

Constitution and By-Laws
of
The American Legion - Department of Michigan

Preamble

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

**Adopted by the Sixteenth Annual Convention of
The American Legion, Department of Michigan
at Traverse City (1934)
*Revised in 1976***

Amended 1978	Amended 1985	Amended 1993
Amended 1980	Amended 1986	Amended 1994
Amended 1981	Amended 1989	Amended 1995
Amended 1982	Amended 1990	Amended 1996
Amended 1984	Amended 1992	Amended 1997
Amended 1998	Amended 2000	Amended 2003
Amended 2005	Amended 2006	Amended 2007
Amended 2008	Amended 2009	Amended 2010
Amended 2011		

By-Laws

Article I Name

Section 1. The name of this organization shall be: "The American Legion, Department of Michigan".

Use of the Name and Emblem

Section 2.

a. The Department Officers are charged with resisting and restraining the unauthorized use of the name "The American Legion" or the emblem.

b. The name "The American Legion" may be used only in carrying out the purposes of the organization by the Posts and the Department, in connection with appropriate language to indicate the Post or the Department name.

c. The use of the emblem by the individual Legionnaire shall be limited to the wearing of the official insignia and to the possession of authorized jewelry or merchandise bearing the emblem.

d. The use of the emblem by Posts shall be confined to using imprint of the emblem upon stationery and office supplies, upon Post publications and to the use of authorized regalia or merchandise bearing the emblem.

e. The use of the emblem by the Department shall be the same as set forth in paragraph 2(d) excepting, however, that the Department shall be privileged to use the emblem for decorations and souvenir purposes, subject to approval secured in each instance from the National Adjutant.

f. Any other use of the name "The American Legion" or the emblem shall be subject to the approval of the National Adjutant, provided that the approval of the Department Commander has first been granted.

Article II

Nature and Object

Section 1. The American Legion 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 American 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 or any persons seeking public office or preferment.

Article III

Eligibility to Membership

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 “open”, all dates inclusive, 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 governments associated with the United States during any of said periods; **provided, however,** that such service shall have been terminated by honorable discharge, honorable separation or continued honorably after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service.” *(Amended August 5, 1956: August 6, 1960: October 2, 1966: July 20, 1975: October 5, 1998)*

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

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

Section 4. All applicants for membership must fill out the regular form of membership application and, in addition thereto, present for examination by a duly qualified officer of the Post or the Department, either their original discharge from service, DD-214, a certified or photo static copy of either, or proof of honorable service. *(Amended July 20, 1975)*

Article IV

Organization

Section 1.

a. The American Legion, Department of Michigan is a constituent part of and subordinate to The American Legion, a Federal Corporation organized by Act of Congress.

b. The Department organization shall consist of the following Department Officers:

Commander
Five (5) Vice Commanders
Adjutant
Finance Officer
Judge Advocate
Historian
Chaplain

Sergeant-at-Arms

(Amended July 13, 1986)

c. The following special Department officers are authorized, but shall not serve on the Department Executive Committee: Department Veterans Affairs and Rehabilitation Director, Department Service Officers, the Department Membership Director and the Department Public Relations Director. *(Amended June 21, 2008)*

d. The Executive Committee of the Department shall consist of the Officers of the Department, the immediate Past Commander and National Executive Committeeman, together with District Commanders, as hereinafter provided. *(Amended June 21, 2008)*

e. All Past Department Commanders, except as otherwise noted in paragraph (d) above, shall be a member of the Executive Committee with voice, but without vote and without expenses, as long as he/she remains a member in good standing of a duly chartered American Legion Post in the Department of Michigan.

(Amended July 21, 1990)

f. The following permanent Department Committees and Subcommittees are hereby authorized:

Americanism and Community Service

Subcommittee: Law & Order

Subcommittee: Scouting

American Legion Baseball

American Legion Boys' State

Children and Youth

Economic

Education and Scholarship

Finance/Personnel

Internal Affairs

Subcommittee: Constitution and By-Laws

Subcommittee: Contest Supervisory

Legislative

Membership

Michigan Leadership College

National Security and Foreign Relations

Subcommittee: Blood, Eye and Vital Organ Bank

Subcommittee: POW/MIA

Permanent Time and Place and Resolutions Assignment

Post Development

Public Relations

Reconnect

Veterans Affairs and Rehabilitation

Subcommittee: V.A.V.S./V.H.V.S.

(Amended August 10, 1952; July 21, 1963; July 23, 1967; July 18, 1971; July 20, 1975; July 16, 1978; July 22, 1979; July 20, 1980; July 19, 1981; July 21, 1984; July 13, 1986; July 23, 1994; July 15, 1995; June 21, 2003, June 17, 2006, June 21, 2008, June 20, 2009)

g. Such other committees as may be authorized.

Section 2. District Associations

a. For the purpose of administration, the Posts of the Department shall be grouped into Congressional Districts as they existed on January 1, 1963, except as further delineated by these By-Laws, and are hereinafter referred to as "Districts". No Post shall transfer from one District to another except with the consent of the Department Executive Committee, on application made by the Post and with the consent of both Districts involved. *(amended June 21, 2003)*

b. All applications for new charters shall state definitely the District to which the Post subjects itself for discipline and residence, such selection to be the District within whose boundaries the Post holds its meetings. If at any time a Post permanently moves its residence from within the boundaries of one District to another District, such Post shall make application to the Department Executive Committee for transfer to that District, and the Department Executive Committee shall have power to act with the consent of the District to which the Post makes application for transfer.

