headquarters ten days prior to the District Convention.

Section 6. Nothing in this Article shall interfere with or curtail the powers and duties of the Department Executive Committee.

## **ARTICLE XI – FINANCE**

Section 1. The revenue of THE AMERICAN LEGION, Department of Georgia, shall be derived from annual membership dues and from such other sources as may be approved by the Department Executive Committee.

Section 2. The amount of such annual dues shall be determined by each Department Convention for the ensuing year.

Section 3. The annual dues for THE AMERICAN LEGION shall be collected by each Post and transmitted to the Department Headquarters.

Section 4. Annual dues shall be payable at the beginning of each Legion year.

Section 5. In case of emergency, assessments may be made upon Posts provided each assessment is voted by a three fourth (3/4) vote of the Department Executive Committee.

Section 6. No member, officer, or committee of the Department shall have authority to bind it by contract or incur any obligation upon its behalf, except by express authority of Department Convention or the Department Executive Committee.

Section 7. All contracts entered into on behalf of the Department shall be in writing executed by the Department Commander and evidenced by its corporate seal, which shall be affixed by the Department Adjutant and attested by his signature.

## **ARTICLE XII – DISCIPLINE**

The Department Executive Committee, after notice and a hearing, may suspend the charter of or place on probation a Post which violates this constitution, or which fails adequately to discipline any of its members for

any such violation, and may provide for the government and administration of such Post during such suspension.

A Post placed under suspension must cease all operations including American Legion business until the suspension is either vacated or the charter is revoked or canceled. Suspension must be for a specified period of time (not longer than 1 year or until the next Department Convention). Any such action must be terminated by the Department Executive Committee at the pre-convention Department Executive Committee. If there are extra-ordinary circumstances, the Department Executive Committee may request the suspension extend beyond the Department Convention and that the Department Executive Committee for ensuing year grant such extension, stating the reason(s) why said extension is requested.

A Post placed under probation may continue operation of American Legion business under Department supervision for a specified period of time (not more than 1 year or until the next Department Convention). Any such action must be terminated by the Department Executive Committee at the pre-convention Department Executive Committee. If there are extraordinary circumstances, the Department Executive Committee may request the probation extend beyond the Department Convention and that the Department Executive Committee for ensuing year grant such extension, stating the reason(s) why said extension is requested.

### **ARTICLE XIII – CHANGE OF RESIDENCE**

Any member in good standing in a Post moving to other locations, either within or, without the Department, shall be entitled to a certificate from the Post showing membership therein and the duration thereof.

### **ARTICLE XIV – AUXILIARIES**

Section 1. THE AMERICAN LEGION, Department of Georgia, recognizes an Auxiliary organization known as ‘THE AMERICAN LEGION AUXILIARY, Department of Georgia’.

Section 2. Membership in THE AMERICAN LEGION AUXILIARY shall be limited to mothers, wives, daughters and sisters, granddaughters and great granddaughters 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; December 7, 1941 to December 31, 1946; June 25, 1950 to January 31, 1955; February 28, 1961 to May 7, 1975; August 24, 1982 to July 31, 1984; December 20, 1989 to January 31, 1990; August 2, 1990 to cessation of hostilities as determined by U.S. Government; all dates inclusive, and eligibility by virtue of changes in the national organization’s inclusion dates in the future, or who, being citizens

of the United States at the time of their entry therein, served on active duty in the Armed Forces of any of the governments associated with the United States during either of said World Wars or hostilities, and died in line of duty or after honorable discharge; and to those women who of their own right are eligible for membership in THE AMERICAN LEGION.

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

#### **ARTICLE XV – RATIFICATION**

All acts heretofore performed and charters heretofore granted, are hereby ratified and confirmed.

#### **ARTICLE XVI – AMENDMENTS**

Section 1. This Constitution may be amended at any Department Convention by a vote of two thirds (2/3) of the total authorized representation thereat, provided that the proposed amendments shall have been submitted through the Department Adjutant to the several Posts and members of the Department Executive Committee by mailing proposed amendments to them at least thirty (30) days prior to the convening of the next Department Convention; provided, however, it may be amended by a unanimous vote at any Department Convention without prior notice.

Section 2. No proposed amendment shall be submitted through the Department Adjutant to the Several Posts and members of the Department Executive Committee or considered by the Department Convention unless the same shall have first received the formal endorsement of a Post or the Department Executive Committee.

