



American Legion Auxiliary

DEPARTMENT OF TEXAS CONSTITUTION, BYLAWS and STANDING RULES

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**In the Spirit of Service Not Self
for Veterans, God, and Country**

CONSTITUTION AND BYLAWS COMMITTEE 2019-2020
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**CONSTITUTION
OF THE
AMERICAN LEGION AUXILIARY
DEPARTMENT OF TEXAS**

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 during 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 participate in and contribute to the accomplishment of the aims and purposes of The American Legion; to consecrate and sanctify our association by our devotion to mutual helpfulness.

Article I. – Name

Section 1. The name of this organization shall be American Legion Auxiliary, Department of Texas.

Section 2. The Headquarters of the American Legion Auxiliary Department of Texas shall be in the same city or metropolitan area as The American Legion Department of Texas.

Article II. – Nature

Section 1. The American Legion Auxiliary is a civilian patriotic service organization that supports the mission of The American Legion.

Section 2. The American Legion Auxiliary shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

Article III. – Eligibility

Section 1. Eligibility for membership in the American Legion Auxiliary is determined by The American Legion. The eligibility requirements from The American Legion governing documents shall be provided as a footnote to this Constitution for information purposes and shall be updated as appropriate.

Section 2. There shall be two classes of membership, Senior and Junior.

- (a) Senior membership shall be composed of members age eighteen (18) and older; provided, however, a member eligible under Section 1 of this article and who is under the age of eighteen (18) years and married shall be classified as a Senior member.
- (b) Junior membership shall consist of that group under the age of eighteen (18) years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen years, Junior members shall automatically be admitted into Senior membership with full privileges.
- (c) Dues of both classes shall be paid annually or for life.

Article IV. – Department Officers

Section 1. Department Officers of the American Legion Auxiliary shall be a Department President, Department Vice-President, Four Division Presidents, a Department Chaplain, a Department Historian, a Department Sergeant-at-Arms, and a District President and District Vice-President from each American Legion Auxiliary District.

Section 2. There shall be a Board of Directors for the American Legion Auxiliary Department of Texas corporation consisting of the NEC, President, Vice President, Secretary, Treasurer (or Secretary/Treasurer), Chaplain, Historian and Sergeant-at-Arms for the purpose of conducting day to day operations.

Section 3. The Department Secretary and Department Treasurer may serve an unlimited number of terms and shall be nominated by the incoming Department President and confirmed annually by the Department Executive Committee and may be removed from office by the Department Executive Committee upon a majority vote. The office of Department Secretary and Department Treasurer may be combined as Department Secretary/Treasurer.

Article V. – Executive Committee

Section 1. Between Department Conventions, the Department Executive Committee shall serve as the governing body of the organization with fiduciary, policy, and strategic responsibility for the organization.

¹ Membership in the American Legion Auxiliary shall be limited to the:

- (1) Grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and
- (2) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917, to November 11, 1918 and any time after December 7, 1941 who being a citizen of the United States at the time of their entry therein served on active duty in the Armed Forces of any of the governments associated with the United States during either eligibility periods and died in the line of duty or after honorable discharge;
- (3) 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 either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941 who served on active duty in the Armed Forces of the United States during either eligibility periods and died in the line of duty or after honorable discharge; and
- (4) to those women who of their own right are eligible for membership in The American Legion.

Section 2. The Department Executive Committee shall be comprised of the Department President, the Vice-President, the four (4) Division Presidents, the Historian, Chaplain, Sergeant-at-Arms, National Executive Committee person and a District President from each American Legion Auxiliary District or the District Vice-President in the absence of the President of that same District, all to be Senior members in good standing with their local Unit.

The Department Secretary and Department Treasurer shall be members of the Department Executive Committee and shall serve with all rights except the right to vote.

All Past Department Presidents in good standing in their Units shall be members for life of the Department Executive Committee, with all rights except the right to vote.

Section 3. The Department President and Department Vice President shall serve as Chair and Vice Chair of the Department Executive Committee respectively.

Section 4. The term of office of the National Executive Committee person, an elected position, shall commence immediately following the adjournment of the National Convention following the year of election and shall end at the adjournment of the third succeeding National Convention. The Alternate National Executive Committee person (current Department President) shall serve only in the absence of the National Executive Committee person.

Article VI. – Department Convention

Section 1. The American Legion Auxiliary Department of Texas Convention shall be held annually at the same time and place as the convention of The American Legion Department of Texas for the purpose of election of officers, receiving reports, and transacting such other business as shall properly come before it.

Section 2. Representation in the Department Convention shall be by Units. Each Unit shall be entitled to delegates based upon the number of members whose dues are paid up-to-date as provided in the Standing Rules. Changes to the formula for delegate voting strength and the manner for casting votes may be determined only by a two-thirds (2/3) vote of the Department Convention delegates.

Section 3. Members of the Department Executive Committee present and voting shall be delegates-at-large to the Department Convention with vote to be exercised with their Units.

Section 4. Past Department Presidents in good standing in their Units shall be life delegates-at-large to the Department Convention, with vote to be exercised with their Units.

Section 5. Each delegate shall be entitled to one vote. The vote of any delegates absent and not represented by an alternate may be cast by the majority of the delegates present from the Unit. In case of tie vote of delegates present, the absent votes shall be equally divided. The Unit delegation Chair shall cast the vote of the Unit. Alternates have all the privileges of delegates except that of voting; in the absence of the delegate, the alternate has all the privileges.

Section 6. A quorum shall exist at a Department Convention when fifteen (15) percent of the units are represented and have paid their Unit Convention registration fees.

Section 7. Acceptance of Credentials for the Department Convention and seating of delegates shall be closed at one o'clock p.m. on the day preceding the election of officers.

Section 8. Additional information regarding Department Convention delegates shall be as provided in the Standing Rules.

Article VII. – Amendments

Section 1. The Constitution may be amended at any Department Convention by a two-thirds vote of the Department Convention delegates, provided the proposed amendments shall have been submitted through the Department Secretary to the Units and members of the Department Executive Committee by electronic or USPS mailing same to them at least thirty (30) days prior to the convening of the next Department Convention; and provided further that all proposed amendments shall be read at a regular meeting of the convention.

Section 2. Amendments proposed after distribution, as shown in Section 1 hereof, may be adopted by a two-thirds vote of the Department Convention delegates, provided they have been read at one session of the Department Convention prior to taking a vote.

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 Department Convention delegates.

Section 4. The Constitution shall be automatically amended to conform to the National Constitution and Bylaws.

Section 5. Amendments shall become operative at the close of the convention at which they were adopted.

**BYLAWS
OF THE
AMERICAN LEGION AUXILIARY
DEPARTMENT OF TEXAS**

Article I. – Organization

Department

Section 1. The Department of Texas, American Legion Auxiliary, shall be composed of Units, which shall be organized into Divisions and Districts corresponding when practical and possible to the Divisions and Districts of The American Legion, Department of Texas.

Section 2. Divisions, Districts, and Units shall function in accordance with the National and Department Constitutions and Bylaws and such standing rules as shall be prescribed by the Department.

Division and District

There shall be four Divisions which correspond to The American Legion Divisions and which shall encompass those Districts deemed necessary to the proper function of the American Legion Auxiliary.

Unit

Section 1. Those who desire to form a Unit shall apply to the Post to which it will attach and the Department in which it resides as provided in the National Constitution, Bylaws, and Standing Rules. Upon receipt of a properly executed charter application from the Department, the Unit charter shall be signed by the National President and National Secretary.

Section 2. The minimum membership of a Unit shall be ten (10) Senior Members, with the exception of the Department Headquarters Unit that shall have no minimum membership requirement.