(Amended July 31, 1949; July 19, 1964; July 21, 1984)

b. Each District shall organize, adopting a Constitution and By-Laws, effective only after approval by the Department Judge Advocate. A copy of such approved Constitution and By-Laws shall be filed in Department Headquarters. It shall be the duty of the District Commanders to enforce the provisions of this section.

(Amended July 19, 1964; July 21, 1984, July 21, 2008)

c. The Department Executive Committee may annul or suspend, upon recommendation of the Department Judge Advocate, any provision of the Constitution and By-Laws of such organizations when, in the judgment of such committee, it contravenes the provisions of the National or Department Constitution and By-Laws or the established policy of the Department.

d. Representation of the Posts in such District Associations shall be on the same basis as such Posts had at the preceding Department Convention, or such other basis as said District Association may decide.

e. The First, Thirteenth, Fourteenth and Fifteenth Districts shall be combined into one District Association which shall be known as the First District and shall, from its members, elect a District Commander.

(Amended August 22, 1948; July 9, 1964; July 1984; June 21, 2003, June 21, 2008)

f. The Eleventh and Twelfth Districts may form a joint Districts Association to be known as the Upper Peninsula Association. Such Association shall elect from its members a number of District Commanders equal to the number of Districts in the Association. No other sector, City or County organization of Posts shall be formed in said District. *(Amended July 16, 1978; July 21, 1984, July 21, 2008)*

g. The present Nineteenth District Association, which was formerly a portion of the Eleventh Congressional District, shall consist of the counties of Emmet, Cheboygan, Presque Isle, Charlevoix, Antrim, Otsego, Montmorency, Kalkaska, and Alpena.

(Amended June 21, 2003)

Section 3. City and County Councils

- a. There may be formed by the Posts of any County in this State, a County Council to carry out the principles of The American Legion and to promote the social welfare and the patriotic and fraternal spirit of the Legionnaires within such County.
- b. Whenever a majority of the number of Posts in a County, or a majority of the Posts outside of the City wherein there is organized a City Council shall determine to form a County Council, they shall transmit an application for permission to organize to the Department Commander, who shall designate a District Commander of the District in which such County is situated to call a meeting of the Posts of such County for the purpose of perfecting the organization of a County Council. No Post in a County shall be compelled to join such a County Council. *(Amended June 21, 2008)*
- c. The Department Executive Committee may, upon recommendation of the Department Judge Advocate, suspend any provisions of the Constitution and By-Laws of a County Council, when in the judgment of such committee it contravenes the provisions of the National or Department Constitution and By-Laws or the established policy of the Department.
- d. A County Council when organized, shall adopt a Constitution and By-Laws effective only after approval of the Department Judge Advocate. An approved copy of such Constitution and By-Laws shall be filed in Department Headquarters.
- e. Representation of the Posts in such County Council shall be on the same basis as such Posts had at the preceding Department Convention, or such other basis as said Council may decide.
- f. A City Council may be organized in any city having three or more Posts within its corporate limits, when a majority of such Posts so determine and by the same procedure as provided for the organization of County Councils. Such Posts may also belong to a County Council. No Post shall be compelled to join a City Council.

Section 4. Posts

- a. The local unit shall be termed a Post, which shall have a minimum membership of fifteen.
- b. Formation. Any group of qualified Veterans desiring to form a Post shall apply for the proper application blanks to the District Commander of the District in which such proposed Post is to be located; and such Post shall be organized under the supervision of the said District Commander. It shall be the duty of said District Commander to examine personally the discharges of said applicants and to investigate their Charter and qualifications to determine their eligibility for membership. He shall transmit to the Department Adjutant the completed applications, his certificate of eligibility, a written report of his investigation and his approval or disapproval of the application. The application, upon approval of the Department, shall be forwarded to the National Headquarters, and upon approval by National Headquarters, a temporary charter will be issued. *(Amended June 21, 2008)*

- c. The Post will operate under such temporary charter with all privileges of a Post, but upon a probationary basis for a period of six months. Upon fulfillment of all of its Post and Department obligations and duties to the satisfaction of the Department Executive Committee for said period, the Post shall be entitled to a permanent charter and shall make application herefor to the Department Commander within ninety (90) days after the expiration of the probationary period.
- d. Post Charters shall be countersigned by the Department Commander and the Department Adjutant.
- e. No Post shall be named after any living person.
- f. The Department of Michigan shall consist of all of the chartered Posts in the State of Michigan. Each Post may restrict its membership as it desires, subject, however, to the provisions of National and Department Constitution and By-Laws. Each Post may be restricted in number of members by the Department Executive Committee.
- g. The Constitution and By-Laws and Articles of Incorporation of a Post, Memorial Home Association, Building Corporation, District or any other association considered to be part of the Department of Michigan shall not become effective until submitted to and approved by the Department Judge Advocate; an approved copy of which shall be filed in Department Headquarters.

Each Post shall have a Commander, an Adjutant and a Finance Officer and such other officers as shall be provided in the Post's Constitution and By-Laws.