#### **ARTICLE XVII – DEPARTMENT INCORPORATION**

This Constitution is adopted in conformity with the Constitution of THE AMERICAN LEGION and the act of Congress of the United States of America, dated September 16, 1919, incorporating said THE AMERICAN LEGION, and the corporate charter granted THE AMERICAN LEGION, Department of Georgia, by the Superior Court of Fulton County, Georgia.

# **BY-LAWS**

## **THE AMERICAN LEGION**

### **DEPARTMENT OF GEORGIA**

#### **ARTICLE I – DUTIES OF OFFICERS**

Section 1. The Department Commander shall be the executive head of THE AMERICAN LEGION, Department of Georgia, with full power to enforce the provisions of the Department Constitution, By-Laws, and the will of the Department Convention. He shall be the Chairman of the Department Convention and the Department Executive Committee. He shall appoint all standing and special committees, subject to the ratification of the Executive Committee, and shall perform such other duties as are usually incumbent upon the chief officer of a parliamentary organization.

Section 2. The Senior Vice-Commander shall be chairman of the Department Membership and Post Activities Committee, and the Junior Vice-Commanders shall perform the specific functions respectively as assigned to them by the Department Commander and such other duties as are usually incident to their offices.

Section 3. The Treasurer shall be the custodian of the funds of the organization, and shall disburse the same upon the requisition of the Commander, and shall render to each meeting of the Department Executive Committee and the Department Convention an itemized statement of receipts and disbursements. The Treasurer shall distribute monthly Financial Statement and year-end audit reports, as compiled by the Department Bookkeeper and auditing firm, employed by the Department, to members of the Department Executive Committee, the Department Convention and, upon request, to any Post Commander or Post Adjutant. Such Financial Statement shall contain all accounts and funds belonging to the Department of Georgia. He shall render to each regular meeting of the Department Executive Committee, the Department Convention and, upon request, to any Post Commander or Adjutant, a written report of all checking and savings accounts and all certificates of deposit, by financial institution, including the amount in each account, at what rate of interest and for what term. He shall furnish a surety bond as

hereinafter provided and perform such other duties as are usually incident to the office. Ensure two signatures on all checks.

Section 4. The Historian shall preserve the records and archives of the organization and shall publish from time to time such historical data as may be appropriate and collaborate with District and Post Historians in the compilation of historical data pertaining to THE AMERICAN LEGION.

Section 5. The Chaplain shall conduct memorial exercises and render such spiritual and religious services as may be appropriate and in accordance with the ritual of the organization.

Section 6. The National Executive Committeeman, and **in** his absence the Alternate National Executive Committeeman, shall represent the Georgia Department in conformity with the National Constitution.

Section 7. The Judge Advocate shall be the advisor of the Commander and other Department Officers on legal questions and upon all matters involving the interpretation of parliamentary procedure and of the Constitution and By-Laws of the Georgia Department.

Section 8(a). The Department Adjutant shall be charged with the execution of the policies and mandates of the Department Convention, the Department Executive Committee, and the Department Commander. He shall perform such other duties as are usually incident to the office. He shall compile, in concert with the Treasurer, a report of the costs of the facilities in which the Department conferences and conventions are held, including the common areas, such as meeting rooms and assembly halls, and accommodations for the Department Commander or any other Georgia Legionnaire, guest or employee who receives complimentary housing, meals or other considerations at Department expense at such conferences and conventions and at national conventions. The report shall include all income and its source(s), such as registration fees and funds from the Department budget, and all expenses paid the Department, clearly showing the purpose of the expense and the name of each individual, if any, for whom such expenses were paid by the Department. This report shall be rendered within thirty (30) days following the event, to each member of the Department Executive Committee and, upon request, to any Post Commander or Post Adjutant.

Section 8(b). The Department Adjutant shall be responsible for payment of legitimate obligations of the Department. He/She shall certify that payments are for the legitimate obligations of the Department as authorized in the annual budget approved by the Committee or any

Department Executive Committee or by any amendments thereto. Should payment be made by any direct pay method, a list of intended payments will be generated and approved by both the Department Adjutant and the Department Treasurer prior to authorizing any payment from any financial institution. Should it become necessary in an emergency to issue traditional bank checks, the Department Adjutant shall affix his/her signature to the check prior to presenting them to the Department Treasurer for his/her signature which will make them negotiable. In the event of an extended absence or the incapacitation of the Department Adjutant certification AS TO THE LEGITIMACY OF OBLIGATIONS shall become the duty of a member of the Department Headquarters Staff previously designated by the Department Adjutant and approved by the Department Executive Committee. In the absence of the Treasurer, checks may be signed by the Department Commander.

