CONSTITUTION

AND BYLAWS

OF

THE AMERICAN LEGION

DEPARTMENT OF GEORGIA

Prepared by

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Department of Georgia
3035 Mt. Zion Road
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CONSTITUTION

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 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/her military title in any Convention or meeting of the Legion.

Section 2. The American Legion shall be 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 Department shall be organized into Posts chartered by the Department and National Organizations. For purposes of administration, the Department shall be divided into Districts.

Section 2. A temporary charter may be applied for and issued for a Post with a minimum of ten members.

ARTICLE IV – ELIGIBILITY

Section 1. Any person shall be eligible for membership in The American Legion, Department of Georgia who meets the requirements for membership prescribed in the National Constitution of The American Legion, as chartered and approved by the Congress of the United States, and as thereby amended from time to time.

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually, for multiple years, or for life.

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

Section 4. No person who has been expelled from the American Legion 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/she 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 AND NATIONAL CONVENTIONS

Section 1. The Annual corporate meeting of The American Legion, Department of Georgia, shall be The Department Convention, which shall constitute the Legislative body of said Department. The Department Convention shall be held annually at a time and place to be fixed by action of the Department Executive Committee (DEC).

Section 2. At the Department Convention each Post shall be entitled to five delegates and one additional delegate for each 25 members or major fraction thereof whose dues are current. Each Post designates one alternate for each delegate; provided that in no instance except as in Article VII, Section 2 of this constitution, a Post may be entitled to a greater number of delegates than 50, together with the corresponding number of alternates.

Section 3. A 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, 10 days prior to the Department Convention, or delivered to the Chair 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/her Post. Alternates shall have all the privileges of delegates except that of voting.

Section 5. A quorum shall exist at a Department Convention when a minimum of 30 percent of the Posts is represented, which have certified delegates as herein provided.

Section 6. At the National Convention, the Department shall be entitled to five delegates and one additional delegate for each 1,000 members, or major fraction thereof, whose current dues have been received by the National Treasurer 30 days prior to the National Convention; and to one alternate for each delegate.

a. Each District will elect its delegate/s to the National Convention based on one delegate per 1,000 District members or major fraction thereof as determined by the most recent Department membership report prior to the District Convention; and one alternate for each delegate.

b. The five Department delegates will be assigned to the Department Commander, Department Senior Vice Commander, Alternate National Executive Committee Member, Immediate Past Department Commander and Department Adjutant.

c. Any vacant position or residual in the total number of delegates authorized to the Department shall be assigned by the Department Commander.

ARTICLE VI – DEPARTMENT OFFICERS

Section 1.

a. The Department Convention shall elect the following Department officers to serve a 1-year term:
   1) A Department Commander who shall be limited to one full term except in case of a National Emergency
   2) A Senior Vice Commander
   3) Five Vice Commanders, who shall serve without seniority
   4) Treasurer

b. In odd numbered years, the Department Convention shall also elect the following Department officers to serve a 2-year term:
   1) A National Executive Committee Member (NEC). No member shall be elected to the office of NEC more than twice, and no member who has held the office of NEC, or acted as NEC, for more than 1 year of a term to which

some other member was elected NEC shall be elected to the office of NEC more than once.

2) An Alternate National Executive Committee Member (ANEC). No member shall be elected to the office of ANEC more than twice, and no member who has held the office of ANEC, or acted as ANEC, for more than 1 year of a term to which some other member was elected ANEC shall be elected to the office of ANEC more than once.

c. For removal of an elected Department Officer, as defined in Section 1a and 1b above, a 2/3 vote of the DEC members present, and voting shall be required to approve such action.

d. The Department Commander shall appoint the following Department Officers: Judge Advocate, Historian, Chaplain and Sergeant-at-Arms, subject to the approval of the DEC.

e. For a vacancy in the office of Department Commander, the Department Senior Vice Commander shall succeed to the office of Department Commander without further election.

f. For a vacancy in the office of Department Senior Vice Commander, the DEC shall elect from among the Department Vice Commanders a successor for the unexpired term.

g. For a vacancy in the office of Department Vice Commander, the Department Commander shall appoint a replacement subject to approval of the DEC.

h. For a vacancy in the office of Treasurer, the Department Commander shall appoint a replacement for the unexpired term, subject to the approval of the DEC.

i. For a vacancy in the office of NEC member the ANEC member shall automatically advance to the office of NEC Member.

j. For a vacancy in the office of ANEC Member, the Department Commander shall appoint a successor for the unexpired term, subject to the approval of the DEC.