Each Post shall have a headquarters to which all documents and papers may be sent. It shall be the duty of each Post Adjutant to notify the Department Headquarters immediately of any change of address of the Post Headquarters. All notices shall be deemed to have been duly served when mailed to the Post at its last mailing address appearing upon the records of the Department Adjutant. *(Amended July 21, 1985)*

h. All Posts shall hold elections of Post Officers not less than 30 (thirty) days nor more than 120 (one hundred twenty) days prior to the annual Department Convention. The newly elected Post Commander shall be a delegate to said Department Convention and shall attend the same as such delegate. Newly elected Post Officers shall be installed not later than 45 days after the close of the annual Department Convention, and all Post officers shall have paid their dues for the year of their term of office by the time of their installation. *(Amended July 31, 1949; July 20, 1969; July 1975)*

i. Any member of any Post of The American Legion of this Department may transfer his membership to another Post, providing he is in good standing and is elected to membership in the Post to which he desires to transfer, and that such transfer does not conflict with any restrictions of the Department Executive Committee; provided, however, that no person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post. He may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

j. In addition to the newly elected Post Commander, each Post shall select one Delegate for each 50 paid-up members, or major fraction thereof, to represent such Post at the annual Convention. Each Post shall select an alternate for each Delegate chosen. The Delegates and Alternates shall be chosen by each Post from among its own members in good standing. The names of all Delegates and Alternates shall be certified to the Department Adjutant at least 10 days before the opening date of the annual Convention.

k. Any Post of the Department failing to meet the obligations imposed upon it by the National Constitution and By-Laws, or Department By-Laws, or ceasing to function for six months as an American Legion Post, or neglecting to pay the per capita tax due to the National, Department and District organizations, shall, upon the order of the Department Executive Committee, surrender its charter, together with all property of every description, including official insignia and records belonging to the Department; provided the Commander of the District wherein the Post in question is located shall have consulted with the last known Post Commander and Adjutant; has been assured that each Post member on the current roster has been notified by receiving a copy of each notice of the intention to file for charter cancellation; has made a thorough survey of the assets of the Post, both real and financial, and has notified Department Headquarters, in writing, not later than ten (10) days prior to the next official meeting of the Department Executive Committee, that the District Commander recommends the consideration of the cancellation of the questioned Post's charter.

(Amended July 23, 1961; July 21, 1974, June 21, 2008)

l. Each Post shall be the judge of its own membership, subject to the restrictions of the National and Department Constitution and By-Laws; but no Post shall suspend or expel any member thereof, except upon charges duly brought in writing and after a full and fair trial, only upon the charge of "conduct unbecoming a member of The American Legion", of which said charges, the members of such Post shall be the sole judges; Provided, that an appeal from such Post decision may be taken to the Department Executive Committee by filing written reasons therefor with the Department Adjutant within 30 days following final action by the Post. The decision of the Department Executive Committee shall be conclusive. The Department Executive Committee may formulate rules to govern the trial by a Post of any of the members thereof.

m. Post officers may be removed by the Post for cause on written charges of which the members of the Post shall be the sole judges. The procedure and right of appeal shall be the same as provided for members in Section (l) above.

n. The Department Executive Committee, after notice and hearing, may suspend or recommend for revocation, the charter of a Post which violates the National Constitution and By-Laws of The American Legion, or the Department By-Laws 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 or the membership thereof, during such suspension or upon such revocation. The Department Executive Committee shall provide the method for suspending or recommending the revocation of the charter of a Post.

o. All Posts of the Department must conduct, open and close their local meetings as per the National "Manual of Ceremonies" and "Post Commander's Guide". The Department Judge Advocate shall not approve any Constitution and By-Laws of a Post

unless the same shall provide that said local Post must conduct, open and close its local meetings as per "National Manual of Ceremonies" and "Post Commander's Guide". Any Post failing to meet the above provision shall be subject to the discipline provided for in Paragraph k of Article IV, Section 4, and any other authorized discipline.

(Amended July 21, 1974)

p. No Post of The American Legion, Department of Michigan shall sell its Post Home and distribute the monies therefrom to Post members, said distribution being in violation of Michigan non-profit Corporate Laws. *(Amended July 21, 1985)*

Article V Administration

Section 1. Department Convention

a. The annual meeting of The American Legion, Department of Michigan shall be a Convention, called pursuant to the provisions of the By-Laws of the Department. The Department Convention shall be held at a time and place to be fixed by vote of the Convention, at a minimum of two years in advance, or in case the preceding Convention does not fix a suitable time and place, these shall be fixed by the Department Executive Committee.

Notice shall be given of the Annual Department Convention by the Department Adjutant to all Posts of the Department of the time and place of the Convention, which notice shall be entitled "Call of the Annual Convention", and which shall be published electronically on the Department website at least 60 days prior to said Convention and be published in paper form in a spring edition of the Michigan Legionnaire. There shall be no other official notice of the Department Convention.

(Amended July 20, 1975; July 21, 1984; June 21, 2003, June 21, 2008)

b. Powers

The annual Convention shall have all of the Administrative, Legislative and Judicial powers of the Department.

c. Delegates

Representation in the annual Convention shall be by Delegates and Alternates, duly elected by Posts of the Department and, in addition thereto, the Past Department Commanders and the members of the Department Executive Committee, with the exception of the Department Adjutant. Each of the above Delegates shall be entitled to one vote. Each Post having 15 (fifteen) or more paid-up members at the Department Headquarters 30 (thirty) days prior to the opening date of the **PRIOR YEAR'S Convention** shall have representation at the annual Convention on the basis of one Delegate for such Post, who shall be the newly elected Commander and one additional Delegate for each 50 (fifty) members or major fraction thereof. Each Post represented at the Department Convention is entitled to cast the voting strength of its Post, provided all annual dues and debts to the District of which it is a part and the Department are paid.