Section 3. A Unit shall be given the name, location, and number of The American Legion Post to which it is attached.

Section 4. The qualifications and process for establishing and existing as a Unit in good standing shall be as provided in the Standing Rules.

Section 5. Each Unit of the American Legion Auxiliary shall be responsible for verifying eligibility and deciding its membership, subject to the restrictions of the national governing documents. No person who is a member of an organization which has for its aim the overthrow of the United States Government 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 6. All persons handling funds shall be bonded through Department Headquarters by a reputable, solvent bonding and surety company; or shall be covered by the fidelity/crime insurance in an adequate amount as determined by the Unit.

Section 7. Units shall be required to adopt a Unit Constitution, Bylaws and Standing Rules. These documents shall be reviewed annually by the Unit and all changes approved by the Constitution and Bylaws Committee prior to their becoming effective. Thereafter, one approved copy shall be filed in Department Headquarters.

Article II. – Election of Department Officers

Section 1. The election of the following officers shall be by secret ballot after nomination from the floor: Department President, Department Vice-President, Department Chaplain, Department Historian, and Department Sergeant-at-Arms. A majority of votes cast shall be necessary to elect. When there is but one candidate for an office, the nominee may be elected by voice vote.

Section 2. The election of the Division Presidents as elected at the Division Conventions or Caucuses and the election of the District Presidents and Vice-Presidents as elected at the District Conventions or Caucuses shall be confirmed by the Department Convention.

Section 3. The incoming Department President shall automatically become the Alternate National Executive Committee person and shall have all the powers of the National Executive Committee person when the National Executive Committee person is absent. In the event of the inability of the National Executive Committee person or the Alternate to attend meetings, the Department Vice President shall act as a representative from the Department.

Section 4. All Department Officers shall assume the duties of their respective offices at the close of the Department Convention at which they were elected.

Section 5. All Department Officers, members of the Department Executive Committee and other Department Committees shall be in good standing in their local Units.

Article III. – Duties of Department Officers

Section 1. DEPARTMENT PRESIDENT: It shall be the duty of the Department President to preside at all sessions of the Department Convention and meetings of the Department Executive Committee, to appoint Senior members in good standing in their Units to the committees, appoint other Department Program Committees as deemed advisable to further the mission of the organization and to appoint officials not otherwise provided for in these Bylaws, all subject to confirmation by the Department Executive Committee. The Department President shall be ex-officio member of all committees and shall perform such other duties as are usually incident to the office.

- a. The newly elected Department President shall appoint a member of the American Legion Auxiliary as Parliamentarian to serve during the administrative year.
- b. All vacancies on committees, unless otherwise provided for, shall be filled by appointment of the Department President, subject to the approval of the Executive Committee.
- c. When a Department President causes a District President to make a trip together over the District, the Department President shall be obligated to cover the expenses of the District President if the District account will not take care of the expenses of the trip.

Section 2. DEPARTMENT VICE-PRESIDENT: It shall be the duty of the Department Vice-President to be the presiding officer at a meeting of the organization in the absence of the Department President.

- a. The Department Vice President shall assume such other duties as assigned by the Department President.
- b. The Department President may authorize the Department Vice President to represent the President at regular meetings, and attend such special meetings or official visits as may be authorized.
- c. When the Department President so directs, the Department Vice President shall serve in an advisory capacity to a specific Department Chair to develop a program.

Section 3. DIVISION PRESIDENTS: It shall be the duty of the Division Presidents to act as representatives of the Department President on all matters referred to them by the Department President and to be the advisory heads of their respective Divisions, each creating close cooperation and better understanding of the programs and purposes of the Department Organization and performing such other duties as are usually incident to the office.

Section 4. DISTRICT PRESIDENTS: It shall be the duty of the District Presidents to act as representatives of the Department President and/or Division President on all matters referred to them by these Presidents and to be the advisory heads of their respective District, each creating close cooperation and better understanding of the programs and purposes of the Department Organization and performing such other duties as are usually incident to the office.

The District Vice-President shall be active when so requested or in the absence of the District President.

Section 5. SECRETARY: It shall be the duty of the Secretary to record all proceedings of the Department organization, the Department Executive Committee meetings, to conduct the official correspondence and to keep all records of the Department organization.

- a. The Secretary shall be bonded in an amount sufficient to cover current revenues. The Secretary shall make an annual report to the Department Executive Committee. The Secretary shall be required to maintain a current Policy Book which shall consist of policies of the American Legion Auxiliary. The Secretary shall transact such other business as required for the proper conduct of the office.
- b. The Department Secretary will be responsible for assisting each Unit requesting Articles of Incorporation and for notifying the Secretary of State's office; and when a Unit no longer exists and the Unit charter has been cancelled, for notifying the Internal Revenue Service.

Section 6. TREASURER: It shall be the duty of the Department Treasurer to receive and transmit all monies of the Department, and the Treasurer shall handle each fund set up in the department in such a manner as may be approved for auditing purposes. The Treasurer shall pay all obligations of the organization by check, or some other manner which may be deemed appropriate, i.e. electronic transfer. The signatures of the Department President, Department Vice-President, Department Secretary, Department Treasurer, and Executive Assistant shall be on file at the financial institution(s) of record for the Operating Account(s). Two signatures shall be required on every paper check issued by the Department. If necessary, a facsimile signature of the Department President may be used. The Treasurer shall be bonded in an amount sufficient to cover current revenues. The Treasurer shall provide monthly statements to the Finance Committee and make available to the Finance Committee annual budget updates for periods ending December 31st, April 30th, and August 31st. The Finance Committee will then convey these updates to the Department Executive Committee.

When the offices of Department Secretary and Treasurer are combined to that of Secretary/Treasurer, a member of the office staff, with the approval of the Department President, shall be designated to serve as Executive Assistant to comply with the necessity of having four (4) signatures on all bank accounts.

During the ALA Department of Texas Bluebonnet Girls State two-week session, two bank accounts shall be opened at a local bank in Seguin, Texas. One account shall be the Store Account. The Girls State Director and the Girls State Chair, along with the Department President, Department Vice President, Department Secretary, and Department Treasurer shall be signers on this account. The other bank account shall be the Girls State Account for the purpose of allowing the delegates to deposit personal funds during the session and write checks for their expenditures through the House Bank. The Girls State Bank Chair and a second Girls State bank staff person shall be added to the second bank account after the two signers have been approved by the Department President, provided that both signers are current members in good standing of the American Legion Auxiliary Department of Texas. These two signers will only be valid during the Girls State session and will be removed each year upon the close of the session.

Section 7. CHAPLAIN: It shall be the duty of the Department Chaplain to offer prayer and to perform such divine and nonsectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by the Department President or the Department Executive Committee. The Department Chaplain shall conduct the official Memorial Service at the Mid-Winter conference and Department Convention and shall perform other duties as assigned.

Section 8. HISTORIAN: It shall be the duty of the Department Historian to compile the historical records of the administrative year in which they serve, and to maintain and update historical records of the Department Organization and to make a report of same to the annual Department Convention.

- a. The Department Historian shall be responsible for compiling and sending to the Departments an Outline and Rules for Unit/District/Division Histories that are to be submitted in contest for a Department Award. Judging of the Histories shall be done by volunteers under the supervision of the Department Historian.
- b. The Department Historian shall prepare a written account of the year's activities for reference in the compilation of future Department history books. This report is to be filed in Department Headquarters no later than December 31 following the Department convention, a copy sent to the Department President with whom they served, and The Historian will perform other duties as assigned.