Section 2. In the event of a vacancy in the office of the Department Adjutant, the DEC shall elect a successor. The Adjutant will perform duties as described in the Department Personnel Manual, job description, and as assigned by the Department Commander. The tenure may be terminated at any time by a majority vote of the DEC members present and voting.

Section 3. Elected 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 chairs and members of Department committees shall serve at the pleasure of the Department Commander, unless otherwise provided herein or in the Bylaws, and may be removed and replaced, without cause, at any time by the Department Commander. The DEC shall have no control over such removal or dismissal, and the Commander shall not need the DEC's approval but shall be empowered to take such action at his/her discretion; however, replacements for such removed Department officers or Department committee chairs or members shall be subject to the approval of the DEC.

ARTICLE VII - DEPARTMENT EXECUTIVE COMMITTEE (DEC)

Section 1.

a. Between Department Conventions all administrative power shall be vested in the DEC, which shall be composed of the Department Commander, the three most recent Past Department Commanders, Past National Commanders from the Department of Georgia, Senior Vice Commander, five Vice Commanders, Treasurer, NEC Member, ANEC Member, and a District Commander for each district. Such members will have a voice and a vote on the DEC.

b. The following Department Officers shall be members of the DEC with voice, but without vote: Adjutant, Judge Advocate, Chief Sergeant-At-Arms, Chaplain, Historian, and Finance Committee Chair.

c. Except for the three immediate Past Department Commanders with voting privileges on the DEC, all other Past Department Commanders will be members of the DEC with voice and no vote.

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

ARTICLE VIII – STANDING COMMITTEES

Section 1. There shall be the following standing Committees composed of such number of members and who's term of office shall be as described in the Bylaws:

a. Veterans Affairs and Rehabilitation
b. National Security
c. Americanism

d. Children and Youth
e. Investment Committee

Section 2. The Department Commander shall name such special committees as he/she shall deem advisable, subject to ratification by the DEC.

ARTICLE IX – POST ORGANIZATION

Section 1. Those who desire to form a Post shall make an 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, an Adjutant, and a Finance Officer. Additional positions may include a Senior Vice Commander, one or more Vice Commanders, a Judge Advocate, a Chaplain, a Service Officer, a Historian, a Sergeant-at-Arms, and Executive Committee Members, as needed to support the post's operations and functions.

Section 3. Post charters may be subject to revocation, cancellation, or suspension by the DEC, in accordance with the Uniform Code of Procedure for the Revocation, Suspension of Post Charters listed in the National Constitution and Bylaws. Post charters may be placed on probation in accordance with approved DEC guidelines.

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

Section 5. Each Post shall elect or appoint its officers annually at a time not less than 15 or more than 60 days in advance of the ensuing Department Convention. They shall be installed in their respective offices no later than 45 days following the Annual Department Convention.

ARTICLE X – DISTRICT ORGANIZATION

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

Section 2. Each District shall have a Commander, an Adjutant, and a Finance Officer. Additional positions may include a Senior Vice Commander, one or more Vice Commanders, a Judge Advocate, a Chaplain, a Service Officer, a 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. 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 60 days nor later than 15 days prior to the Department Convention. The District Commander will make the appropriate appointments of officers per Section 2 above.

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

Section 5. Each District organization must adopt such Constitution, Bylaws, and rules and provide for such additional officers and organizations as it shall determine necessary, which are not inconsistent with any provisions of the Department Constitution and Bylaws, including the method of determining voting strength as set forth in Article V, Section 2 on the basis of members reported to Department Headquarters on the most recent membership report from the Department.

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 DEC. The Department of Georgia's fiscal year shall be from August 1st to July 31st.

Section 2. The amount of such annual dues shall be determined by each Department Convention for the ensuing year. Dues paid for multiple years, but for less than life, shall all be paid at the rate of the annual dues for the first year of that term.