(Amended July 17, 1976; July 21, 1984; July 13, 1986, June 25, 2011)

d. Rules

The Annual Convention shall make its own rules of procedure, but in the absence of such action, the rules shall be the same as prescribed by "Robert's Rules of Order". The Convention shall organize, form its committees, and transact all of the business of the Department, which shall properly come before it for action.

A majority vote shall be required upon all matters, unless otherwise specifically provided. Votes shall be recorded by Districts on all matters wherein a roll call shall be taken. Each District shall cast its vote in the manner to be provided by the rules of the convention, but no Delegate shall be prevented by any rule from casting his vote as he so desires. Alternates may be seated with Delegates at the Department Convention. The Annual Convention shall authorize the appointment of such standing committees of this Department as it deems proper. *(Amended July 19, 1964; July 21, 1984)*

e. Quorum

A quorum shall exist at the Annual Department Convention when a majority of the Department officers and 25% of the Posts of the Department are either fully or partially represented. *(Amended June 19, 2010)*

f. The Department Executive Committee shall provide a Uniform Code of Procedure for the orderly organization and operation of Department Conventions with continuing power of revision, and said Code shall be applicable at all Department Conventions unless it is amended, suspended, or repealed by majority vote of the total authorized representation at a Department Convention. *(Amended July 15, 1995)*

Section 2. Administrative Committee

a. Personnel

The Commander, the Vice Commanders, the Finance Officer, with vote and the Judge Advocate, who shall be without vote, shall constitute the Administrative Committee. *(Amended July 20, 1975)*

b. Powers

Administrative Committee shall, upon emergency, possess and may exercise the authority of the Executive Committee between meetings of such committee.

c. Meetings

The Administrative Committee shall meet only upon call of the Department Commander, and its actions shall be reported to the Department Executive Committee at its first meeting thereafter.

Section 3. Department Executive Committee

a. The Department Executive Committee shall consist of the officers of the Department, the immediate Past Department Commander, the National Executive Committeeman and the District Commanders, all with vote, and the Adjutant, without

vote. Each member of the Department Executive Committee shall be entitled to one (1) vote. *(Amended June 21, 2008)*

All Past Department Commanders, except as otherwise noted in Article IV, Section 1, subsection d above, shall be a member of the Executive Committee with voice, but without vote and without expenses, as long as he/she remains a member in good standing of a duly chartered American Legion Post in the Department of Michigan.
(Amended July 11, 1965; July 17, 1976; July 13, 1986; July 18, 2005)

b. District Commanders

One District Commander shall be chosen from each District in the State.
(Amended July 2, 1953; July 19, 1964; July 17, 1976; July 21, 1984, June 21, 2008)

c. Method and Time of Election

Each District shall elect its District Commander by vote of the Delegates representing Posts in the said District in attendance at the Annual Department Convention and prior to the adjournment thereof or else at a regular District Meeting to be held not less than fifteen (15) days nor more than sixty (60) days prior to the Annual Department Convention. Alternates shall be chosen at the same time and place as the District Commanders. *(Amended July 19, 1964; July 21, 1984; July 23, 1989, June 21, 2008)*

d. Term of Office of District Commanders

Vacancies – Each District Commander shall hold office from the close of one Department Convention until the close of the next Annual Department Convention; provided, however, that a District Commander shall hold office only during such term as his membership remains in the District from which he was elected. A vacancy in the office of District Commander shall be filled by his Alternate, and a new Alternate shall be selected in accordance with the District Association By-Laws.
(Amended July 19, 1964; July 21, 1984, June 21, 2008)

e. Powers

The powers of the Department between the annual Conventions shall be vested in the Executive Committee, except as limited by these By-Laws.

The Executive Committee shall require all Post Officers who handle funds to be bonded under a bond to be furnished by an incorporated surety company, which has been approved for this purpose by the National Adjutant.

f. Meetings

"There shall be five (5) annual meetings of the Department Executive Committee. Two (2) of these are dependent upon the time and location of the Department Convention. The first (1st) of which shall take place within twenty-four (24) hours of the conclusion of

the annual Department Convention and the fifth (5th) and last shall be known as the Pre-Convention Meeting, taking place at the site of and just prior to the next year's convention.

The second (2nd) annual meeting is known as the Thirty (30) Day Meeting and may be held within thirty (30) days after the conclusion of the Convention. The third (3rd) meeting is to be held in September or October after the adjournment of the National Convention and be known as the Fall Conference to provide for schools of instruction for Commanders, Adjutants, Service Officers or other topics. The fourth (4th) meeting, to be known as the Winter Meeting, is to be held within the first three (3) months of the year. Dates and locations of the third (3rd) and fourth (4th) meetings will be determined at a minimum of two (2) years in advance by the Department Executive Committee when in Fall Conference assembled, upon the recommendations of the Permanent Time and Place Committee."

(Amended August 5, 1951; July 18, 1965; July 20, 1969; July 16, 1972; July 20, 1975, July 17, 2006)

In addition to the above regular meetings, special meetings shall convene upon call of the Department Commander or upon petition signed by the majority of the members of the Department Executive Committee, duly filed with the Department Adjutant, setting forth the reasons therefor.

Notice of all meetings shall be given not less than five (5) days before any such meeting is held. In case a meeting convenes upon petition, the same shall be called by the Department Adjutant with ten (10) days after the filing of the petition with him.