Section 9. SERGEANT-AT-ARMS: The Department Sergeant-at-Arms shall be present at all Sessions of the Executive Committee and Department Convention. The Department Sergeant-at-Arms shall be responsible for keeping order at all meetings and for the advancement and retirement of the Department Colors, their proper care and safe return to Department Headquarters. The Department Sergeant-at-Arms shall be responsible for the seating arrangements for the Executive Committee Meeting and Department Convention and for the Processionals and Recessionals. The Department Sergeant-at-Arms shall perform such other duties as assigned by the Department President.

Section 10. NATIONAL EXECUTIVE COMMITTEE PERSON: The National Executive Committee person shall perform such duties as are incumbent to this office.

Article IV. – Department Executive Committee

Section 1. Role: The Department Executive Committee shall serve as the governing body of the organization with fiduciary, policy, and strategic responsibility for the organization between conventions. It shall be the duty of the Department Executive Committee, as corporate directors for the American Legion Auxiliary, to ensure that the organization has adequate resources to fulfill its mission. The Department Executive Committee is responsible for the organization's adherence to legal standards and ethical norms.

Section 2. Authority: The Department Executive Committee shall adopt the annual budget for the Department Organization; review financial statements and accept the Department annual audit; ratify committees and confirm the nomination of Department Secretary and the Department Treasurer; confirm committee appointments; ratify the cancellation of charters; receive for filing reports from subsidiary organizations; and other duties and responsibilities that are the normal function of a corporate board of directors.

Section 3. Duty: It shall be the duty of each member of the Department Executive Committee to fulfill the responsibilities and to articulate the organization's mission, accomplishments, and goals to the public and to the Department.

Section 4. Meetings: The Department Executive Committee shall meet at the same time and place immediately preceding the Department Convention and within twenty-four hours after the adjournment of the Department Convention. Special meetings may be held at the call of the Department President or upon the written request of not less than ten (10) members of the Executive Committee.

Section 5. Quorum: Ten (10) members shall constitute a quorum of the Department Executive Committee.

Section 6. Vacancies in those Department offices not otherwise provided in the Bylaws shall be filled by electronic or Postal Service mailed ballot, provided a nominating ballot is first sent to each member of the Department Executive Committee, such ballot to be returned within ten (10) days after being mailed electronically or Postal Service.

Article V. – Committees

Section 1. Pursuant to the Article on Duties of Officers, the Department President may appoint committees as deemed advisable to further the mission of the organization, subject to ratification by the Department Executive Committee. When a vacancy occurs on a committee, the Department President shall appoint a member to serve the remainder of the unexpired term, all subject to confirmation by the Department Executive Committee. If at any time an appointed committee member fails to function, the member shall be removed from the Committee by the Department President after they are given due notice.

Section 2. There shall be the following Core Standing Committees: Americanism, Children and Youth, Constitution and Bylaws, Finance, Membership, National Security, Veterans Affairs and Rehabilitation, and such other Mission Outreach and Member/Organizational Support Committees as provided in the Standing Rules.

Section 3. The composition, term and purpose of all Committees shall be as provided in the Standing Rules. Amendments to the composition, term, or purpose of such committees may be determined by a two-thirds vote of the Department Convention delegates.

Article VI. – Subsidiary Organizations

A separately incorporated American Legion Auxiliary subsidiary organization shall conform and comply with all legal and organizational requirements of the Department Organization to ensure that the required constant and continuous control of all trademarks and trade name law is satisfied.

All subsidiary organizations of the American Legion Auxiliary shall be subject to regulation by the United States trademark laws and by action of the American Legion Auxiliary National Convention or the American Legion Auxiliary Department of Texas. At a minimum, each subsidiary organization must comply with the regulations provided in the Standing Rules.

Article VII. – Finance

Section 1. The revenue of the American Legion Auxiliary shall be derived from annual membership dues in a per capita amount established by the Department Convention delegates, and from such other sources as may be approved by the Department Executive Committee. Modifications to the per capita dues for membership shall require a two-thirds vote in the affirmative by the Department Convention delegates. Dues shall be payable in amounts as provided in the Standing Rules. A member's status is dependent upon timely payment of dues as provided in the Standing Rules.

Section 2. The fiduciary responsibility of the Department Executive Committee shall include adoption of the Department Organizational budget, and review and acceptance of financial reports and the annual audit.

Section 3. The Department Organization shall ensure that all persons handling funds of the Department Organization shall be bonded by a reputable solvent bonding and surety company, or shall be covered by the fidelity/crime insurance in an adequate amount approved by the Department Secretary and Department Treasurer, and reported to the Department Finance Committee.

Section 4. With the exception of the Department Secretary and Department Treasurer, there shall be no salaried officers. Necessary expenses incurred by Department Officers, Committee Chair and/or committee members in exercise of their duties to the American Legion Auxiliary may be paid from the treasury when authorized by the Department budget or authorized by the Department President and confirmed by the Department Executive Committee.

Article VIII. – Unit Suspension, Cancellation, and Revocation of Charters

Section 1. The Department Executive Committee may suspend, cancel or revoke Unit charters for good cause to it appearing.

Section 2. Any Unit that a) fails to meet the obligations imposed upon it by the governing documents, policies, or requirements of the National Organization or Department, or b) ceases to function as an American Legion Auxiliary Unit from one Department Convention to the next, shall surrender its charter at the direction of the Department President. When a Unit so directed to surrender its charter fails to do so, the Department Executive Committee may take immediate steps to revoke the charter.

Section 3. An American Legion Auxiliary Unit whose charter has been suspended, cancelled, or revoked by the Department may appeal the decision of the Department Executive Committee to the National Executive Committee, as provided in the National Constitution, Bylaws and Standing Rules.

Section 4. Upon suspension of an American Legion Auxiliary charter, the Department Executive Committee is authorized, empowered and directed, by and through its duly authorized agents,

to take possession, custody and control of all records, assets, property, and belongings of the Unit and to provide for the governance and administration of the Unit during said suspension.

Section 5. With regard to suspension, cancellation, and revocations of Unit charters, in no event shall the Department organization be required to assume any financial obligations with regard to records, assets, property, and belongings.

Section 6. Cancellation of a Unit charter shall be in order when two (2) or more Units merge, when a Unit ceases to function, or under such other conditions as might make such action necessary within a Department. In the event a Unit charter is cancelled or revoked without the consent of such Unit, it shall have the right to appeal to the National Executive Committee as provided in the National Constitution, Bylaws and Standing Rules.

Section 7. When a Unit no longer exists and loses its charter, the Department Secretary will be responsible for cancelling the EIN number with IRS.

Article IX. – Parliamentary Authority

The rules contained in the current edition of *Roberts Rules of Order, Newly Revised* latest edition shall govern this organization in all cases in which they are applicable and in which they are not inconsistent with applicable state statutes, the Department Constitution and Bylaws, Standing Rules and Special Rules, or National Constitution, Bylaws, and Standing Rules.

Article X. – Amendments

Section 1. The Bylaws may be amended at any Department Convention by a vote of two-thirds of the Convention delegates, providing the proposed amendments shall have been submitted through the Department Secretary to the Units and to the members of the Department Executive Committee by electronic or USPS mailing same to them at least thirty (30) days prior to the convening of the next Department Convention; and provided further that all proposed amendments shall be read at a regular meeting of the convention.

Section 2. Amendments proposed after distribution as shown in Section 1 may be adopted by a two-thirds vote of the delegates, provided they have been read at one meeting of the session prior to taking the vote.

Section 3. An amendment not having been previously read or distributed may be adopted by the unanimous vote of the Department Convention delegates.

Section 4. The Bylaws shall be automatically amended to conform to the National Constitution and Bylaws.