Section 3. The annual dues shall be collected by each Post and transmitted to Department Headquarters, or by alternate authorized means to National Headquarters.

Section 4. No member, officer, or committee of the Department shall have authority to bind it by contract or incur any obligation on its behalf, except by express authority of the Department Convention, DEC, or as outlined within the Bylaws of the Department of Georgia.

Section 5. All contracts entered on behalf of the Department shall be in writing, executed by the Department Commander and attested by the Department Adjutant and evidenced by its corporate seal. A copy shall be kept in file at the Department Headquarters.

ARTICLE XII – DISCIPLINE

Section 1. The DEC, after notice and a hearing, may suspend the charter of a Post that violates this constitution. The DEC shall provide for the government and administration of such Post during suspension.

Section 2. A Post placed under suspension must cease all operations and programs, including American Legion business, until the suspension is either vacated or the charter

is revoked or canceled. This is to include but not limited to Sons of the American Legion Squadrons and American Legion Rider Chapter operations and activities. Any Post that is under suspension shall lose voting privileges at the department convention.

Section 3. A Post placed under probation may continue the operation of the American Legion business. The DEC shall provide an annual review of all posts on probation at the Pre-Convention DEC meeting. The DEC may extend the probationary period for a post if the probationary conditions are not met. Posts while on probation shall retain voting privileges at the department convention.

ARTICLE XIII – AUXILIARIES

Section 1. The American Legion, Department of Georgia, recognizes an Auxiliary organization known as "The American Legion Auxiliary, Department of Georgia, Inc."

Section 2. Membership in the Auxiliary shall be as prescribed in the National Constitution of The American Legion.

Section 3. The Auxiliary shall be governed in this Department of The American Legion by such rules and regulations as may be prescribed by The American Legion Auxiliary National Executive Committee and thereafter automatically are approved by the Executive Committee of this Department of The American Legion.

ARTICLE XIV - SONS OF THE AMERICAN LEGION

Section 1. The Department of Georgia of The American Legion acknowledges a program known as Sons of The American Legion Detachment of Georgia.

Section 2. Eligibility includes any person meeting the requirements of membership prescribed in the Sons of the American Legion National Constitution.

Section 3. A Sons of The American Legion Squadron shall be chartered under the jurisdiction, control and sponsorship of a local Post of The American Legion and shall bear the name of such sponsoring Post.

Section 4. A squadron's charter is contingent upon its parent Post's charter.

ARTICLE XV – MISCELLANEOUS

Section 1. All Charters heretofore granted and in good standing on the date of the adoption of this Constitution are hereby ratified and confirmed.

Section 2. The National Constitution of The American Legion shall govern in the event any provision of the Department Constitution or Bylaws conflicts therewith. In the event no applicable provision appears in the Department Constitution or Bylaws to address any

matters that may arise in the Department, then the applicable provisions of the National Constitution and Bylaws of The American Legion shall apply.

ARTICLE XVI – AMENDMENTS

Section 1. This Constitution may be amended at any Department Convention by approval of 2/3 of the total authorized representation present, provided that the proposed amendments shall have been submitted through the Department Adjutant to all Posts and all members of the DEC by communicating proposed amendments to them at least 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. Communication may be via the United States Postal Service, email, phone or text messaging, posting on the Georgia Department's official website, and social media. Every effort will be made to communicate throughout the Department; however, every DEC member, District and Post Commander must ensure proper methods of communication are provided to the Department.

Section 3. Proposed amendments may be submitted by any Post through the District. The District should provide a recommendation and forward to the DEC. The DEC will review and provide a recommendation to the Department Convention prior to a vote by the membership. In addition, the DEC may submit proposed amendments to the Department Convention.

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 The American Legion, and the corporate charter granted The American Legion, Department of Georgia, by the Superior Court of Fulton County, Georgia.

BYLAWS

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, Bylaws, and the will of the Department Convention. He/She shall be the Chair of the Department Convention and the Department Executive Committee (DEC). He/She shall appoint all standing and special committees, subject to the ratification of the Executive Committee.