The Commander may require members of the Department Executive Committee when, in his opinion, such action is necessary, to vote by letter, telegram and/or fax upon any questions relative to the business of the Department Committee members shall reply thereto within forty-eight (48) hours after receipt of telegram, if vote by telegram is required and within (10) days after receipt of ballot, if vote by mail is required. If a quorum of the committee votes upon such questions, the votes shall be counted by the Department Adjutant and duly recorded in the minutes of the Department Executive Committee. The result shall be the same as though the Committee had been regularly called into session, the questions regularly proposed and supported, and members voting were present and voted as indicated by their ballots or letter, telegram and/or fax replies. The Department Adjutant shall notify the members of the Department Executive Committee of the action of the meeting. *(Amended July 13, 1986; July 18, 2005)*

g. Quorum

A quorum shall exist at any meeting of the Department Executive Committee when a majority thereof shall be present, or shall have replied to letter, telegram and/or fax.

(Amended July 18, 2005)

Section 4. Appointive Department Committees

a. Number and Term of Office

The term of office of all members of Department Committees shall be staggered so that the term of one-half of the Committee shall expire at the close of the annual Department Convention each year. Appointments, except when a shorter term shall be necessary to comply with this provision, shall be for a term of two (2) years each.

b. All committee members shall be appointed and may be removed for cause by the Department Commander, with the approval of the Department Executive Committee.

The Department Commander shall name the chairman of each committee to serve until the next Department Convention.

No Legionnaire may be appointed to serve on more than one regular standing appointive Department Committee at any one time. *(Amended July 23, 1967)*

c. Finance/Personnel Committee

The Commander shall appoint, subject to ratification by the Department Executive Committee, a Department Finance/Personnel Committee to be composed of five (5) members, one member to be appointed from each Zone of the Department. The Commander and Finance Officer shall be ex-officio members of this committee, with vote, the Director of Veterans Affairs and Rehabilitation shall be an ex-officio member of this committee and the Adjutant shall be ex-officio Secretary of this committee, without vote. *(Amended July 18, 1992)*

All funds received from any source for the Department of Michigan, including any Board or Committee created and or appointed by The American Legion, Department of Michigan, shall be under the possession, control and supervision of the Finance/Personnel Committee. Said Committee shall be charged with the duty of setting up a proper and adequate system of centralized control and procuring audits of such funds. *(Amended July 21, 1957, July 20, 1975; July 13, 1986)*

d. The Finance/Personnel Committee shall be charged with the preparation of a yearly budget, the financial policy of the Department, the handling of funds under the budget, and approval of expenditures of all Department funds not budgeted, and preparation and approval of the audit of all books and records of the Department and other additional audits as often, in addition thereto, as it may deem expedient. It shall file a written report including the official audit with the Annual Convention, setting forth in detail the financial recommendations as it considers advisable. *(Amended July 13, 1986)*

e. The Finance/Personnel Committee shall be charged with the duty of fixing the amount of and providing a proper and adequate bond for the Department Adjutant and Finance Officer and all other Department officials and employees who handle Department funds in a surety company or companies approved by the National Adjutant. The expense of all bonds provided for herein shall be borne by the Department. The Finance/Personnel Committee shall also be responsible for the investing of all trust funds, excepting those funds left in trust for purposes of the authorized subsidiary corporation Article IV, Section 1(h). *(Amended July 23, 1967; July 20, 1975; July 13, 1986)*

Section 5. Procedure for Permanent Department Committees and Subsidiary Corporations

a. All Department Committees and Subcommittees shall function under Rules of Procedure approved and adopted by the Department Executive Committee. The Committee Rules of Procedure may be amended in content, but not in format, by a majority of the members of the Committee, submitted to the Internal Affairs Committee for review and recommendations and approved by the Department Executive Committee. *(Amended July 21, 1984; July 15, 1995, February 17, 2007)*

b. The By-Laws of all Department Subsidiary Corporations shall be adopted and amended only with the consent of the Department Executive Committee.

(Amended July 23, 1967)

Article VI

Department and Post Officers

Election -- Term of Office

Section 1. Eligibility to Office

a. Any paid-up member in good standing of a Post in the Department of Michigan may be elected to any office in the Department, except as otherwise provided herein.

b. Documentation of Honorable Service

No person shall be eligible for any office in The American Legion, Department of Michigan, or any of the Posts thereof, nor if elected, shall such person continue to hold such office, unless within thirty (30) days after such election such person shall have furnished proper and satisfactory evidence of honorable service, complying with Article III, Section 1 of these By-Laws, to the Department Adjutant, in the case of Departmental officers, District Commanders and alternates, and to the Post Adjutant in the case of Post Officers. Department and Post Commanders shall examine the evidence of eligibility of their respective Adjutants. *(Amended July 20, 1975, June 21, 2008)*

c. All questions affecting the election, eligibility and conduct of Department officers, District Commanders and Alternates shall be referred to and determined by the Department Executive Committee as the final authority thereon.

(Amended July 20, 1975; September 12, 1976, June 21, 2008)

Section 2. Term of Office and Installation

Department Officers, Chairman of the Vice Commanders, and members of the Executive Committee shall be installed at the close of the Department Convention and shall immediately enter upon their duties. They shall hold office for a term of one year or until their successors shall be/have been duly appointed, elected and installed, except that the Department Finance Officer, Department Historian and Department Sergeant-at-Arms shall not serve more than two (2) consecutive terms of office.