Section 5. Amendments shall become operative at the close of the convention at which they were adopted.

Article XI. – Authority

The authority under which all Departments, Units, subsidiaries, intermediate bodies, and affiliated entities of the American Legion Auxiliary shall function is vested in the National Constitution and Bylaws and in such Standing Rules as have been adopted. Any provision of any Department or Unit Constitution or Bylaws, any subsidiary, intermediate body, or affiliated entity's bylaws, or any regulation of any Department, Unit, subsidiary, intermediate body, or affiliated entity in conflict with the foregoing authority shall be void.

**STANDING RULES
OF THE
AMERICAN LEGION AUXILIARY
DEPARTMENT OF TEXAS**

Preface

A Standing Rule may be amended or rescinded by a two-thirds vote, or if notice has been given, by a majority vote.

Certain Standing Rules can only be amended or rescinded by action of the Department Convention delegates, as specified therein. Standing Rules that specifically state, "As provided in the Department Bylaws," can only be amended by action of the Department Convention delegates.

Supplementary rules and regulations may be adopted by the Department Executive Committee and shall be designated as Standing Rules. These shall include Standing Rules governing the Annual Convention, which may be supplemented by rules for each Annual Convention adopted by the convention delegates at such a meeting.

I. NATIONAL ORGANIZATION

1. The American Legion designated the birth date of the American Legion Auxiliary as November 10, 1919.
2. The American Legion Auxiliary shall coordinate with The American Legion on all similar governance and program matters and conduct itself at all times in a manner that ensures cooperation.
3. The National Judge Advocate of The American Legion shall be the Counsel General of the American Legion Auxiliary on all legal matters and matters pertaining to the National Constitution & Bylaws and shall perform such other duties as are usually incident to the office. All requests for information from and opinions by the Counsel General MUST come through the Department Secretary or Department President to the National Secretary, and thence referred to the Counsel General for their ruling. Said ruling shall be sent by the National Secretary to the Department Officer.

II. NATIONAL CONVENTION

1. The date and place of the National Convention of the American Legion Auxiliary shall conform to that of The American Legion.
2. Representation in the National Convention shall be by Departments as set forth in the National Constitution, Bylaws and Standing Rules and each Texas Division shall be allowed the number of Delegates and Alternates to which the membership entitles each Texas Division. These Delegates and Alternates shall be confirmed at the Department Convention. When Texas Divisions attain more membership, the extra Delegates and Alternates will be elected at the Department Convention.
3. A delegate to the National Convention must attend all meetings of the convention and all caucuses of the Department and the Southern Division. In case of illness or any other

legitimate reason that prevents them from attending, they must notify their alternate to attend all meetings in their place. Delegates to the National Convention shall be given at least twelve hours written notice of any caucus.

- a. The newly elected Department President and the outgoing Department President shall be delegates without contest to the National Convention, with the outgoing Department President acting as delegation chair. The Department Secretary shall serve as Delegation Secretary. The Delegates registration fee to the National Convention for Past National Presidents of Texas must be paid by the Department of Texas. No other delegates to the National Convention shall be allowed any expenses.
- b. Allowable expenses for the above shall include tourist class, round trip transportation and per diem in the same amount as provided by National.
- c. The Delegation Secretary shall be allowed four days expenses for the National Convention. The Delegation Secretary goes one day in advance of the start of the National Convention for setting up Headquarters, arranging delegate packages, etc.
- d. The necessary flowers, tickets, etc. pertinent to convention operations shall be paid from the amount budgeted for National expenses. Tickets for the States Dinner shall be provided for the Delegation Chair and their guest, the Department President, the National Executive Committee person, the outgoing Department Commander and their guest, and may be provided for the Department Secretary. Woman of the Year Luncheon tickets shall be provided for the Delegation Chair, the Department President, and may be provided for the Department Secretary.
- e. Corsages for the States dinner shall be provided for the Texas Past National Presidents.

III. DEPARTMENT ORGANIZATON

1. Departments of the American Legion Auxiliary are separate entities that operate independently as affiliates of the American Legion Auxiliary National Organization. Departments shall be governed by their own Department Constitution and/or Bylaws, rules, and policies, which shall not conflict with the National Constitution & Bylaws, National Standing Rules, National rules and policies. Departments may refer to the American Legion Auxiliary Department Operations Guide, the American Legion Auxiliary Girls State Program and Operations Guide, Manual of Ceremonies, and other publications of the National Organization for guidance in the conduct of their programs and the administration of Department activities.
2. A Legion Department has no authority to regulate an Auxiliary Department and vice versa.
3. The Department Headquarters shall be within a 50-mile radius of the state Capitol in Austin, the Department Secretary being in charge.
4. Department shall not charge for materials received free of charge from National Headquarters.
5. The Department President, Department Vice-President, Division Presidents, Department Chaplain, Department Historian, and Department Sergeant-at-Arms shall be elected to serve for one year. The District Presidents and District Vice-Presidents shall be elected to serve for two full years unless otherwise disqualified or until their successors are elected and qualified. None of the above elected officers shall succeed themselves nor be eligible for re-

election to the same office, except in the event an officer is filling an unexpired term, when they shall be eligible for re-election. A former District President or Vice-President may be eligible for re-election provided there is no other candidate for the office. The Department Secretary and the Department Treasurer are exempt from this provision and may be re-elected.

All Department officers, including the newly elected members of the Department Executive Committee, shall assume their respective duties at the time of adjournment of the Department Convention; except the National Executive Committee person whose three-year term shall commence immediately upon the adjournment of the National Convention next ensuing after their election and shall end at the adjournment of the third next succeeding annual National Convention.

A National Executive Committee person shall be elected at Department Conventions every third year and shall serve for a period of three years. The sitting Department President shall serve as the Alternate National Executive Committee person and shall have all the powers of the National Executive Committee person at the meetings in which the National Executive Committee person is not present.

In the event of a vacancy in the office of National Executive Committee person, the Department Executive Committee at its next meeting shall elect an eligible person to serve for the unexpired term.

- a. When there is a vacancy in the office of the Department President, the Department Vice President becomes President and assumes the duties and authority of the office.
- b. If the Department President becomes incapacitated or is otherwise unable to perform the duties of the Department President, the Department Executive Committee may declare the position vacant. The Department Secretary will inform the Department Executive Committee.
- c. When a vacancy occurs in the office of the Department President and the Department Vice-President, the Department Secretary within ten days will call a meeting of the Executive Committee, with the exception of the Division Presidents. The Executive Committee as called will elect a Department President from the Division Presidents.
- d. If a vacancy occurs in the office of Division President, the Department President, with the approval of the respective District Presidents, will appoint a member of that Division to serve the remainder of the term. If the duly elected Division President resigns before the Department Convention, the current Division President will call a caucus of the Division Delegates during the Department Convention, prior to the confirmation of elected officers, for the purpose of electing a new Division President.
- e. Vacancies occurring between Department Conventions for the offices of all other members of the Department Executive Committee will be filled by election by the Department Executive Committee. Any member of the American Legion Auxiliary, in good standing, will be eligible for election to the vacancy; however, no Past Department President will be elected to fill any vacancy in these respective offices.
- f. Any amendments regarding the above shall be by action of the Department Convention delegates.