Section 2. The Senior Vice Commander shall be chair of the Department Membership and Post Activities Committee.

Section 3. 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 4. The Treasurer shall be the custodian of Department funds of the organization. The Treasurer shall provide regular financial reports and work in concert with the Finance Committee and Adjutant to provide itemized statements of receipts and disbursements, and monthly financial statements to the DEC and upon request to Post Commanders or Adjutants. Year-end audit reports are provided to the Department Convention and made available to the organization upon completion. The Treasurer shall maintain records of all Department accounts and investments, ensure dual authentication on all financial disbursements, and perform such other duties as are incident to the office.

Section 5. The Historian shall preserve the organization's records and archives. They 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 6. The Chaplain shall conduct memorial exercises and render such spiritual and religious services as are appropriate and in accordance with the organization's ritual.

Section 7. The National Executive Committee (NEC) Member, and in their absence the Alternate NEC Member, shall represent the Georgia Department in conformity with the National Constitution. The NEC is the liaison between the national and department organizations and serves as the conduit of information to the department leadership.

Section 8. The Department Judge Advocate:

a. The Department Judge Advocate shall advise the Department Officers and the DEC on all matters relating to the interpretation and construction of the Department Constitution and Bylaws and shall perform such other duties as are incident to this office.

b. If the Department Judge Advocate is not an attorney any advice rendered shall be based on American Legion history and experience. The Department Judge Advocate shall ensure the Department receives appropriate legal support in legal matters.

c. The Department Judge Advocate shall rule on all parliamentary challenges raised by the DEC.

Section 9. The Department Adjutant shall be:

a. The Chief Administrative Officer of the Department's business affairs.

b. Charged with the execution of the policies and mandates of the Department Convention, the DEC, and the Department Commander.

c. Supervisor of the Department's Headquarters Staff and responsible for overseeing the daily administrative operations of the Department.

d. Responsible for compliance with all provisions, guidelines and procedures detailed in the Department of Georgia Employee Personnel Manual.

e. Responsible for payment of Department obligations and certify that such payments are for the legitimate debts of the Department as authorized in the annual budget, or by any approved amendments thereto.

f. Vested with the authority normally accorded a position of this type.

ARTICLE II – DEPARTMENT COMMITTEES and PROGRAMS

Section 1. The DEC shall meet immediately upon adjournment of the annual Department Convention unless exigent circumstances occur.

a. The Department Commander or the DEC, upon written request of 10 or more members of the DEC, may call for a monthly meeting to discuss regular agenda

items, provided that 3 days' notice is sent in advance to all members. The Department Commander shall convene such a call for meetings no later than 10 days following the receipt of such a written request.

b. In the event he/she fails to do so, the Department Senior Vice Commander shall have the authority to convene a 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 a special meeting upon due and proper request, any Department Vice Commander shall be authorized to convene such meeting without further request. Proper notice of not less than 3 days must be sent to all members, regardless of whom convenes the meeting.

c. Other DEC meetings can be called at the discretion of the Commander. These meetings will not be limited to the number of agenda items.

d. Fourteen voting members shall constitute a quorum of the DEC.

Section 2. DEPARTMENT CONVENTION COMMITTEE: There shall be a Committee known as the "Department Convention Committee" composed of five 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 DEC**.** All members shall be appointed with staggered terms of 3 years, or until removed by a majority vote of the DEC members present and voting. At the end of each term, the Department Commander will appoint a replacement. A member who resigns or is removed before the end of term will be replaced by a member to complete his/her term. The Committee shall be charged with recommending to the DEC the sites and dates of future Department Conventions for its approval.