(Amended July 21, 1974; July 20, 1975)

Section 3.

a. Department Officers

Elective Department Officers shall be chosen annually at the Department Convention by a roll call vote of the Districts of the Department, with the exception of Five Vice-Commanders, who shall be chosen at the "Zone" Caucuses by the Districts making up

the "Zone" which that individual Vice Commander is to represent. Each Vice Commander so chosen must be and shall remain a member of a Post within his respective Zone. *(Amended July 1964; July 21, 1984; July 21, 1985; July 17, 1993; July 19, 1997)*

b. The Department Convention shall also elect one National Executive Committeeman and one Alternate Committeeman to represent the Department on the National Executive Committee, who shall hold office for a term of office as prescribed by the National Constitution and By-Laws.

c. Officers of District Associations, County and City Council and Posts

Except Department Executive Committeemen, all officers of District Associations, County Councils, City Councils and Posts in this Department shall be elected as provided by the Constitution and By-Laws of each Organization, respectively.

All questions affecting the election and eligibility of any of the above named officers shall be referred to and determined by the Commander of the District in which the Organization is located, with right of appeal to the Department Executive Committee by such procedure as shall be determined by the Department Judge Advocate. *(Amended June 21, 2008)*

Section 4. Method of Filling Vacancies

a. Elective Officers

Vacancies occurring in any of the elective offices of the Department shall be filled by the Department Executive Committee. In the event of a vacancy in the office of Department Commander, the Department Adjutant shall forthwith call a meeting of the Executive Committee to be held within seven (7) days thereafter to fill such vacancy. The Chairman of the Vice Commanders shall serve as Department Commander until the vacancy is filled by the Executive Committee. *(Amended July 20, 1975)*

b. The Judge Advocate and the Chaplain shall be appointed by the Commander, subject to the approval of the Department Executive Committee. Such an appointment of a Chaplain shall be in the spirit traditionally practiced in The American Legion on the National and Department levels; that the rotation of a Chaplain among the three major faiths be continued whenever a Chaplain is available. *(Amended July 19, 1968; July 13, 1986)*

c. The Department Adjutant shall be hired by the Department Administrative Committee. When a vacancy occurs in the office of the Department Adjutant, the exiting Department Adjutant will sit in an advisory capacity, without vote, in the selection process, except when the exiting Department Adjutant has been removed for cause. (Article XI, Section 1, Discipline). The term of office for the Department Adjutant shall be three (3) years, on a contractual basis renewable at the end of three (3) years, as long as said Department Adjutant's service is satisfactory and acceptable. The Department Adjutant shall be given an Annual Effectiveness Evaluation by the Department Commander forty-five (45) days prior to the Department Convention. Said Effectiveness Evaluation shall be reviewed by the Department Administrative Committee for filing

and/or necessary action. The first Employment Contract shall be for a period of three (3) years, commencing January 1, 1987. *(Amended July 13, 1986)*

Section 5. Election of Delegates to National Convention

The annual Convention shall approve Delegates and Alternates chosen by the Districts to represent the Department in the National Convention of The American Legion. Delegates-at-large shall be selected in such manner as the Convention shall determine, but in no event shall any District be entitled to less than one delegate, unless the whole number of delegates shall be less than the number of Districts; provided, however, that the Department Commander and outgoing Department Commander, who is Chairman of the delegation, shall represent the Department as delegates-at-large to the National Convention, if the whole number of delegates shall exceed by two (2) the number of Districts. *(Amended July 6, 1947; July 19, 1964; July 17, 1966; July 21, 1984)*

Article VII Duties and Powers of Department Officers

Section 1.

a. Commander

The Department Commander shall be the Chief Executive of the Department and shall be empowered and directed to do such acts as may be necessary and proper to conduct the business of the Department. He shall preside at the Annual Convention and at all meetings of the Executive Committee. He shall issue all necessary orders and may direct the Adjutant or any other Department officer, when necessary, to proceed to any place on American Legion business. He shall appoint all standing committees, subject to the approval of the Executive Committee, except as otherwise provided. He shall represent the Department in all of its relations with the Federal, State and local government and with the people of the State of Michigan. He shall see that all provisions of the National Constitution and By-Laws and all policies established under them are duly observed. The Commander shall be reimbursed up to the budget allowance for his/her necessary actual travel expenses while in performance of the duties of his/her office, with any additional funding to be determined by the Finance/Personnel Committee, subject to the approval of the Department Executive Committee. The Commander shall not be eligible for more than one (1) term of office as Commander. *(Amended August 19, 1946; July 17, 1966; July 20, 1975; July 13, 1986, June 20, 2009)*

b. Past Commander

Each retiring Commander shall, upon the installation of his successor, be declared to be a Past Department Commander and shall be presented with a Past Department Commander's symbol. Each past Department Commander shall become a delegate to each succeeding Convention and shall have, if present, all the rights of a Delegate in the affairs of the Convention provided he remains a member in good standing in the Department of Michigan and is not an employee of the Department of Michigan. If a Past Department Commander shall become an employee of the Department, he shall

waive his voting right as a delegate and shall continue to waive his voting right so long as he remains an employee. The vote of each Past Department Commander, except as stated above, shall be announced with the vote of the District in which his Post is located. *(Amended July 19, 1964; July 20, 1975; July 21, 1984; July 13, 1986)*

c. Vice Commander

The Vice Commanders shall perform such duties as may be required of them by the Department Commander or the Department Executive Committee. For the purpose of administration by the Vice Commanders, the various Districts shall be grouped into "Zones" as follows: Zone 1 – the 1 and 16 Districts; Zone 2 – the 2, 3, 4 and 5 Districts; Zone 3 – the 6, 7, 8, 17 and 18 Districts; Zone 4 – the 9, 10 and 19 Districts; Zone 5 – the 11 and 12 Districts. The Vice Commander representing each "Zone" shall represent the Department in the Districts comprising the "Zone" from which he was elected, and it shall be his duty to attend all District Conventions within his "Zone" so far as possible and to initiate construction programs and policies for the furtherance of the interest of the Posts therein. Immediately upon their installation, they will elect one of their group as Chairman. The Vice Commanders shall not be eligible to serve two (2) consecutive years. *(Amended July 18, 2005)*

