

DRAFT

**CONSTITUTION AND BY-LAWS
OF
THE MONROE COUNTY
COMMITTEE
THE AMERICAN LEGION
DEPARTMENT OF NEW YORK**

PREAMBLE

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

ARTICLE I – NAME

Sec. 1. The name of this Organization shall be the **MONROE** County Committee, The American Legion, Department of New York.

Sec. 2. The headquarters of the **MONROE** County Committee, The American Legion, Department of New York, shall be located in **MONROE** County, New York at such local address as may be fixed each year by the Executive Committee on recommendation from the County Commander.

ARTICLE II – NATURE

Sec. 1. The **MONROE** County Committee, The American Legion, Department of New York is a civil organization. Membership therein does not affect or increase liability for military service. Rank does not exist. No member shall be addressed by their military title at any meeting or convention of this Organization.

Sec. 2. The **MONROE** County Committee, The American Legion, Department of New York shall be non-political and non-sectarian and shall not be used for dissemination of partisan principles nor for the promotion of the candidacy of any person seeking political office or preferment.

Sec. 3. Each member shall perform their duty as a citizen according to their own conscience and understanding.

ARTICLE III – ELIGIBILITY

Sec. 1. An individual is eligible for membership in The American Legion only if the individual – (1) has served in the Armed Forces of (A) the United States at any time during – (i) the period of April 6, 1917, through November 11, 1918; or (ii) any time after December 7, 1941; or (B) a government associated with the United States Government during a period of time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and (2) was honorably discharged or separated from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any 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 themselves to military discipline or unqualified service.

ARTICLE IV – ADMINISTRATION

Sec. 1. The **MONROE** County Committee shall consist of one Delegate and one Alternate duly elected from each Post in the County plus one Delegate and one Alternate for each 100 members of the Post, or major fraction thereof, so elected.

Sec. 2. Upon organization each Post shall elect its Delegates to the County Committee. Thereafter, as the membership of the Post increases, it shall elect such additional Delegates to the County Committee as it is entitled to under the Department Constitution and shall certify to the County Committee, over the signature of the County Commander and County Adjutant, the number of its paid-up members entitling it to such additional representation.

Sec. 3. The representation of the Posts on the County Committee shall be fixed for the ensuing American Legion year before the County Convention which is the first Saturday in June, based on membership reported by, and credited to, the respective Posts at the previous Department Convention.

Sec. 4. There shall be an Executive Committee of the **MONROE** County Committee which shall consist of the elected and appointed County Officers as hereinafter mentioned and seven (7) additional members elected from the general membership of the County Committee of which, no more than two (2) executive committee members may be from any one Post.

Sec. 5. The **MONROE** County Committee shall pass on all applications for Post Charter and the proposed Constitution and By-Laws of each Post, both subject to further action by the Department of New York.

Sec. 6. The **MONROE** County Committee shall make recommendations to the Department of New York regarding the revoking of Post charters.

Sec. 7. There shall be elected at the Annual County Convention a Commander, three Vice Commanders who shall serve without seniority, an Adjutant, a Treasurer, two (2) Chaplains, and a Historian.

Sec. 8. The Commander, on recommendations from the Vice Commanders, shall appoint a Sergeant-At-Arms, a Judge Advocate, and such other Committee Chairs as deemed necessary, who shall hold office for one year or until their successor is appointed and qualifies.

Sec. 9. Vacancies in any county office, except County Commander, shall be filled by the County Executive Committee, on recommendation from the County Commander for the unexpired term. In filling the vacancy in the office of Commander, the Executive Committee, without further recommendation, shall make the appointment from among the Vice Commanders.

Sec. 10. All elective officers and Executive Committee members shall serve for one year. The term shall commence on the date of their installment which shall take place at the County Convention. Any elected or appointed officer who wishes to resign before their term expires will submit a written resignation (hard copy or electronic) to the Commander no less than 15 days prior to leaving office. Prior to leaving office, all documents, books, files and/or records (hard copy and/or electronic copy), relative to the office, will be turned over to the County Commander.

Sec. 11. The County Committee Executive Committee shall consist of all elected officers, immediate past County Commander, Finance Committee Chair, the Judge Advocate and seven (7) appointed members from the general membership.

ARTICLE V – LOCAL UNIT

Sec. 1. The local unit shall be the Post.