Section 8(c). The Department Adjutant shall be the Chief Administrative Officer of the Department's business affairs and supervisor of the Department's Headquarters Staff. He shall be vested with the authority normally accorded a position of this type. He shall evaluate the performance of each employee as necessary but not less than once a year and shall keep a record of these evaluations and the evaluation shall be available to the Personnel Boards upon request. He shall interview and hire applicants for any job openings in the Department Headquarters Staff. He shall have the authority to discipline the employees if necessary, and to terminate their employment; provided however, that any action involving local, state or federal labor laws, discrimination or sexual harassment and loss of wages or employment may be appealed to the Personnel Board and if not satisfactorily resolved, either party may appeal their decision to the Department Executive Committee.

## **ARTICLE II – DEPARTMENT COMMITTEES**

Section 1. The Department Executive Committee shall meet within sixty (60) days after adjournment of the Department Convention and also immediately preceding the holding of each Department Convention. Special meetings may be held upon reasonable notice at the call of the Department Commander. The Department Commander shall call a meeting upon written request of ten (10) or more members of the Department Executive Committee, provided that three (3) days notice is sent in advance to all members. Such special meetings shall be for specific reasons and no other business may be conducted. The Department Commander shall convene such call meetings not later than ten (10) days following the receipt of such written request. In the event he fails to do so, the Department Senior Vice-Commander shall have the authority to so to convene such special meeting not later than (10) days following the

Department Commander's failure to convene the meeting. If the Commander and Senior Vice-Commander fail to call such special meeting upon due and proper request, any Department Junior Vice-Commander shall be authorized to convene such meeting without further request. Proper notice of not less than three (3) days must be sent to all members, regardless of who convenes the meeting.

Section 2. The Past Department Commanders and Past National Officers shall be members for life of the Department Executive Committee, with voice but without vote, except where vote shall be provided by the Department Constitution.

Section 3. Thirteen (13) voting members shall constitute a quorum of the Department Executive Committee.

Section 4. The Department Commander shall name such special committees as he shall deem advisable, subject to ratification by the Department Executive Committee.

Section 5. The Department Commander shall appoint, subject to ratification by the Department Executive Committee, a Department Finance/Audit Committee to be composed of three (3) members. One shall serve for one year, one for two years, and one for three years; thereafter, each succeeding appointee shall serve for the full term of three years, or until removed by a majority vote of the Department Executive Committee. The Department Commander and the Department Treasurer shall respectively be ex-officio members of said committee, and the Department Adjutant shall be ex-officio secretary thereof. The Department Finance/Audit Committee shall be charged with dual responsibilities of preparing the budget, verifying that the handling of funds there under conforms to such budget and auditing of all Department Financial records, with inclusive responsibilities of auditing Post records throughout our Department during their appointive year when deemed necessary by the Department Commander or Department Executive Committee. The Finance/Audit Committee will conduct an examination of the Department of Georgia financial records from the last audit. The Finance/Audit Committee shall verify that all funds have been disbursed in conformity with the Department Constitution and By-Laws in keeping with the items contained in the annual budget. The committee shall render its report to the Department Spring Conference each year, and a summary of the report shall be made available to Georgia Legionnaires present there at and shall be distributed to each American Legion Post in the Department of Georgia.



Section 6. The budget shall be prepared by the Department Finance Committee within thirty (30) days prior to the Department Convention. The budget shall cover the period of August one of each year to July thirty-first of the following year. The budget shall include all items of anticipated income and anticipated expense and shall be distributed not later than ten (10) days prior to the Department Convention to each member of the Department Executive Committee, each newly elected District Commander and each announced candidate for Department office. The budget, so prepared, shall be the official budget of the Department of Georgia until altered or amended by the Department Executive Committee or Department Finance Committee, subject to the approval of the Department Executive Committee. Any expenses of newly elected Department Officers, District Commanders, and Committee Chairmen expended after the close of the Department Convention shall be charged against the new year's budget.