d. Adjutant

The Adjutant shall be the chief administrative officer of the Department. He shall be the custodian of and shall cause to be kept all official Department records. He shall perform all administrative and clerical acts necessary to conduct the business of the Department. He shall receive all dues and monies from Posts, keep a record thereof, and shall deposit the same in the name of "The American Legion, Department of Michigan" in a bank or banks as ordered by the Finance/Personnel Committee, with the approval of the Department Executive Committee. He shall perform any other duties as he may be directed to do by the Department Commander or the Department Executive Committee. *(Amended July 19, 1968; July 20, 1975; July 13, 1986)*

The Adjutant shall receive such salary as shall be fixed by the Finance/Personnel Committee, subject to the approval of the Department Executive Committee. *(Amended August 2, 1963; July 20, 1975; July 13, 1986)*

The Adjutant shall be reimbursed for actual traveling expenses while in the performance of the necessary duties of the office.

e. Finance Officer

The Finance Officer shall be the custodian of the funds of the Department. He shall pay out money only on vouchers properly signed by the Department Commander and Department Adjutant, and only for such purposes as shall have been duly authorized. He shall keep a full and complete record of all transactions, including receipts and disbursements, and shall exhibit all records when requested to do so by any Department Officer or member of the Executive Committee or Finance/Personnel Committee.

The Finance Officer of the Department, immediately upon his election, shall appoint an Assistant Finance Officer, whose powers and duties shall be such as may be prescribed

by the Finance/Personnel Committee. The Assistant Finance Officer shall not be a member of the Department Executive Committee or of the Department Finance/Personnel Committee, except when delegated by the Finance Officer to represent him in attendance at meetings of these committees. The official financial records of the Department shall be kept at Department Headquarters.

(Amended August 19, 1946; July 19, 1968; July 20, 1975; July 13, 1986)

f. Judge Advocate

The Judge Advocate shall advise the officers of the Department upon all legal matters of The American Legion, including interpretation of the Department Constitution and By-Laws, and shall perform such other duties as may be required of him by the Commander or Executive Committee. The Judge Advocate, by and with the approval of the Commander and Executive Committee, shall appoint such assistants or County Judge Advocates as may be necessary. The Judge Advocate shall receive such reimbursement for his expenses as shall be determined by the Finance/Personnel Committee, subject to the approval of the Department Executive Committee.

(Amended August 13, 1944; July 20, 1969; July 20, 1975; July 13, 1986)

g. Historian.

The Historian shall prepare a history of this Department during the term of office and shall submit such history to the Department Convention. The Historian shall collect such other information as may be required to complete the History of the Department from its inception. The Historian shall receive compensation for his services. *(Amended July 20, 1975)*

h. Chaplain.

The Department Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National Headquarters from time to time.

i. Sergeant-at-Arms.

The Sergeant-at-Arms shall have charge of the ceremony of advancing and retiring the colors at the official Department meetings, and shall be in charge of the ushering, seating and keeping order during all official Department meetings. He/she shall be empowered to appoint such assistants as may be necessary to carry out his/her duties.

(Amended July 22, 2000)

Article VIII Dues and Revenue

Section 1. Department

a. Each Post shall pay to the Department, as annual dues for the ensuing year, the amount determined by the Annual Convention.

b. The annual dues shall be collected by each Post and transmitted promptly through the Department to the National Treasurer. Departments are designated agents for collections for The American Legion with respect to such annual dues and, upon receipt

thereof, shall remit them promptly to The American Legion. In no event shall the period transpiring between the receipt of such annual dues by a Post of the Department and the remittance thereof to the National Treasurer through the Department exceed thirty (30) days.

Section 2. Revenue

a. The revenue of the Department shall be derived from annual membership dues and from such other sources as may be approved by the Department Executive Committee.

b. District Associations

The revenue of the District Associations may be derived from dues and such sources as may be approved by the Department Executive Committee.

c. Posts

The revenue of the Posts shall be derived from annual membership dues and from such other sources as shall be approved by the Post.

d. Public Solicitation

No Post, City or County Council shall engage in any activity where money or property is solicited from the public, without first securing the approval of the District Commander of said District. Violation of this provision shall be reported to the Department Commander by the District Commander. *(Amended June 21, 2008)*

Section 3.

a. Arrears in Dues — A member whose dues for the current year have not been paid by January 1st, shall be classed as delinquent. If his dues are paid on or before February 1st, he shall be automatically reinstated. If he is still delinquent after February 1st, he shall be suspended from all privileges. If he is still under suspension on June 30th of such year, his membership in The American Legion shall be forfeited. A member so suspended, or whose membership has been forfeited, may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs. The Post, at its option, may also require a member whose membership has been so forfeited to pay one year's arrearage in dues. The Department and National Organization may waive the provisions hereof, with reference to former members who have been prevented from the payment of dues by reason of active military service, upon payment of dues for the year in which reinstatement occurs. *(Amended August 22, 1948; July 16, 1978)*

Section 4. Dues shall be paid annually, or for life.