Section 3. FINANCE/AUDIT COMMITTEE: The Department Commander shall appoint, subject to ratification by the DEC, a Department Finance/Audit Committee composed of three members. All members shall be appointed with staggered terms of 3 years, or until removed by a majority vote of the DEC members present and voting and a replacement will be appointed by the Commander. At the end of each term, the Department Commander will appoint a replacement. A member who resigns or is removed before the end of the term will be replaced by a member of the department to complete his/her term.

a. The Department Commander and the Department Treasurer shall be ex officio members of said committee, and the Department Adjutant shall be ex officio secretary thereof.

b. The Department Finance/Audit Committee shall be charged with dual responsibilities of preparing the budget, verifying that the handling of funds conforms to such budget and auditing all Department Financial records.

c. The Finance/Audit Committee will conduct an examination of the Department of Georgia financial records from the last audit and shall verify that all funds

have been disbursed in conformity with the Department Constitution and Bylaws and the annual budget.

d. The committee shall submit its audit report to the Department at least 60 days prior to the Convention each year. A summary of the report shall be made available to Georgia Legionnaires present at the convention. The report shall be distributed or shared on the Department website or made available upon request by a member in good standing.

e. The budget shall be prepared by the Department Finance Committee no later than 30 days prior to the Department Convention. The budget shall cover the period from August 1st of each year to July 31st of the following year.

f. The budget shall include all items of anticipated income and expenses.

g. It shall be distributed not later than 10 days prior to the Department Convention to each member of the DEC and each newly elected District Commander.

h. The budget, so prepared, shall be the official budget of the Department of Georgia until altered or amended, subject to the approval of the DEC.

i. Any expenses of the newly elected Department Officers, District Commanders, and Committee Chairs expended after the close of the Department Convention shall be charged against the new year's budget.

j. There shall be included in the budget an item to be known as "Reserve Fund," which shall make it mandatory that at least 5 cents per member be set aside in a special bank account from 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 a 2/3 vote of approval of the DEC. 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 Bylaws and in keeping with the items contained in the annual budget.

Section 4. INVESTMENT COMMITTEE: The Department Investment Committee shall be a standing committee. The Department Treasurer serves as the Chairperson and the Department Adjutant will serve as the recorder, with three other members who shall be appointed by the Department Commander and approved by the DEC.

a. All members shall be appointed with staggered terms of 3 years or removed by a majority vote of the DEC members present and voting and a replacement will be appointed by the Commander. At the end of each term, the Department Commander will appoint a replacement.

b. A member who resigns or is removed before the end of term will be replaced by a member to complete his/her term.

c. The purpose of the Investment Committee shall be to review and research investment opportunities in conjunction with any outside investment advisors. The Investment committee will be responsible for directing investment decisions which are in compliance with any Investment Policy adopted by the DEC. The Investment Committee shall meet as often as needed to review current investment strategies and present to the DEC the status of the investment portfolio.

Section 5. DEPARTMENT PERSONNEL BOARD: There shall be a Department Personnel Board which shall consist of five members, a majority of those present may act on any question.

a. The five members shall be:
   The Department Commander
   The immediate Past Department Commander
   The Department Treasurer
   A District Commander elected by the DEC
   An elected Department Officer named by the Department Commander and approved by the DEC

b. The Personnel Board shall act upon any appeals submitted by Department Headquarters employees and inform the DEC of their decisions. They shall be informed of all employee hires, for those positions which have been approved and budgeted, made by the Adjutant to administer the offices of the Department of Georgia. This board shall not have the authority to dismiss the Adjutant. This authority is reserved for the DEC. In addition to other duties, the Personnel Board shall establish and maintain a Personnel Manual.

Section 6. MEDICAL RESEARCH COMMITTEE: This committee distributes funds in the interest of national health or as specified in any future Department Policy. Such funds shall be administered by a five-member committee. The Committee members shall be appointed by the Commander of The American Legion, Department of Georgia**,** with staggered terms of 5 years. They may be removed by a majority vote of the DEC, and a replacement will be appointed by the Commander. A member who resigns or is removed before the end of the term will be replaced by a member to complete his/her term. The Committee shall at all times maintain the principal funds advanced to the Committee; a base amount of $200,000 serving as the principal fund upon accumulation. A majority of the Committee shall make a recommendation to the DEC, who has the final authorization on funds to be disbursed.

Section 7. SONS OF THE AMERICAN LEGION (SAL): The SAL will elect or appoint officers needed for proper operation of the program at the annual SAL Convention to be

held in conjunction with the Department Convention and all officers will be confirmed at the post-convention DEC.