Sec. 2. Those who desire to form a Post within **MONROE** County shall submit to the County Committee or to The American Legion, Department of New York an application for a Charter properly executed by the proposed Charter members. If submitted to the County Committee and approved, the application shall be forwarded for approval to The American Legion, Department of New York Executive Committee. Upon such further approval, the Charter will be issued by the National Adjutant and shall be countersigned by the Department Commander and Department Adjutant.

Sec. 3. Each Post shall submit copies of their Post Constitution and By-Laws and all amendments thereto, to the **MONROE** County Committee for approval prior to review for approval by The American Legion, Department of New York Executive Committee.

Sec. 4. The **MONROE** County Committee may, at any time, prescribe such further provisions to the Post Constitution and By-Laws as it deems advisable, provided such provisions be approved by The American Legion, Department of New York Executive Committee. Thereupon, the Post shall adopt the additional provisions forthwith.

ARTICLE VI – FINANCE

Sec. 1. The annual dues to the National, Department, District, County, and any intermediate Organizations shall be collected by each Post and expeditiously forwarded to Department. The amount of Department dues shall be as established at the previous Department Convention. Two dollars of the total of any such dues shall be placed by Department in its Veteran Service Fund to be used for that purpose only. From such dues, Department shall pay to the National, District, County, and intermediate Organizations the required sums for each of its members.

Sec. 2. Annual dues to its District organization shall be paid by the County Committee as provided for in the District By-Laws.

Sec. 3. All annual dues shall be payable to a Post in Monroe County in advance of October 20th of each year, for the succeeding calendar year.

Sec. 4. The County per capita shall be \$4.50 of which the sum of \$1.50 per member shall be set aside in a separate fund for the support of the Monroe County American Legion Baseball Program. The remainder will be placed in the General Fund for the administration of the Monroe County organization.

ARTICLE VII – CHANGE OF RESIDENCE

Sec. 1. Any member in good standing of a Post in this County, moving from one's Post to any other Post shall be entitled to a verification from their previous Post stating their membership therein and the duration thereof, and the date to which their dues are paid.

ARTICLE VIII – AUXILIARY

Sec. 1. The Auxiliary of the **MONROE** County Committee, The American Legion, Department of New York shall be organized in accordance with the provisions of the National and Department Constitution and By-Laws and shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and approved by Department.

Sec. 2. Membership in The American Legion Auxiliary shall be limited to the grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during any of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941; or who, being citizens of the United States at the time of their entry therein, served on active duty in the Armed Forces of any of the governments associated with the United States during 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.

ARTICLE IX – SONS OF THE AMERICAN LEGION

Sec. 1. The Sons of The American Legion of the **MONROE** County Committee shall be organized in accordance with the provision of the National and Department Constitution and By-Laws and shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and approved by The Department.

ARTICLE X – AMENDMENTS

Sec. 1. Amendments to this Constitution shall be made at any regular or special meeting of this Organization or by the Executive Committee thereof, whenever and in so far as necessary to conform to changes hereafter made in the National Constitution and By-Laws or mandated by The Department.

Sec. 2. Amendments to this Constitution may be otherwise made at the Annual County Convention by unanimous vote without notice.

Sec. 3. Amendments to the Constitution may also be made at the Annual County Convention by two-thirds vote of the total representation authorized to vote thereat, provided the proposed amendment shall have been submitted to the Posts of this County Committee by mail, email or personal service, at least 30 days prior to the convening of the next County Convention.

Sec. 4. Any amendments or changes to this Constitution shall not take effect until first having been approved by the Department Executive Committee.

ARTICLE XI

Incorporation

Sec. 1. Should the Monroe County American Legion Committee incorporate, this Constitution and following By-Laws shall constitute the Constitution and By-Laws of the Corporation.

Sec. 2. The duly elected officers of the Monroe County American Legion Committee shall constitute the corporate Board of Trustees and perform the duties of their respective offices.

Sec. 3. The annual convention of the Monroe County American Legion Committee shall constitute the annual meeting of the corporation. Meetings of the Monroe County American Legion Executive Committee shall constitute meetings of the Board of Trustees.

**BY-LAWS OF THE
MONROE COUNTY COMMITTEE
THE AMERICAN LEGION
DEPARTMENT OF NEW YORK**

ARTICLE I – DUTIES OF OFFICERS

Sec. 1. COUNTY COMMANDER The County Commander shall be the executive head of the County Committee, The American Legion, Department of New York, with full power to enforce the provisions of the County Constitution, County By-Laws and the will of the Annual County Convention. The Commander shall be Chair of the Annual County Convention and of the County Executive Committee and shall perform such other duties as are usual and incident to the office.