Article IX Reports, Expenses, Salaries and Department Headquarters

Section 1. Reports

It shall be the duty of all officers and chairpersons to make annual detailed written reports for publication in the Michigan Legionnaire, setting forth the activities of their respective offices or committees for the preceding year. Any supplemental reports shall be read during the Convention. The reports shall be entered in their entirety in the minutes, and shall be filed with the Department Adjutant for publication in the Department annual History. *(Amended July 20, 1975)*

Section 2. Expenses

No Department officer or member of any committee shall be paid or reimbursed from the funds of the Department for any travel or other expense incurred upon Department business, unless a travel order or other suitable order, duly signed by the Commander, shall accompany the order for payment thereof.

Section 3. Salaries

No officer, committee member or employee of the Department shall receive any salary unless the same is specifically provided for in the By-Laws or unless duly authorized by the Annual Convention or by the Department Commander, with the approval of the Department Executive Committee. The authorization in each case shall be filed with the Department Adjutant.

Section 4. Department Headquarters

- a. The Headquarters of the Department shall be established and maintained under the direction of the Department Executive Committee.
- b. All official records of the Department shall be kept at Department Headquarters, under the custody of the Department Adjutant.

Article X Rules

Section 1.

The Department shall be governed by the Department and National Constitution and By-Laws and amendments thereto, by the mandate of the Department Convention and any such miscellaneous rules as may, from time to time, be ordered by the Department Executive Committee.

Article XI Discipline

The Executive Committee may, by two-thirds vote of all of its members, remove from office any officer or committee member of the Department for malfeasance, misfeasance, or nonfeasance in office or for conduct unbecoming a member of The American Legion. Complaints seeking removal of such officer or committee member shall be reduced to writing, signed by a member of the Michigan Department and

verified by his oath that the charges therein contained are true of his own knowledge. Such complaint shall be immediately referred to the Administrative Committee, which shall cause the matters therein set forth to be investigated by the Judge Advocate, unless he be an interested party or necessary witness, in which case the Commander or the Administrative Committee shall appoint a special Judge Advocate for such purpose. The Judge Advocate shall cause a copy of the complaint to be sent by registered letter to the official address of the accused and shall afford him opportunity to reply thereto. The result of such investigation shall be reduced to writing and promptly returned to the Administrative Committee, with the recommendation of the Judge Advocate endorsed thereon. Unless the Administrative Committee shall, by a four-fifths vote of all the members, find the complaint to be without merit, the matter shall be referred to the Department Executive Committee.

It shall be the duty of the Commander to forthwith call a special meeting of the Executive Committee to convene within twenty (20) days thereafter to consider and act upon the complaint. Upon failure of the Commander to call such a meeting within a period of five (5) days after the complaint shall have been referred to the Executive Committee by the Administrative Committee, any other officer of the Department shall be authorized to call such meeting. The Executive Committee shall, by resolution, determine the manner in which such complaint shall be heard and action taken thereon. The action of the Executive Committee shall be final and conclusive.

Article XII – A Department Auxiliary

Section 1.

The American Legion, Department of Michigan recognizes an Auxiliary organization, known as the American Legion Auxiliary, Department of Michigan.

Section 2.

Membership in the Auxiliary shall be limited to the mothers, wives, daughters, sisters, granddaughters and great granddaughters of members of The American Legion and to the mothers, wives, daughters, sisters, granddaughters and great granddaughters of all men and women who were in the Armed Forces of the United States 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; December 22, 1961 to May 7, 1975;* all dates inclusive, or who, being citizens of the United States at the time of 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; and died in the line of duty or after honorable discharge; and to those women who, of their own right, are eligible for membership in The American Legion.

(Amended August 5, 1956; October 2, 1966; July 18, 1971; July 20, 1975; July 23, 1989)

Section 3.

The Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by The American Legion, Department of Michigan.

Section 4.

In the absence of rules and regulations governing the Auxiliary, promulgated by the National Executive Committee, the Department Executive Committee may provide for the organization and administration of Auxiliary units within the Department.

Article XII – B Twenty and Four

Section 1.

The American Legion recognizes an organization known as the Michigan Echelon, Twenty and Four. 20/4 is otherwise known as the “Honor Society of Women Legionnaires”.

Section 2.

Membership in Michigan Echelon, Twenty and Four, shall be limited to women members of The American Legion, in good standing.

Article XIII Amendment

Section 1.

These By-Laws may be amended by two-thirds vote at any Annual Department Convention, provided notice be published electronically on the Department website at least 60 days prior to said convention and be published in paper form in a spring edition of the Michigan Legionnaire. Said proposed amendment shall be referred to the Convention Constitution and By-Laws Committee, which shall submit the same to the Department Convention with its recommendations with regard thereto.

(Amended July 15, 1995, June 21, 2003, September, 2008)

Section 2.

This Constitution and By-Laws is adopted subject to the provisions of the National Constitution and By-Laws of The American Legion. Any amendment to the National Constitution and By-Laws which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution and By-Laws to the extent of such conflict. *(Amended July 16, 1978)*

Section 3.

That no proposed amendment shall be submitted through the Department Adjutant to the several Posts of the Department and members of the Department Executive Committee, as provided in Section (1) of this Article, unless said proposed amendment shall first have been submitted by a Post or District or Department Association, or by the standing Department Constitution and By-Laws Committee or the Department Executive Committee. *(Amended July 14, 1996)*

Article XIV
Repeal–Effect Clause

The Constitution and By-Laws of the Department of Michigan, as they existed prior to the action of the Traverse City 1934 Convention, are hereby repealed. These By-Laws shall take effect immediately upon the close of the 1934 Department Convention.

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