IV. MEMBER DISCIPLINE

1. All matters of discipline will be referred to the Department President and will be taken care of by the Department Executive Committee according to the procedure given in the National Constitution and Bylaws and in the *Unit Guide Book* issued by National Headquarters.
 - a. For any violation of the Unit, Department or National Constitutions or for conduct improper and prejudicial to the welfare of the Auxiliary or The American Legion, any member may be expelled from membership or any officer removed from office by a two-thirds (2/3) vote at a Unit meeting duly called for that purpose, said expulsion or removal to be binding only in the event said member or officer shall have been given at least fifteen (15) days' notice in writing by the Unit Secretary of the charges and the hearing thereon.
 - b. The fifteen days' notice is to be mailed Certified Mail, Restricted Delivery, Return Receipt requested, with the stamped receipt of mailing date to serve as the date that the fifteen-day period commences.
 - c. Either party has the right of appeal to the Department Executive Committee, or the action thereon shall be final. The Department President by their authority shall convene the Department Executive Committee to hear the appeal. Any and all expenses related to said appeal shall be the sole responsibility of the appellant.
2. It shall be the responsibility of the Department Executive Committee as directors of the Department organization to determine all questions affecting the election, eligibility, conduct, and capacity of the Department's officers and Department Executive Committee members, and the Department's National Executive Committee members. The Department Executive Committee shall make determinations in executive session pursuant to the principles of due process and equal protection, and in consultation with the National Counsel General. Such matters shall be determined according to due process and as specified:
 - a. Questions affecting the election, eligibility, conduct, and capacity of the Department's officers and directors, Department Executive Committee members, and the Department's National Executive Committee members shall be submitted in writing to the Department Executive Committee.
 - b. The Department Executive Committee may designate, appoint, and authorize a subcommittee to hear, try, and make written findings of fact and recommendations regarding questions affecting the election, eligibility, conduct, and capacity of such matter.
 - c. The Department Executive Committee shall provide due and proper notice of any hearing and trial.
 - d. The findings of fact and recommendations of said matters shall be presented to the Department Executive Committee for its approval, rejection, or final action.
 - e. The action of the Department Executive Committee in such matters shall be final and conclusive without appeal to the National Organization.
 - f. The Department Executive Committee may declare the position vacant.

V. MEMBERSHIP DUES

1. Dues shall be payable annually, or for life, for the succeeding calendar year. A member failing to pay annual dues by January thirty-first (31st) shall be classified as delinquent and shall be suspended from all membership privileges. Payment of back dues, after suspension, shall reinstate such member to active membership. Any member delinquent to December thirty-first (31st) of the year of delinquency shall automatically be dropped from the rolls, and may not be thereafter reinstated without vote of the Unit, where the Constitution of the Unit requires a vote on application for membership, and the payment of all past dues, or by reestablishing eligibility and making application as a new member.
2. For Senior members, Units shall remit to Department Headquarters the annual Department per capita dues of twelve dollars (\$12.00) plus the annual National per capital dues of twelve dollars (12.00), a total of \$24.00.
3. For Junior members, Units shall remit to Department Headquarters the annual Department per capita dues of two dollars and twenty-five cents (\$2.25) plus the annual National per capita dues of two dollars and fifty cents (\$2.50), a total of four dollars and seventy-five cents (\$4.75).

Note: The National per capita dues increase takes effect with the 2019 ALA membership year.

4. From the twelve dollars transmitted to Department, eighty cents (\$.80) shall be transferred to the Department Veterans Affairs and Rehabilitation Fund. A minimum of ten cents (\$.10) of every paid Senior membership shall be transferred into the Department of Texas Future National Officer Leadership Development Fund to help finance the candidacy of a Texas member seeking a National Office.
5. The membership dues for Senior members who join the Department Headquarters Unit shall be thirty-five dollars (\$35.00) per member, and dues for Junior members shall be five dollars (\$5.00) per member. Both shall be paid annually.
6. Any amendments regarding dues shall be by action of the Department Convention delegates.

VI. DEPARTMENT CONVENTION

1. Representation in the Department Convention shall be by Units. Each Unit shall be entitled to two delegates for the first ten (10) members and one additional delegate for each twenty-five (25) members or major fraction thereof, whose current dues have been received in Department Headquarters two weeks prior to the convening of said convention, and to one alternate for each delegate. The delegates and alternates shall be elected at a Unit meeting duly called for this purpose not less than four weeks prior to the Department Convention. Names of delegates and alternates shall be mailed to be received at Department Headquarters at least ten (10) working days prior to the Department Convention. Only delegations of a Unit in good standing shall be seated at Department Convention. This can be amended only by a two-thirds (2/3) vote of Department Convention delegates.
2. A Unit registration fee of ten dollars (\$10.00) shall accompany the list of delegates mailed to the Department Office and must be received in the Department Office at least ten (10) working days prior to the Department Convention.

3. To be a Unit in good standing, the Unit must: 1) have a minimum of ten (10) Senior members with current dues paid and recorded at Department Headquarters two weeks prior to the convening of said convention; and 2) must be current in payment of the following mandates: Christmas Assessment and Bonding Fee.
4. Members of the Department Executive Committee present and voting shall be delegates-at-large to the Department Convention with vote to be exercised with their Units. All Past Department Presidents in good standing in their local Units shall be delegates-at-large to the Department Convention with vote to be exercised with their Units.
5. Each delegate shall be entitled to one vote. Each Unit represented shall be entitled to vote its entire strength with the vote of any delegate absent and not represented by an alternate being cast with the majority of the registered and certified Unit delegates present at the Department Convention. In case of tie vote of delegates present, the absent votes shall be equally divided. The Unit delegation Chair shall cast the vote of the Unit.
6. Twenty-five percent of the duly elected accredited delegates to a convention shall constitute a quorum.
7. Acceptance of Credentials for the Department Convention and seating of delegates shall be closed at one o'clock p.m. on the day preceding the election of officers.
8. The Department President shall appoint a Chair and three members, one from each Division, for each of the following Convention Committees: Credentials, Rules, and Resolutions.
9. All resolutions to be considered at the ensuing Department Convention must be in Department Headquarters no later than 30 days prior to the convention date. These resolutions shall be submitted to the convention body in printed form to be read and voted upon by the close of the Saturday meeting.
10. It shall be the prerogative of the Department President-elect to choose an installing officer who meets the qualifications set forth in the Manual of Ceremonies.
11. After the installation of new officers for the succeeding year and after the presentation of the Past President's pin to the retiring President, a recess may be declared at which time any Unit representative or any member may extend courtesies to the retiring Department President.
12. Names and addresses of all elected Department Officers and the Department Secretary, whether elected or appointed, must be provided to National Headquarters no later than thirty (30) days after the Department Convention.

VII. DEPARTMENT EXECUTIVE COMMITTEE

1. The fiduciary responsibility of the Department Executive Committee, as directors of the Organization, is as provided in the Department Bylaws.
2. The Department Executive Committee shall meet at the call of the Department President. Meetings of the Department Executive Committee shall be open except when the Department Executive Committee is meeting in executive session.
3. The Chairs of Department committees who are not members of the Department Executive Committee shall have the privilege to make motions on behalf of the committee they chair.

4. Cancellation of charters may be presented at the Department Executive Committee meeting prior to the Department Convention or at a Fall Department Executive Committee meeting. Cancellations approved by the Department Executive Committee shall become effective immediately.
5. In the event the Department President, Department Vice President, Historian, Chaplain, or a Division President or a District President becomes incapacitated or is otherwise unable to discharge the duties of President, Vice President, Historian, Chaplain, or Division President, the Department Executive Committee may declare the position vacant.
6. In the event the Department Secretary or Department Treasurer becomes incapacitated or is otherwise unable to discharge the duties of their office, the Department Executive Committee may declare the position vacant. When the position is held by a person who is an employee of Department Headquarters, the declaration of vacancy must be in accord with federal and state employment law and for good cause on the motion of the Department President.
7. A ballot may be sent electronically or by Postal Service to the members of the Department Executive Committee on any matter not requiring investigation and these ballots shall be returned to the Department Secretary *within ten (10) days of being mailed*.