Sec. 2. COUNTY VICE COMMANDERS The County Vice Commanders shall act as representatives of the County Commander on all matters referred to them by the Commander and at the Commander's request preside over meetings of the Annual County Convention and the County Executive Committee, and perform such other duties as are usual and incident to the office.

Sec. 3. COUNTY ADJUTANT The County Adjutant shall give due notice of all meetings of the County Committee, the County Executive Committee and the Annual County Convention; conduct the correspondences; keep all records of the County Committee including lists of names, addresses, and serial numbers of all Posts within the County Organization; take and preserve for their successor the minutes of all meetings including the County Convention; furnish to the County Treasurer the names and addresses of the Post Officers, and the Post addresses in the County; notify each officer and committeeperson of their election to the County Committee; summon the County Executive Committee to elect a Commander in the event of the death or resignation of the County Commander; and perform such other duties as are usual and incident to the office.

Sec. 4. COUNTY TREASURER The County Treasurer shall be the custodian of all funds of the County Committee; shall sign all the checks disbursing the funds of the County Committee as directed by the County Executive Committee; furnish up-to-date reports on the condition of the treasury when called for by the County Commander; furnish a surety bond for double the average amount of money handled in a single year; and perform such other duties as are usual and incident to the office.

Sec. 5. COUNTY JUDGE ADVOCATE The County Judge Advocate shall advise the County Officers and the County Executive Committee of all legal matters including the construction and interpretation of the County, Department, and National Constitution and By-Laws, whose rulings shall be binding unless overruled by the Department Judge Advocate, and shall perform such other duties as are usual and incident to the office.

Sec. 6. COUNTY CHAPLAIN The County Chaplain shall perform such divine and non-sectarian services as may be required, adhering to such ceremonial rituals as may, from time-to-time be recommended by the National or Department Organizations.

Sec. 7. COUNTY HISTORIAN The County Historian shall collect all records and data of value and interest to the County Committee and compile a complete history of the year's activities of the County Committee; shall assist Post Historians to coordinate and unify their duties; and perform such other duties as the Commander or Executive Committee shall prescribe.

Sec. 8. COUNTY SERVICE OFFICER The County Service Officer shall assist all comrades pertaining to the prosecution of all just claims against the United States or State Governments, in employment, relief, and other worthy cases; and perform such other duties as are usual and incident to the office.

ARTICLE II – COUNTY EXECUTIVE COMMITTEE

Sec. 1. Subject to the provisions of the County Constitution, the County Executive Committee, on recommendation of the County Commander, shall fill any vacancy within the County Executive Committee for the remainder of the unexpired term.

Sec. 2. The County Executive Committee shall meet at regular times or on at least 5 days previous written notice to all members by the County Commander or County Adjutant or upon written request, filed with the County Adjutant, of a majority of the members of the committee.

Sec. 3. Seven members shall constitute a quorum at all Executive Committee meetings.

Sec. 4. The County Executive Committee shall have the same powers as the full County Committee between regular meetings of the County Committee and at such times as the full County Committee is not in session unless such powers are limited by these Constitution and By-Laws or the Constitution and By-Laws of Department or National.

Sec. 5. Any member of the Executive Committee who misses three meetings without prior excusal by the Commander, a Vice Commander or the Adjutant may be declared delinquent by the County Committee and upon recommendation of the County Commander a successor may be elected by majority vote.

ARTICLE III – COUNTY STANDING COMMITTEES

Sec. 1. The Standing Committees of the County Committee shall be Americanism, Audit, Baseball, Boys State, Finance, Law and Order, Legion Riders, Legislation, Membership, Oratorical, Resolutions, Sons of The American Legion, Special Olympics and Trophies and Awards. Beyond this, the County Executive Committee, on the recommendation of the County Commander, may include such other standing committees as needed to carry out the programs of the American Legion at the County level. All Standing Committee chairpersons shall serve for the appointed term of one year and under the guidance of the Executive Committee and County Commander. These committee chairpersons will report

to the Monroe County Commander their progress and any actions or findings they have made no less than quarterly at a regularly scheduled meeting, by mail, email, or in person. No less than one report will be made in-person annually. If it is not possible for the chairperson to attend, the chairperson shall send an alternate. All Standing Committees shall function until discharged by the Executive Committee, on recommendation of the County Commander.