There shall be included in the budget an item to be known as "Reserve Fund," which shall make it mandatory that at least five (5) cents per member be set aside in a special bank account for each member's dues reported to Department Headquarters. No money can be expended from this "Reserve Fund" except upon the recommendation of the Department Commander, or the Department Finance Committee and with two-thirds (2/3) vote of approval of the Department Executive Committee. All receipts and disbursements for the preceding year shall be verified by a firm of certified public accountants, validating that all funds have been disbursed in conformity with the Department Constitution and By-Laws and in keeping with the items contained in the annual budget.

Section 7. There shall be the following standing Committees, composed of such number of members as the Department Commander may determine or as hereinafter otherwise prescribed, and whose term of office shall coincide with that of the Department Commander.

- a. Rehabilitation
- b. National Security
- c. Child Welfare
- d. Americanism
- e. Investment Committee

The Department of Georgia shall establish an Investment Committee as a standing committee with the Department Treasurer being the Chairperson and the Department Adjutant serving as the recorder with three other members being appointed by the Department Commander. The primary role and responsibility of the Investment Committee shall be to review and

research the best investment instruments (i.e. bonds, EFTs, stocks, CDs, etc). The Investment Committee shall meet quarterly to review current investments strategies and to present sound recommendations to the Department Executive Committee.

Section 8. All Committee appointments shall be made by the Department Commander, subject to ratification by the Department Executive Committee.

Section 9. There shall be created a Department Personnel board which shall contain five (5) members, a majority of whom may act on any question, and the five members shall be selected in the following manner:

- a. The Department Commander shall be a member.
- b. The immediate Past Department Commander shall be a member.
- c. The Chairman of the Department Finance Committee shall be a member.
- d. A District Commander elected by the Department Executive Committee shall be a member.
- e. A Department Officer named by the Department Commander and approved by the Department Executive Committee shall be a member.

The Personnel Board shall act upon any appeals submitted by the employees referred to in Article I, Section 8c and inform the Department Executive Committee of their decisions. They shall also provide for the appointment, subject to ratification by Department Executive Committee, of all officers and employees as may be needed for the administration of the offices of the Department of Georgia. This board shall not have the authority to dismiss the Adjutant. This authority is reserved to the Department Executive Committee.

Section 10. Reasonable expenses of members of the Department Executive Committee in attendance at meetings or in the performance of official duty shall be allowable at the discretion of the Department Executive Committee, and the aggregate estimate amount allocated therefore shall be included in the annual budget and shall not be amended without the recommendation of the Department Finance Committee and approved by the Department Executive Committee.

Section 11. A permanent foundation, which shall be known as THE AMERICAN LEGION, Department of Georgia, Medical Research Foundation, is hereby established. This foundation is to collect and distribute funds in the interest of national health, any and all such funds

shall be collected and administered by a five-member board who shall serve five (5) year terms with the initial terms of the members being for five, four, three, two and one year respectively. The Board members shall be appointed by the Commander of THE AMERICAN LEGION, Department of Georgia. The Board shall at all times maintain the principal funds advanced to the Foundation; a base amount of \$200,000 serving as the principal fund upon accumulation, spending only the interest on the accumulated funds as a majority of the Board shall recommend to the Department Executive Committee, which committee shall have final authorization on funds expended.

Section 12. The American Legion Riders of Georgia is a program of The American Legion, Department of Georgia and subject to the rules, regulations, policies, oversight, and control thereof. Such oversight and control shall be exercised through a Committee of the Department to be known as the DOG ALR Committee.

### **ARTICLE III – CHARTERS**

Section 1. The Department Executive Committee may suspend the charter of or place on probation a Post for a period not to extend beyond the adjournment of the next succeeding Department Convention, as a disciplinary measure and/or pending action relative to final revocation. The cancellation of a charter is a matter of business wholly, the request being taken through the proper channels to the Department Executive Committee for final action. A cancellation shall be in order where two or more Posts merge, where a Post voluntarily ceases to function, or under such other conditions as might make such action necessary with the Department.

Section 2. Any Post failing to meet the obligations imposed upon it by the National or Department Constitution and By-Laws or ceasing to function for six months as an American Legion Post, or refusing to pay per capita tax due the Department and National Organizations, shall, upon order of the Department Commander, surrender its charter. Upon failure to surrender such charter, immediate steps may be taken for its revocation.