VIII. DEPARTMENT COMMITTEES

1. As provided in the Department Bylaws, there shall be the following Core Standing Committees: Americanism, Children and Youth, Constitution & Bylaws, Finance, Membership, National Security, and Veterans Affairs and Rehabilitation. There shall be the following Mission Outreach Committees: Community Service, Education, Girls State, Junior Activities, Legislative, and Poppy. In addition, there shall be the following Member/Organizational Support Committees: Auxiliary Emergency Fund, Cancer Research, History Committee, Leadership, Past Presidents Parley, and Public Relations. There may also be the following Special Purpose Committees: Advisory and Long Range Strategic Planning.
2. The overall purpose of each committee is as specified in this section. The purpose of each department committee is as described in the American Legion Auxiliary National Programs Action Plan.
3. As provided in the Department Bylaws:
 - a. Chairs and committee members of all Department Committees shall be appointed by the Department President and confirmed by the Department Executive Committee. The Chair and committee members serve until their successors are appointed.
 - b. The Department President shall be considered an ex-officio member of all committees.
 - c. Special Committees shall be appointed subject to confirmation and ratification by the Department Executive Committee. Limited, specific purpose ad hoc committees may be appointed at the discretion of the Department President subject to Department Executive Committee confirmation. The composition and term of any special committee shall not be restricted to limitations imposed on a Department Committee as provided in other subsections.

4. The composition of each Department Committee and the number of members and their terms shall be as described in this section, and any amendments thereto shall be by action of the Department Convention delegates.
 - a. No Department Officer or Committee Chair or Committee member shall hold more than one Department Office or Committee Chair or Committee member appointment at the same time except that of those serving as 1) Hospital Representatives and Deputies; 2) special purpose committees that perform special tasks; and 3) The National Executive Committee person shall be allowed to serve on a committee as deemed desirable by the incoming Department President. When necessary, a current Department Officer, Committee Chair or Committee member may be appointed to serve as the Chair of the Department Convention Committee.
 - b. Duly appointed Hospital Representatives and Deputy Representatives may also be appointed by the Department President to serve on any Department Committee, with the exception of the VA&R Committee, and they may also be elected to serve as officers at the District and Division level or as Department Chaplain, Historian, or Sergeant-at-Arms. They may not be elected to serve as Department President, Vice President, or National Executive Committee person without resigning their appointment as a Hospital Representative or Deputy Representative.
 - c. The Chairs of the Committees, unless otherwise provided for, shall be appointed annually by the Department President, and all vacancies shall be filled from the Division affected.
 - d. If at any time an appointed committee member fails to function, they shall be removed from the Committee by the Department President after they have been given due notice.
 - e. The Education, Constitution and Bylaws, and Veterans Affairs and Rehabilitation Committees shall be continuing committees, consisting of four members serving revolving terms, a member being appointed from each Division. Of the four members, two will serve for one year, one for two years, and one for three years.
 - f. The Department Finance Committee shall be comprised of five members, one member from each Division and one member-at-large. The members shall serve revolving terms with two members serving for one year, two members serving for two years, and one member serving for three years. There shall be a limit of six years of service on the Finance Committee for all appointees. The Finance Committee Chair, who must have one year of experience on the Finance Committee, shall be appointed annually.
 - g. The Americanism, Cancer Research, Children and Youth, Girls State, Legislative, National Security Past Presidents Parley, and Public Relations committees shall consist of one member from each Division serving a one-year term and can be extended at the discretion of the President.
 - h. The Auxiliary Emergency Fund, Community Service, Junior Activities, Leadership, Membership, and Poppy committees shall consist of four members, one member from each Division, serving a one-year term.
 - i. The Chair of the History Committee, Chair of Pages, Convention Chair, Distinguished Guest Chair, Girls State Director, Music (2), Presidents Visual History, Scrapbook, and Ways and Means committees shall consist of one member, unless indicated by a two (2), serving a one year term and can be extended at the discretion of the President.

- j. The Department Historian shall serve as an ex-officio member of the History Committee.
5. The Distinguished Guest Chair is the official hostess for any distinguished guest who comes into the Department on invitation. They shall see to proper housing, transportation, food, courtesies, and anything indicated for the comfort and pleasure of the guest. The Chair is to be given funds, in advance, by the Department President from the President's Expense Funds for these expenses. The President provides such gifts as are indicated, and may make the presentation, or ask the Distinguished Guest Chair to do so, if so desired. If a National Officer makes a tour of the state with the President, the Distinguished Guest Chair accompanies the party and performs the duties as stated. The Chair's expenses are covered from the Department General Fund according to budgeted allowances for all committee chairs. They will perform any other hostess duties which may be assigned to them by the President

The Distinguished Guest Chair shall be allowed expenses while traveling with the Department President when a distinguished guest visits the state.
6. Duties of committees not specifically outlined in these Bylaws shall be governed by the *Unit Guide Book* of the American Legion Auxiliary, and by assignments given to them by the Department President. Meetings of Committees shall be arranged at the convenience of the Department President.
 - a A copy of all reports made by Department Chair to National Activity Chairs shall be sent to Department Headquarters.
 - b All Bulletins prepared for distribution by Department Committee Chairs shall be released through Department Headquarters.
7. Names and complete contact information of all Department Chairs must be entered into the American Legion Auxiliary Management Information System by the Department no later than the date established by National Headquarters.

EDUCATION: The Education Committee, along with their duties as outlined in the *Unit Guide Book*, shall receive all applications for the Department of Texas General Scholarship(s), which shall be open to the children, grandchildren, and great-grandchildren of veterans. They shall also receive all applications for the National President's Scholarship and the National Spirit of Youth Scholarship (for Juniors), which shall be open only to children of veterans, as per National Rules. Applications for the Medical Field Scholarship(s) offered by the Past President's Parley shall be sent to the Chair of the Past Presidents Parley Committee. Eligibility requirements for all scholarships offered by the Department of Texas shall be printed on the various application forms. Need of the applicant shall be a factor in awarding the scholarships.

FINANCE: The Finance Committee shall prepare and submit to the Executive Committee, for approval, a budget plan covering all financial matters of the fiscal year which shall be from September 1st to August 31st. The approved budget plans shall prevail until new plans are approved.

The Finance Committee will examine a statement of revenues, expenditures and balances in all funds as of thirty days prior to Department Convention, as presented by the Department Treasurer.

VETERANS AFFAIRS AND REHABILITATION: The Veterans Affairs and Rehabilitation Chair shall serve as Hospital Director and shall direct the efforts of the volunteer hospital workers, conduct American

Legion Auxiliary orientation classes, train Hospital Representatives and Deputies, and perform such other duties as may normally come within the scope of this activity. They shall be empowered to authorize local Hospital Representatives to conduct Hospital Workers School. They may travel with the Department President, or at The Department President's call. Units and their members are free to volunteer and provide assistance to any Veterans Administration Medical Center and/or Clinic during the year.

HOSPITAL REPRESENTATIVES: The Department President shall appoint all Hospital Representatives and Deputies and Clinic Associate Representatives and Deputies for a term of one year. Representatives, Deputies and Associate Representatives, as needed, shall be appointed to formulate plans and carry out the American Legion Auxiliary Volunteer hospital service in the Veterans Hospitals, and said representatives must take the volunteer hospital worker's training in the particular hospital where they are to serve and must have served in that particular hospital prior to their appointment.