Sec. 2. The Finance/Audit Committee shall consist of seven voting members, one of whom shall be the County Treasurer, and six others who shall serve for staggered three-year terms, two being appointed each year by the County Commander and approved by the County Committee. The Chairperson of the Committee shall be appointed annually, from among the six appointed members, and may be reappointed. Appointments for vacancies on the Committee shall be for the unexpired position of the term, in which the vacancy occurs. There shall be no more than one appointed member from a Post to serve on the Finance Committee. The Finance Committee shall meet monthly.

Sec. 3. The Finance/Audit Committee shall examine and audit the books of the County Treasurer at the end of the fiscal year and at such other times as may be necessary.

Sec. 4. The County Committee fiscal year shall commence on **August 1st** and shall continue until **July 31st**.

Sec. 5. Unless otherwise provided herein, all unexpended funds appropriated to each committee and for every function shall at the end of the fiscal year revert to the General Fund, except for an amount not to exceed 10% of the appropriation, as the County Committee may authorize for a special purpose or function.

ARTICLE IV – ANNUAL COUNTY CONVENTION

Sec. 1. The Annual County Convention shall be held at least 15 days prior to the Department Convention, in such a manner as the County Committee shall prescribe and shall conform to the provisions of the Department Constitution and By-Laws.

Sec. 2. County Delegates and Alternates to the Department Convention shall be elected at the County Convention in accordance with these By-Laws and the By-Laws of the Department of New York.

Sec. 3. The County Convention shall be the legislative body of the County Committee where amendments to these Constitution and By-Laws may be presented for approval as may such other business as may properly be brought before it.

Sec. 4. All nominations for County Officers shall be made from the floor of the County Convention by roll call; numerically, by Posts, except that this rule may be abrogated by unanimous consent of the members present and voting.

Sec. 5. Officers shall be elected individually by roll call of Posts, numerically, by voice vote, starting with the office of County Commander. In the event of a tie vote balloting shall continue until a candidate receives the highest number of votes cast.

ARTICLE V – MEETINGS

Sec. 1. Regular meetings of the County Committee shall be held on the first Monday of each month except Federal holidays whereupon the meeting will be held the immediate Tuesday thereafter.

Sec. 2. Special meetings may be called by the County Commander or upon the written request, theretofore filed with the County Adjutant, of six members of the County Executive Committee.

Sec. 3. Representation of one-third Posts shall constitute a quorum at all meetings of the County Committee.

ARTICLE VI – NOTICES

Sec. 1. Each Post shall furnish to the County Adjutant a physical address and an electronic address to which all notices and documents may be sent. The Post shall also be deemed to have received mail sent to its Commander or Adjutant at the physical or electronic address they furnished to the County Adjutant.

Sec. 2. Every Officer and Member of the **MONROE** County Committee shall furnish to the County Adjutant a physical and electronic address to which all notices and documents shall be mailed and shall be deemed to have been received when sent to either address so furnished.

Sec. 3. At least 30 days' notice of the Annual County Convention shall be given to each Post, Officer, and Member of the County Committee. At least 5 days' notice shall be given of all regular or special meetings of the County Committee or County Executive Committee.

ARTICLE VII – REPRESENTATION AT THE DEPARTMENT CONVENTION

Sec. 1. The County Committee shall be entitled to four Delegates and four Alternates to the Department Convention along with one additional Delegate and one additional Alternate for each 250 Legion members of Posts within the County of **MONROE**, or major fraction thereof, having paid their annual dues at least 30 days prior to the convening of the Department Convention.

Sec. 2. Delegates and Alternates to the Department Convention shall be selected at the County Convention held at least 15 days prior to the Department Convention in such manner that each Post in the County has a proportionate voice in their election, such proportion to be on the same basis as that of the Post representation on the County Committee.

Sec. 3. The Delegates and Alternates to the Department Convention shall be given written credentials certifying their selection, signed by the County Commander, County Vice Commander, or County Adjutant.

ARTICLE VIII – REPRESENTATION OF POSTS AT THE ANNUAL COUNTY CONVENTION

Sec. 1. Each Post shall duly elect its Delegates and Alternates to the Annual County Convention and shall give the Delegates and Alternates proper credentials signed by the Post Commander, Post Vice Commander, or Post Adjutant certifying their election.

Sec. 2. No Delegate or Alternate to the County Convention shall be seated unless they shall present proper credentials duly certified.

