DEPARTMENT OF MICHIGAN

BYLAWS

ARTICLE I - ORGANIZATION

SECTION 1. The American Legion Auxiliary, Department of Michigan, shall be composed of duly constituted Auxiliary Units within the State of Michigan.

SECTION 2. For the purpose of administration, the local Units of the Department shall be grouped into the same territorial Districts as those of The American Legion, Department of Michigan. Each District is to be represented by one District President with the exception of the Eleventh and Twelfth Districts shall be represented by one District President and shall be referred to as the Upper Peninsula Association of Auxiliaries.

ARTICLE II - DUES

SECTION 1. The revenue of this Department shall be derived from the annual dues from members, and by such other means as may be determined by the Department Executive Committee.

SECTION 2. The fiscal year of this Department shall be from July 1st through June 30th, both dates inclusive. A member failing to pay annual dues by January 31st shall be classed as delinquent, and shall be suspended from all membership privileges. Dues may be remitted to the Department Headquarters on or after July 1st.

ARTICLE III - DEPARTMENT OFFICERS

SECTION 1. The officers of this organization shall be: President, First Vice President, Second Vice President, Secretary-Treasurer, Chaplain, Historian, National Committeewoman and the District Presidents.

(a) The Department President, First Vice President, Second Vice President, Chaplain and Historian shall be elected annually at the Department Convention.

(b) The Department President shall nominate the Department Secretary-Treasurer and she shall be elected by the Department Executive Committee at the post-convention Executive Committee meeting.

(c) The retiring Department President shall be declared elected as National Committeewoman for the year immediately following her term as Department President. If the retiring Department President is unable to serve as National Committeewoman for the year immediately following her term as Department President, a Past Department President shall be elected to serve the term.

(d) The incoming Department President shall be declared elected as Alternate National Committeewoman for the year of her term as Department President.

SECTION 2. All officers elected at the Department Convention shall take office immediately following installation at the Department Convention. Each officer shall serve until her successor shall be elected.

SECTION 3. In the event of death or resignation of the Department President, the First Vice President shall automatically succeed to the office of President. The Second Vice President shall automatically succeed to the office of First Vice President. In the event of succession, if the unexpired term is less than six (6) months, they shall be eligible for election to that office the next year. Vacancies in the office of Chaplain or Historian shall be filled by the Department President, to be ratified by the Executive Committee by mail vote.

ARTICLE IV - DUTIES OF OFFICERS

SECTION 1. The Department President shall preside at all meetings of the Department Convention and the Department Executive Committee, appoint members of Standing Committees, the Parliamentarian, and create such other committees as are deemed necessary, with the approval of the Department Executive Committee; appoint the Convention Chairman (Convention City), Sergeant-at-Arms, Color Bearers and Distinguished Guest Chairman for the Department Convention, and perform such other duties that are usually incident to the office. She shall be an ex-officio member of all committees with vote, and shall be counted in the quorum on these committees except on the Joint Legion/Auxiliary Committees.

SECTION 2. The First Vice President shall act for the President in her absence or disability or when called upon by the President. She shall accept an appointment to a Department Committee and perform such other duties as may be assigned by the President.

SECTION 3. The Second Vice President shall act in the absence of the President and First Vice President. She shall accept an appointment to a Department Committee and perform such other duties as may be assigned by the President.

SECTION 4. The Department Secretary-Treasurer shall record, or have recorded, proceedings of the Department organization in Convention assembled, the Department Executive Committee meetings, and keep all records of the Department organization. She shall transmit reports and calls of meetings. She shall be custodian of the funds of the Department organization and she shall account for same. She shall co-sign all checks in disbursing the funds of the organization. In the event of the physical inability of the Secretary-Treasurer to sign checks, they may be signed by the Finance Chairman and the Department President. She shall make reports of the condition of the Department Treasury when called for by the Department President, and shall perform such other duties as are usually incident to her office. She shall also be an ex-officio member of the Finance and Personnel Committees with voice only.

SECTION 5. The Chaplain shall offer prayer at the daily opening of the Department Convention and all Executive Committee meetings; cooperate with The American Legion in planning the Joint Memorial Service; keep an accurate record of the deaths which may occur among the members of the Units. She shall perform such other duties as the Department President may direct.

SECTION 6. The Historian shall compile the historical records of the Department organization and make a report to the Department Convention.

SECTION 7. **The National Committeewoman shall attend and report the meetings of the National Executive Committee.**

ARTICLE V - DEPARTMENT EXECUTIVE COMMITTEE

SECTION 1. Between the Department Conventions the administrative power shall be vested in the Executive committee which shall be composed of the Department officers, the National Committeewoman and the Past Department Presidents.