Section 3. American Legion Post suffering the revocation of charter may appeal from the decision of the Department Commander to the Department Executive Committee and from them to the National Executive Committee, as proved in the By-Laws of THE AMERICAN LEGION.

Section 4. American Legion Post located in the State of Georgia and holding charters from The American Legion shall notify The American

Legion, Department of Georgia prior to negotiating the purchase and selling real property.

Section 5. In case of revocation of its charter, a Post in this Department organized under that charter shall cease operations and turn over to the Department Headquarters not only its charter, but all records and properties in the possession of the Post. Such assets, properties, and records shall become the property of THE AMERICAN LEGION, Department of Georgia, and the acceptance, retention, and disposition of said properties shall be within the sole discretion of the Department Executive Committee or a Sub-Committee thereof authorized by the Department Executive Committee to act.

#### **ARTICLE IV – DISCIPLINE OF POST AND POST MEMBERS**

Section 1. Members may be suspended or expelled from the Legion only upon a proper showing or 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 membership until after a fair trial in such manner and form as the Department Executive Committee shall prescribe.

Section 2. Any member who has been expelled shall have the right to appeal to the Department Executive Committee, whose decision shall be final.

Section 3. Legion membership is annual, the Legion year beings from January 1 to December 31.

Section 4. If dues are not paid by January 1<sup>st</sup> of each calendar year, the member becomes delinquent. If dues have not been paid by February 1, the member is suspended, but nevertheless a member with no privilege except that of reinstatement by vote of the Post and payment of dues; and dues not being paid, such membership continues for a period of five months, to June 30<sup>th</sup>, at which time the member is dropped from the roll by constitutional mandate and the membership forfeited.

Section 4(a). No Post shall display or permit to be displayed the American Legion Emblem or sign with 'THE AMERICAN LEGION,' on any property or properties owned, used, or leased by said American Legion Post unless the conduct and activities in or on such properties including both business and social, are under the control and supervision of duly elected officers of said American Legion Post. The management of any club activities or facilities may be delegated by the officers of such Posts

to a house committee or leased to any responsible person or group, but any such lease or delegation of authority made after the adoption of this amendment by the officers of any Post which does not reserve to the officers of The American Legion Post the final control and supervision of the activities and operation of same shall be **VOID**, and any violation of this provision of the By-Laws, by a Post shall subject said Post to the suspension or revocation if its charter as an American Legion Post by a majority vote of the Department Executive Committee, if, after trial of said Post on a written complaint to the Department Commander and a hearing of the evidence thereon, shall it be found that a violation of this provision has been committed by said Post.

Section 4(b). If the building and club facilities of any chartered American Legion Post are by agreement of said Post, jointly owned by any other congressionally chartered veterans organization the same requirement of final control and supervision as above specified shall be vested in a joint Board or Committee composed of the duly elected officers of both THE AMERICAN LEGION and the other chartered veterans organization on an equal basis of representation, and any violation of the above provision shall subject such American Legion Post to the suspension and revocation of its charter by the Department Executive Committee in the same manner above outlined in Paragraph 4(a).

Section 5. It is the duty of each District Commander to file with the Department Commander a written notice of any violation of the provisions contained in 4(a) or 4(b) by any Posts within his District as well as any mismanagement or any facts which he reasonably believes might be just cause for the revocation, suspension, or cancellation of the Post Charter.

Upon receipt of any written complaint or notice of violation by a District Commander against any Post within his District a hearing and trial of said Post shall be held according to the Uniform Code of Procedure as set forth in The American Legion National Handbook.

Section 6. The results of any disciplinary action by the Department Executive Committee against any Post for a violation of any of the By-Laws of the Department of Georgia, shall be reported by the Department Adjutant to the local press for publication in the County where said Post is located, but only if so directed by a majority vote of the Department Executive Committee.

Section 7. In the event of the revocation, cancellation or suspension of any Post Charter by the Department Executive Committee,

written notice of such action should be given in writing by the Department Commander to the Post charged by registered mail within ten days after the decision of the Department Executive Committee, and the Department Judge Advocate shall then be empowered to take necessary legal steps to enforce the decision of the Department Executive Committee.

**ARTICLE V – MEMBERSHIP**

Membership in a Post of this Department constitutes membership in the National Organization of THE AMERICAN LEGION.