The Outgoing Veterans Affairs and Rehabilitation Chair shall conduct the Hospital Representative Training seminar, with the date and time to be determined at the discretion of the incoming President, for the purpose of evaluating the Rehabilitation Program in the Hospitals and Clinics; and, for the training of Hospital Representatives, Deputies and the Clinic Associate Representatives and Deputies. Hospital Representatives and Deputies and Clinic Representatives and Deputies shall be required to attend this seminar. This seminar should be held every other year if funds are available. Veterans Affairs and Rehabilitation Committee members are responsible for advancing the goals as stated in the Program Action Plans. They also present Service to Veterans orientation courses for interested volunteers (as demand dictates).

POPPY COMMITTEE: The Poppy Committee shall follow the programs outlined by the National Poppy Chair and as suggested in the *Unit Guide Book*. They shall be charged with the promotion of the Memorial Poppy. The promotion of the use of the National Poppy for all occasions shall be encouraged, and the use of commercial flowers, or flowers other than those suggested in the Manual of Ceremonies for conducting rituals, shall be discouraged.

All transactions shall be handled by the Department office staff with the knowledge of the Department President and executed through Department Headquarters.

PAST PRESIDENTS PARLEY COMMITTEE: The Past Presidents Parley Committee shall consist of Past Department Presidents. The duties are:

- a. To promote, receive and judge all applications for Medical Field Scholarships, awarding as many as possible;
- b. To promote the programs of the Unit Auxiliary Member of the Year and receive and judge, with the Department President, all nominees for the Department Auxiliary Member of the Year, said member to be honored with a certificate and badge at the Department Convention; and, if they attend the National Convention, to be provided with a ticket and corsage for the Woman of the Year Luncheon at which the various Department recipients are honored;
- c. To promote Unit membership to the Past Presidents Parley; and
- d. To promote the Salute to Servicewomen of the Year.

JUNIOR ACTIVITIES: A Department Junior Forum of Junior members shall convene annually at the same time and place as the Department Convention of the American Legion Auxiliary.

IX. DIVISION

1. A Legion Division has no authority to regulate an Auxiliary Division and vice versa.

2. Division Presidents shall arrange for and conduct their Division Convention and/or Caucuses. Each Division President shall call and preside at all Caucuses of their respective Division during the Department Convention. At least twelve hours' notice shall be given to the Chair of each delegation within said Division of all Division Caucus calls. Said notice shall be given by announcement in the convention or by Bulletins.
3. If a Caucus at the Department Convention is called instead of a Convention, they shall notify Department Headquarters of the date and time of the Caucus and that call will be sent out by the Department Headquarters in place of a call for a Convention. The call for a Caucus shall be repeated at the pre-convention D.E.C. meeting and again at the opening session of the Department Convention.
4. In the Division Convention, the Division President shall appoint Rules, Credentials, and Resolutions Committees.
5. The Division President shall forward certification of officers elected and resolutions adopted at said Convention to Department Headquarters within ten days after adjournment of such Division Convention or within two (2) hours at the close of the Division Caucus held at the Department Convention.
6. Division Presidents may be reimbursed for expenses incurred in functioning as designated officers according to allowance.
7. In the Division Convention, a Unit shall be entitled to two delegates for the first ten members and one additional delegate for each twenty-five members or major fraction thereof, whose current dues have been received in Department Headquarters fifteen days prior to the convening of said convention, and to one alternate for each delegate. The delegates and alternates shall be elected at the regular Unit meeting to be held not less than fifteen days before the Division Convention.
8. Any delegate may present in nomination the name of a candidate for the office of Division President. There shall be four Division Presidents, each of whom shall be a member of a Unit in the respective Division from which they shall be elected.
 - a. Any candidate shall have the privilege of withdrawing at any time.
 - b. Each delegate shall be entitled to one vote. Each Unit represented shall be entitled to vote its entire strength with the vote of any delegate absent and not represented by an alternate being cast with the majority of the registered and certified Unit delegates present at the Division Convention. In case of a tie vote of delegates present, the absent votes shall be equally divided. The Unit delegate Chair shall cast the vote of the Unit.
 - c. Voting on any matter and nomination of Division President or delegates to the National Convention or the endorsement of any candidate for office may be by acclamation, unless a roll call is demanded and where referendum is called for.
 - d. The Chair shall appoint tellers to collect and tally ballots from the Units and to report results to the Chair. The Chair announces the election. No teller shall be appointed from any Unit having a candidate for office. A majority of votes cast shall constitute a quorum.
9. Delegates and Alternates to the National Convention shall be elected at their respective Division Conventions. Should a Division choose to not hold a Division Convention, said

Division shall caucus at Department Convention, provided a quorum, i.e. 10% of the duly elected and accredited Delegates to the Convention is present, for the purpose of electing Delegates to the National Convention. In nominating delegates to the National Convention, a second delegate cannot be nominated from the same District as the first nominee until other Districts have had the opportunity to nominate one from their District.

10. All awards offered by Division Officers shall be announced before November 1. Division Officers shall present their awards at their respective conventions.

X. DISTRICT

1. A Legion District has no authority to regulate an Auxiliary District and vice versa.
2. A District President and District Vice-President, each of whom shall be a resident of the District they seek to represent or an adjacent District, so long as it is within the same Division, and each of whom shall be a member of a Unit within the represented District shall be elected from each District at the District Convention before the Department Convention, provided a quorum, i.e. 10% of the duly elected and accredited delegates to the Convention are present.
3. The District Presidents and District Vice-Presidents shall be elected to serve for two full years unless otherwise disqualified. Districts with even numbers will elect in even years and odd numbers in odd years. None of the above elected officers shall succeed themselves nor be eligible for re-election to the same office, except in the event an officer is filling an unexpired term, when they shall be eligible for re-election. A former District President or Vice-President may be eligible for re-election provided there is no other candidate for the office.
4. In case of a vacancy in the office of District President, the District Vice-President shall assume the office of the District President and perform the duties thereof until the next District Convention, at which time a District President shall be elected. When any District President or District Vice-President changes their residence from the District or adjacent District from which they were elected, the office shall become vacant.
5. If the duly elected District President resigns before the Department Convention, the current District President shall call a caucus of the District Delegates during the Department Convention prior to confirmation of elected officers for the purpose of electing a new District President.
6. If at any time a District President or District Vice-President fails to perform the duties of the office, that office shall be declared vacant by the Department President after due notice has been given.
7. District Presidents shall arrange for and conduct their District Convention and/or Caucuses. Each District President shall call and preside at all Caucuses of their respective District during the Department Convention. At least twelve hours' notice shall be given the Chair of each delegation within said District of all District Caucus calls. Said notice shall be given by announcement in the convention or by Bulletins.
8. In the District Convention, the District President shall appoint Rules, Credentials, and Resolutions Committees.

9. The District President shall forward certification of officers elected and resolutions adopted at said Convention to Department Headquarters within ten days after adjournment of such District Convention or within two (2) hours at the close of the District Caucus held at the Department Convention.
10. In the District Convention, a Unit shall be entitled to two delegates for the first ten members and one additional delegate for each twenty-five members or major fraction thereof, whose current dues have been received in Department Headquarters fifteen days prior to the convening of said Convention, and to one alternate for each delegate. The delegates and alternates shall be elected at the regular Unit meeting to be held not less than fifteen days before the District Convention.
 - a. Any delegate may present in nomination the name of a candidate for District Office.
 - b. Any candidate shall have the privilege of withdrawing at any time.
 - c. Each delegate shall be entitled to one vote. Each Unit represented shall be entitled to vote its entire strength with the vote of any delegate absent and not represented by an alternate being cast with the majority of the registered and certified Unit delegates present at the District Convention. In case of a tie vote of the delegates present, the absent votes shall be equally divided. The Unit delegation Chair shall cast the vote of the Unit.
 - d. The Chair shall appoint tellers to collect and tally ballots from the Units and to report results to the Chair. The Chair announces the election. No teller shall be appointed from any Unit having a candidate for office.
 - e. A majority of votes shall constitute an election.
11. District Presidents may be reimbursed for expenses incurred in functioning as designated officers according to allowance.
12. All District Presidents shall visit each Unit in their respective districts at least once a year. No expenses will be allowed for second or third visits to any one Unit until all Units have been visited once. An exception may be made where need is established.
13. The District President shall have direct supervision over the Units of the District and shall recommend District representation for Department Committees when requested by the Department President.
14. Any member having served as District Vice-President is not necessarily in line for the office of District President.
15. All awards offered by District Officers shall be announced before November 1. District Officers shall present their awards at their respective conventions.