SECTION 2. Each Past Department President shall be a member of the Executive Committee with vote but without expenses as long as she remains a member in good standing of a duly chartered Auxiliary Unit in the Department of Michigan.

SECTION 3. There shall be regular meetings of the Executive Committee annually. The first shall be held by the incoming President immediately following the Convention, the second shall be held immediately preceding the Fall Conference; the third at the call of the Department President, if necessary, and the final shall be held in the Convention City immediately preceding Convention.

SECTION 4. The Department President shall call a special meeting upon written request of eleven (11) members of the Department Executive Committee. The meeting shall be called within ten (10) business days of the request."

SECTION 5. Seventeen (17) members shall constitute a quorum of the Department Executive Committee.

SECTION 6. All questions affecting the election, eligibility and conduct of Department Officers shall be referred to and determined by the Department Executive Committee.

SECTION 7. The Executive Committee shall have the power to suspend or remove from office for good cause any officer of the Department and to expel from membership in the American Legion Auxiliary any member of any Unit within its jurisdiction, after a fair and impartial hearing on the charges brought against said officer or member.

SECTION 8. The Executive Committee, after due notice and hearing, may suspend or revoke the charter of a Unit which violates the National or Department Constitution; or when it fails to properly discipline any of its members for such violations; and the Department Executive Committee shall have full power and authority to provide for the government and administration of the Unit during suspension.

SECTION 9. When a mail vote is requested of the Executive Committee members, a reply must be at Department Headquarters within ten (10) business days after receipt of request or member's vote will be considered void.

ARTICLE VI - DEPARTMENT CONVENTION

SECTION 1. The Legislative Body of this organization shall be a Department Convention and may be held at the same time and in the same city as the Convention of The American Legion, Department of Michigan.

SECTION 2. The Annual Convention shall be composed of delegates and alternates qualified as follows:

(a) Delegates and Alternates shall have paid their National and Department dues for the current year to Department Headquarters not less than thirty (30) days prior to the Convention.

(b) Delegates and Alternates must be over eighteen (18) years of age, except as provided in the Constitution Article III, Section 2(a).

(c) Delegates and Alternates must be elected at a Unit meeting duly called for that purpose not less than thirty (30) days prior to the opening date of Convention; notice of said meeting having been given no later than two (2) weeks prior to election.

(d) Alternates shall have priority in order of election.

SECTION 3. Each Unit of ten (10) or more members shall be entitled to one (1) delegate and one (1) additional delegate for every one hundred (100) members or major fraction thereof.

(a) Units may send Delegates or Alternates only if they have paid their mandatory funds for the current year to Department Headquarters not less than thirty (30) days prior to Convention.

(b) Units will be permitted to vote from the floor only if they have complied with all mandates and are represented by at least one (1) Delegate or Alternate.

(c) Units organized during the year (after July 1st) will be given the privilege of the Convention floor.

SECTION 4. All elected and appointed Department Officers, all members of Department Standing Committees, the Hospital Representatives and their First Deputies of the VA Hospitals, Grand Rapids Home for Veterans, D.J. Jacobetti Home for Veterans and all non-VA Hospital Chairmen and their First Deputies shall be Delegates-at-Large to the annual Convention and entitled to vote.

SECTION 5. All Past Department Presidents, as long as they remain members in good standing in a Unit in this Department, shall be Delegates-at-Large to the annual Convention and entitled to vote.

SECTION 6. A quorum shall exist at Department Convention when there are present nine (9) or more Districts wholly or partially represented.

SECTION 7. Meetings of Standing Department and Convention committees shall be posted by the Secretary-Treasurer. Notice of further meetings of Standing Department and Convention Committees shall be posted by the Chairmen of the committees.

SECTION 8. The Credentials Committee shall consist of three (3) members appointed by the Department President. The committee shall be appointed not less than seven (7) days before the Convention. One (1) of the members appointed shall be named Chairman. The Credentials Committee shall make its report at the call of the President. The entire committee shall receive (3) days per Diem and mileage.

The Department President shall appoint one (1) member to serve as Rules Chairman and one (1) member to serve as Elections Chairman. The Rules Chairman shall be paid one (1) day per diem and mileage and the Election Chairman shall be paid two (2) days per diem and mileage.

SECTION 9. Any recommendations passed by the Convention shall remain in effect and be binding until modified or rendered void by the Convention body in regular session.