Sec. 3. Each Post in good standing shall be entitled to one Delegate and one Alternate to the Annual County Convention plus one additional Delegate and one additional Alternate for each 100 members of the Post in good standing, or major fraction thereof. Delegates or Alternates, in their absence, have the privilege of voting on the convention floor, serving on committees, and have such other privileges generally afforded Delegates.

Members	Del./Alt.
15 - 65	1
66 - 165	3
166 - 265	5
266 - 365	7
366 - 465	9
466 - 565	11
566 - 665	13
666 - 765	15

Sec. 4. Each Post shall be entitled to vote the entire strength of its Delegates providing a majority of its Delegates are present and voting.

Sec. 5. Representation of **60 percent** Posts shall constitute a quorum at the Annual County Convention.

Sec. 6. Twenty days prior to the Annual County Convention each Post shall send its list of Delegates and Alternates to the County Adjutant.

ARTICLE IX – MEMBERSHIP

Sec. 1. Membership in the **MONROE** County Committee, The American Legion, Department of New York shall be acquired only by affiliation with a Post within its jurisdiction.

Sec. 2. The County Committee shall be constituted of Posts as prescribed in the Department Constitution.

Sec. 3. Each applicant for membership in The American Legion shall enroll and pay their dues to the Post in this County before becoming eligible for membership in the **MONROE** County Committee, The American Legion, Department of New York.

ARTICLE X – POSTS

Sec. 1. Each Post shall be the judge of its membership, subject to the restrictions of the Department and National Constitution and By-Laws, and may restrict its membership as it desires, subject to approval of the County Committee.

Sec. 2. Each Post shall have a physical and an electronic mailing address to which all notices and documents shall be sent. It shall be the duty of the Post Adjutant to always keep the County Adjutant informed of the Post's current physical and electronic mailing addresses.

Sec. 3. Each Post shall have a Constitution and By-Laws and shall have the following officers: Commander, three Vice Commanders, Adjutant, Treasurer, and an Executive Committee. The Treasurer shall be bonded in accordance with Department requirements. The Post shall adhere to the Constitution and By-Laws of the **MONROE** County Committee, The American Legion, Department of New York and shall not incur an obligation in the name of any other Post, organization, subdivision, branch, committee or group of The American Legion.

Sec. 4. Posts shall submit their proposed Constitution and By-Laws, and all amendments thereto, to the County Judge Advocate for review prior to sending them to Department for approval.

Sec. 5. All monies received by the Post for welfare purposes shall be deposited in a duly authorized banking institution from which no withdrawals shall be made except for welfare purposes and upon bank draft or electronic transfer authorized by the Post Treasurer and at least one other member thereof duly elected for that purpose.

Sec. 6. No Post shall solicit another Post or County Organization for financial aid or relief. Violation of this provision shall be sufficient cause for investigation and Post Charter suspension or revocation by the Department.

Sec. 7. Upon receipt of the local portion of PUFL dues from National Headquarters each Post will remit 50% of the total amount to the Monroe County Committee.

ARTICLE XI – EXPENSES

Sec. 1. The County Treasurer is authorized to pay current County expenses as may be directed by the County Commander or the County Executive Committee.

ARTICLE XII – RULES

Sec. 1. Roberts Rules of Order Newly Revised shall govern all meetings and conventions of the **MONROE** County Committee.

ARTICLE XIV – AMENDMENTS

Sec. 1. Amendments to these By-Laws may be made by the County Committee or the County Executive Committee at any regular or special meeting thereof whenever and in so far as necessary to conform to changes hereafter made in the National Constitution and By-Laws as mandated by the Department.

Sec. 2. Amendments to these By-Laws may be otherwise made at the Annual County Convention by unanimous vote, without notice.

Sec. 3. Amendments to these By-Laws may also be made at the Annual County Convention by two-thirds vote of the total authorized representation of the Organization provided, however, that the proposed amendment shall have been submitted to the Posts of this County Committee, by mail, at least 30 days prior to the convening of the next County Convention.

Sec. 4. Any amendments or changes to these By-Laws shall not take effect until first having been approved by the Department Executive Committee.

The above referenced Constitution and By-Laws or revisions thereto for The American Legion **MONROE** County Committee were approved/ revised at a meeting of the County membership held on the _____ day of _____, 20_____.

_____ County Commander _____ County Adjutant

Date: _____ Date: _____

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