XI. UNIT

1. A Legion Post has no authority to regulate an Auxiliary Unit and vice versa.
2. To be a unit in good standing, the Unit must have paid their annual bond fee and annual Christmas assessment in order to be seated at Department Convention.

3. Officers shall be elected at the same time as the delegates to the annual Department Convention. The Certification of officers, list of delegates and payment of the bond fee shall to be sent to Department Headquarters ten (10) days prior to the Department Convention.
4. Each Unit officer at the close of the administrative year must pass on to their successor all records. Officers of the Unit shall assume the duties of their office at the first regular meeting after the Department Convention.
5. It shall be the prerogative of the Unit President-elect to choose an installing officer who meets the qualifications set forth in the Unit Manual of Ceremonies.
6. An audit of the Unit financial records may be requested by a majority of votes of all Unit members present at a Unit meeting. When the audit is done by other than the Unit or District, the Unit will be obligated for any and all expenses incurred in completing the audit.

XII. FINANCE

1. The Finance Committee shall prepare and submit to the Department Executive Committee for approval of a budget covering all financial matters for the fiscal year which shall be September 1st through and including August 31st. The approved budget shall prevail until the new budget is approved.
2. The Finance Committee shall review monthly a statement of revenues, expenditures, and balances in all funds.
3. At the close of each fiscal year after all obligations for that year have been met, the balance of funds remaining shall be transferred into a money-making account. Said funds are to be used upon recommendation of the Finance Committee to the Department President/Vice President and Secretary/Treasurer when a need is determined.
4. Veterans Affairs and Rehabilitation and Girls State Funds will pay administrative fees from their fund to the General Fund as determined annually by the Finance Committee and the Girls State Committee.
5. Revenue of the Department shall be derived from annual membership dues and from such other sources as may be approved by the Executive Committee. Department and National dues collected by the Unit shall be transmitted by the Unit Treasurer to the Department Treasurer at Department Headquarters within ten (10) business days after their collection.
6. There shall be no salaried officers except the Department Secretary and Department Treasurer.
7. The Department President shall be reimbursed for expenses incurred while functioning as President according to the budgeted allowance. Receipts documenting expenditures shall be submitted with each request for reimbursement. They shall be allowed one hundred (100) of the Department President's pins at no cost, to be used at their discretion throughout their year as president.
8. The Department Vice-President shall be reimbursed from their budgeted allowance for documented expenses incurred while representing the Department. When called to attend the Department Finance meetings, they shall be reimbursed from that fund. When called to any other Department meeting, they shall be paid mileage and per diem from the budgeted amount for that meeting.

9. A refund on expenses incurred by members of the Executive Committee, Department Committee Chairs, and members of Standing Committees called to an Executive Committee Meeting and/or a Department Convention shall be paid only to those members present and answering roll call.
10. All Department and District Officers shall submit expense vouchers for the reimbursement of funds prior to August 31st, the close of the fiscal year. Any bills presented after this date will not be honored.
11. No refund shall be allowed the Division Presidents or District Presidents while traveling out of their territorial bounds unless the plans have been made in advance and approved by the Department President.
12. If so ordered by Executive Committee action and provided for in the adopted budget, a refund on expenses incurred in attending an Executive Committee meeting shall be made to the elected officers. It is the prerogative of the Department President to use the remaining budgeted funds as they wish in the individual planning of events such as a Department Executive Committee meeting, Mid-Winter Conference, and Department Convention.
13. When the National President or the National Divisional Vice-President visits the Department, expenses incident to the visit shall be paid from monies allocated for the Department Meeting concerned.
14. All net revenues derived from the Unit or Post distribution of Veteran made poppies shall be used as mandated by the National Executive Committee of The American Legion. Thirty-three and one-third percent of all Poppy profits shall be remitted to Department Headquarters. No Poppy orders for future distribution shall be honored until such assessment is remitted by the Unit or Post.
15. **VA&R PROGRAM FUNDS:** A Christmas Assessment, based on the individual Unit's all-inclusive membership at close of the Department books on June 30 of each year, the amount to be based on \$.80 per member (Seniors and Juniors) for all Units chartered in the Department of Texas shall be remitted by each Unit to the Department of Texas no later than December 1 of each year and earmarked Unit Christmas Assessment. This assessment shall be used for a monetary (cash) gift of at least \$5.00 per veteran hospitalized in each of the Veterans Administration Medical Centers located within the Department of Texas prior to December 20th by the Representatives and Deputies serving in each medical center on behalf of the Department of Texas.

The funding of expenses associated with Texas VA Medical Centers/Clinics located under the purview of the Department of Texas where our organization has an appointed representative shall be comprised of donations from Units and/or individuals. Although donations may be made for a specific hospital or clinic, Units and individuals are encouraged to make their donations generic to a fund for use at any VA Medical Center in Texas where our organization has an appointed Representative in need of funds. All donations shall be transmitted to the Department Treasurer in Austin, Texas, for distribution. Fund accounts are the VA&R Fund; Gift of the Month/General Fund; Christmas Gift Shop/Party Fund; Veterans Creative Arts Festival Fund; Christmas Assessment Fund; and special designated funds established from time to time.

An American Legion Auxiliary VAVS Deputy shall countersign all American Legion Auxiliary VAVS Representative checks written on Department Funds. Remittance to VAVS Representatives shall be based on current bedload for each individual VA Medical Center where our organization has an appointed Representative.

Each VA Medical Center and VA Clinic with an American Legion Auxiliary Representative, Associate Representative, and Deputy shall maintain a bank account in their city to facilitate financial activities. Said bank accounts shall include as signor the name of the appointed Representative, Associate Representative, and the Deputy or Assistant Deputy together with the signature of the Department Treasurer and/or Department President.

16. All awards offered by Department Officers and Department Activities Chairs shall be announced before November 1. This rule shall not apply to contests announced by National Committees after November 1.
17. All pass-through funds (i.e., Auxiliary Emergency Fund, Veterans Creative Arts Festival, etc.), shall be submitted to National at least once every quarter.

XIII. Disbursement of Department of Texas Future National Officer Leadership Development fund.

1. Any member seeking a National office must submit a letter of intent to the Department office.
2. An agreement absolving and holding harmless the Department of Texas, its officers and members of all responsibility for expenditure of funds, must be signed by all candidates.
3. Distribution of the fund is based on monies as of June 30th in the Department of Texas Future National Officer Leadership Development Fund, except for \$2,500.00 that must remain in the money market account.
4. In the event of more than one (1) candidate seeking National office, the disbursement of funds to a member for Historian, Chaplain or Southern Division Vice President would be a maximum of \$1,500.00. A candidate for National President shall be limited only to funds available.
5. Department has the authority to establish Department policies for the endorsement of candidates for National office.