SECTION 10 . Triplicate copies of all resolutions, other than amendments pertaining to the Constitution and Bylaws, must be in Department Headquarters thirty (30) days prior to the Department Convention. Exception to this may be made to allow the presenting of emergency resolutions no later than noon of the second day of the Convention. Emergency resolutions are those which arise during the Convention.

ARTICLE VII - UNIT ORGANIZATION

SECTION 1. Units shall be chartered by the National President and National Secretary upon receipt of the Charter application properly executed with handwritten signature on original (white) sheet and accompanied by per capita dues and individual membership record forms. Application for Unit charters shall be signed by the Department President, the Department Secretary-Treasurer, the Commander and Adjutant of The American Legion Post to which the Unit is attached, and said charter shall be closed thirty (30) days after application for same has been signed by the Commander and Adjutant of said American Legion Post. All persons in good standing whose applications were approved before their Unit closed its charter are charter members. The cost of a permanent Unit Charter shall be established by National Headquarters.

SECTION 2. The minimum membership of a Unit shall be ten (10) senior members.

SECTION 3. Each Unit shall bear the same name and number as the American Legion Post to which it is attached.

SECTION 4. Each Unit in the Department of Michigan shall be the judge of its own membership, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of the American Legion Auxiliary.

SECTION 5. The Department of Michigan shall prescribe the Constitution and Bylaws of the Units therein. When a Unit ceases to function from one Department Convention to another, it shall be given a hearing by the members of the District at a regular or special meeting and in case the Unit then refuses to function, upon a consenting vote of the District, the charter shall be revoked. The District Secretary shall advise Department Headquarters in writing, of the date and result of the vote. When a charter is revoked or canceled, all records and funds shall be forwarded to Department Headquarters by the District President.

SECTION 6. No person may at any time be a member of more than one Unit.

SECTION 7. Any member in good standing wishing to transfer to another Unit must present to the new Unit her current membership card. Upon acceptance of the transfer applicant by the new Unit, the Unit Secretary or designated person will complete the certification of transfer. The member shall then be entitled to active membership in said Unit. No dues shall be transferred.

Evidence of paid membership includes:

1. American Legion Auxiliary Membership Card
2. Verification of membership by ALA Department of National Headquarters membership records.
3. Other documentation verifying payment of current or immediate past year membership dues such as a cancelled check or receipt; or
4. When verifying documentation is not available, a sworn statement that the member's membership dues payment was tendered."

SECTION 8. A Unit member may withdraw providing her current dues are fully paid. Upon withdrawal, however, she shall be prohibited from joining any other Unit as a new member during the remainder of the current year for which said dues are paid. In the event a member wishes to remove her membership from one Unit to another during the current year, it shall be done by transfer and not by withdrawal.

SECTION 9. Each Unit shall have application forms for membership, same to be filled out by the applicants. This must be countersigned by a Post Officer certifying the eligibility of the applicant and affiliation of The American Legion member. The original of said form shall be sent to Department Headquarters.

SECTION 10. Membership cards will be distributed to Units through Department Headquarters. Additional membership cards will be sent from Department Headquarters upon request.

SECTION 11. Each Unit Secretary or designated person shall remit to the Department Secretary-Treasurer at least once a month all Department and National dues collected, as instructed by the Department Secretary-Treasurer.

SECTION 12. The Secretary and the Treasurer, or the Secretary-Treasurer, shall be bonded in conformity with the system as mandatory by the National Organization.

SECTION 13. Members under eighteen (18) years of age shall not be eligible to vote at any meeting of the American Legion Auxiliary, except as provided in Article III, Section 2(a), Department Constitution.

SECTION 14. Each Auxiliary Unit shall adopt the Unit Constitution and Bylaws as prescribed by the American Legion Auxiliary, Department of Michigan. Evidence of their adoption shall be filed with Department Headquarters, together with current copies of Unit Standing Rules and Amendments thereto; these to be submitted to the Department Constitution and Bylaws Chairman for approval. They shall become effective only after approval by the Department Constitution and Bylaws Chairman in order to assure that the Units are operating with proper Standing Rules.

SECTION 15. Units in good standing and holding regular meetings shall not lose their membership in the Department because the Post to which they were attached when chartered has disbanded.

SECTION 16. All questions of Unit administrative policy which require information or clarification shall be referred to the respective Districts. Districts may refer such questions to Department if necessary.