Section 8. AMERICAN LEGION RIDERS:

a. 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 Department of Georgia American Legion Riders (DOG ALR) Committee.

b. The Department Commander shall appoint an ALR State Director each year who will also serve as the American Legion Rider Chair. The DOG ALR Committee will elect or appoint such other officers as may be needed for proper operation of the committee and all officers will be confirmed at the post-convention DEC.

Section 9. AMERICAN LEGION GEORGIA BOYS STATE:

a. The name of this corporation shall be American Legion Georgia Boys State, Inc., and its general offices shall be located at The American Legion, Department of Georgia.

b. 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.

c. The management of the corporation shall be vested in a Board of Directors comprised of eight members, one of which shall be the incumbent Department Commander of The American Legion, Department of Georgia. The additional members shall be appointed with staggered terms of 7 years with the Secretary/Treasurer being elected from within the Board of Directors on a yearly basis. Any member removed by a majority vote of the DEC members present and voting and a replacement will be appointed by the Commander.

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

e. Any member of the Board may be expelled by a majority vote of the Board, with the approval of the DEC. Any tie vote within the Board shall be considered a vote in favor of the member in question. The Department Commander, with the approval of the DEC, will appoint a member in good standing to finish the term of the expelled member or a member who resigns before the end of his/her term.

f. 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 at the request of any three 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.

g. The Board of Directors shall meet no less than two times per year and shall make a yearly written report to include a complete financial statement to the DEC, The American Legion, Department of Georgia on or before the first day of the Annual Mid -Winter Conference

ARTICLE III – CHARTERS

Section 1. The DEC 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 DEC 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 Bylaws or ceasing to function for 6 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. Any American Legion Post suffering the revocation of charter may appeal from the decision of the Department Commander to the DEC and from them to the NEC, as proved in the Bylaws of The American Legion.

Section 4. Any 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, sale, transfer or encumbrance of 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 DEC or a Sub-Committee thereof authorized by the DEC 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. Such trial shall be conducted under the "PRACTICE AND PROCEDURE IN THE EXPULSION OR SUSPENSION OF A MEMBER OF THE AMERICAN LEGION" as detailed in The American Legion Officers Guide.

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

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

Section 4. If dues are not paid by the 1st day after their membership expires each year, the member becomes delinquent. If dues have not been paid by the end of the 1st month after expiration, 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 5 months, at which time the member is dropped from the roll by constitutional mandate and the membership forfeited.

Section 5. In the event of the revocation, cancellation or suspension of any Post Charter by the DEC, written notice of such action should be given in writing by the Department Commander to the Post charged by registered mail within 10 days after the decision of the DEC, and the Department Judge Advocate shall then be empowered to take necessary legal steps to enforce the decision of the DEC.

ARTICLE V - MEMBERSHIP

Membership in The American Legion is membership in the department and national organizations by affiliation of its posts.

ARTICLE VI – MONEY AND COLLECTIONS

Section 1. It is recommended that all Department and Post officers handling American Legion monies, whether belonging to the National Organization, Department or Post should 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.

Section 2. Post shall transmit membership money within a reasonable time period, but not to exceed 30 days.

ARTICLE VII – PARLIAMENTARY PROCEDURE

Section 1. The rules of procedure as prescribed by the latest revised edition of Robert's Rules of Order shall be the accepted standard of parliamentary practice in all Department Conventions, so far as the same are consistent with this Constitution and Bylaws 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 Bylaws is attached to the application for a Post Charter; said proposed Post Constitution and Bylaws are subject to review for conflicts between the National and Department organizations by the Department Judge Advocate.
b. The application of the above Section 2(a) does not in any way preclude any Post from adopting its own special Post Constitution and Bylaws at any time by the proper procedure and vote of the members of the Post. Such special Post Constitution and Bylaws shall be subject to review by the Department Judge Advocate for compliance with the Department and National Constitutions and Bylaws, provide suggestions to enhance their Constitution and Bylaws, which the Post may consider for future amendments or revisions, and a copy of same as adopted and approved by the Post membership, shall remain on file at Department Headquarters.
c. A copy of all District Constitution and Bylaws shall be on file at Department Headquarters.

ARTICLE VIII – AMENDMENTS

These Bylaws 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 24 hours before the vote and action thereon.