**ARTICLE VI – MONEY AND COLLECTIONS**

Section 1. All Department and Post officers handling American Legion monies, whether belonging to the National Organization, Department or Post 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 amounts due Post, Department or National Headquarters, action shall be taken at once by the proper officials to bring about a complete settlement. The bonds provided by Department officials shall be approved by the Department Judge Advocate and filed with the Department Adjutant. The Department shall provide for a blanket bond for all Post and District Commanders, Adjutants and Finance Officers and no monies will be forwarded to said Posts or Districts until said bond has been provided.

Section 2. State and/or National Headquarters shall, should it be deemed advisable, be permitted to detail special auditors to investigate the membership roll and financial statement of any Post within this Department. Post shall transmit membership money within a reasonable time period, but not to exceed thirty (30) days.

Section 3. The Department Executive Committee is empowered to conclude a custodial agreement with some authorized bank, trust company or safe deposit company for the safekeeping and custody of any bonds, securities or other investments in which the Department shall have a legal or equitable interest to prescribe what the Department shall have a legal or equitable interest in, and to prescribe what officers or agents shall have access thereto and under what circumstances.

Section 4. Whenever in the judgment of the Department Commander it becomes expedient to indemnify against financial irregularities of Department, District and/or Post Officials through the procurement of a blanket or schedule bond as contemplated under Section

1 hereof, the annual premium of the same shall be apportioned among the several Posts according to the extent of prorated liability represented there under for each Post in proportion to the aggregate of all such liability. In such event the payment of the assessed share of the premium, after notice is given as to the amount of the item, shall become a mandatory obligation and default in the payment thereof after 30 days shall be treated as in the case of any other delinquency with respect to obligations owed to the Department of Georgia.

Section 5. Travel allowance and expense, or either of the same, for persons authorized to travel at the expense of the Department shall be paid by reimbursement following the completion of such travel and upon proper vouchers submitted in proof of an expenditure made, and not otherwise.

## **ARTICLE VII – PARLIAMENTARY PROCEDURE**

Section 1. The rules of procedure as prescribed by the revised edition of Robert's Rules of Order shall be accepted standard of parliamentary practice in all Department Conventions so far as the same are consistent with this Constitution and By-Laws and with such other specific rules as may be adopted for each Convention.

Section 2(a). No new charter shall be considered for a Post unless a copy of its proposed Constitution and By-Laws is attached to the application for a Post Charter; said proposed Post Constitution and By-Laws is subject to review by the Department Judge Advocate and approval by the Department Commander. Upon the granting of a temporary charter for said new Post, the proposed Constitution and By-Laws shall become valid and binding, subject to revision and/or amendment only as provided therein; and a copy of this Constitution and By-Laws of the Post shall remain on file in Department Headquarters.

Section 2(b). The Department Executive Committee is charged to adopt a standard form Post Constitution and By-Laws, following the suggested form published by National Headquarters of THE AMERICAN LEGION and approved by the National Judge Advocate, to apply to all Posts in the Department of Georgia who have never adopted a Post Constitution and By-Laws. Provided further, the Department Adjutant shall, within sixty (60) days from the Adjournment of the 1957 Department Convention, submit to each Post not having on file with the Department of Georgia a Post Constitution and By-Laws, a set of said standard form of Constitution and By-Laws for adoption, or in lieu thereof a substitute, duly adopted by said Post which shall be subject to the approval of the Department Commander and the Department Judge Advocate. All

controversies arising in any Post or the Department after sixty (60) days from the adjournment of this convention, which does not have on file with the Department Headquarters an approved Constitution and By-Laws, shall be determined and adjudicated by the Department Judge Advocate and/or the Department Executive Committee, in accordance with said standard form of Constitution and By-Laws.

Section 2(c). The application of the above Section 2(b) does not in any way preclude any Post from adopting its own special Post Constitution and By-Laws at any time by the proper procedure and vote of the members of the Post. Such special Post Constitution and By-Laws shall be subject to the review by the Department Judge Advocate and approval by the Department Commander, and a copy of same as adopted and approved, shall remain on file at Department Headquarters.

Section 2(d). A copy of all District Constitution and By-Laws shall be on file at Department Headquarters.

**ARTICLE VIII – AMENDMENTS**

These By-Laws may be amended at any Department Convention by the vote of the majority of the total authorized representation thereat, provided that the proposed amendment shall have been read at said convention at least twenty-four hours before the vote and action thereon.