ARTICLE VIII - NATIONAL CONVENTION DELEGATES

SECTION 1. Department Delegates and Alternates to the National Convention shall be elected at the Department Convention held not less than two (2) weeks before the National Convention. The number of delegates shall be on a basis of paid-up membership in the Department of Michigan and in compliance with instructions of the National Constitution. The delegation chairman, the National Convention Delegates and Alternates will meet directly following the close of the Department Convention.

SECTION 2. The Department President, Department Secretary-Treasurer, Department President-elect, and Department Secretary-Treasurer- elect, by virtue of their office, shall be delegates to the National Convention.

(a) The retiring Department President shall be the Delegation Chairman and the retiring Department Secretary-Treasurer shall be the Delegation Secretary. In the event the retiring President is unable to attend, the President-elect shall be the Delegation Chairman.

(b) One Delegate and Alternate shall be elected from each District.

(c) In the event insufficient membership prevents the seating of all the District Presidents, the District Presidents having the lowest percentage of membership shall be declared Alternate Delegates with expenses paid. They shall attend all Convention sessions and make a report of the Convention. The retiring President shall appoint two (2) District Presidents attending the National Convention as pages.

(d) Any Delegate allowed by National in excess of those named in Article VIII, Section 2, shall receive registration and expenses, to be paid from the National Convention Fund.

(e) Any National Committee Chairmen and Members, and/or Divisional Chairmen named as Delegates to National Convention shall be delegates with expenses paid the same as District Presidents to take effect beginning with the 1998 National Convention. National Committee Chairmen and Members or Divisional Chairmen shall not receive any duplication of monies.

(f) The Department First and Second Vice Presidents-elect shall be delegates to the National Convention with registration and expenses.

SECTION 3. Should any Delegate-elect be unable to attend the National Convention, all information received from the Department Headquarters pertaining to the National Convention together with advance expense money, shall be immediately returned to the Department Headquarters.

SECTION 4. All Delegates to the National Convention must attend all sessions when not in attendance at meetings of National Convention Committees, unless illness prevents. Should this occur, the Delegate must file, in writing, with the Delegation Secretary the reason for not being in attendance otherwise she must forfeit her expenses.

SECTION 5. Each National Delegate representing a District shall furnish each Unit in her District a written report of said Convention within thirty (30) days after the Convention.

SECTION 6. Should both the National Delegate and alternate representing a District be unable to attend National Convention, the first alternate elected as allowed by National in excess of those named in Article VIII, Section 2(b) and (e), shall represent that District, submitting a report to the District and receive expense money allowed. If more than one District is without representation, the first alternate elected as previously stated, shall represent the first District without representation, as listed on the Department list of Districts (First, Second, Third, etc.). The second alternate elected shall represent the second listed District without representation (exception - see Section 7).

SECTION 7. If an alternate elected as allowed by National in excess of those named in Article VIII, Section 2(b) and (e), is from the District whose Delegate and Alternate are unable to attend National Convention, she will represent that District, submitting a report and receiving allowed expense money.

ARTICLE X - PARLIAMENTARY AUTHORITY

SECTION 1. The Department of Michigan, American Legion Auxiliary, shall be governed by the current edition of "Robert's Rules of Order, Newly Revised" in all questions not covered by the Department Constitution and Bylaws.

ARTICLE XI - AMENDMENTS

SECTION 1. These Bylaws may be amended at a Department Convention by a two-thirds (2/3) vote of authorized delegates or alternates present and voting, provided the proposed amendments have been read in the Convention at a previous meeting or have been distributed to all Units in printed form at least forty-five (45) days before the annual Department Convention.

SECTION 2. Triplicate copies of amendments pertaining to the Bylaws shall be in Department Headquarters not later than sixty (60) days prior to the opening of Department Convention for circulation to the Units.

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

SECTION 4. These Bylaws shall be automatically amended to conform to the National Constitution and Bylaws and in such Standing Rules as have been duly adopted and set forth in the Unit Handbook of the American Legion Auxiliary.

SECTION 5. All changes or additions to the Department Bylaws will take effect immediately following their adoption.

ARTICLE XII – OBLIGATION

No Member or group of members shall subject this Department to Liability without authorization of the Department of Michigan.

The Department may incur no obligation or liabilities of any kind without approval by the Department Executive Committee.

ARTICLE XIII - AUTHORITY

The authority by which all Units and the Department of Michigan, American Legion Auxiliary, shall function is vested in the National Constitution and Bylaws, the Department Constitution and Bylaws, and in such Standing Rules as have been duly adopted and set forth in the Unit Handbook of the American Legion Auxiliary. Any provisions of any Unit Constitution or Unit Bylaws, or any regulation of any Unit in conflict with the foregoing authority shall be void.