



Incorporated

DEPARTMENT CONSTITUTION

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 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 the AMERICAN LEGION AUXILIARY, Department of North Dakota, Inc., and each local Auxiliary Unit shall be known as the American Legion Auxiliary Unit, attached to _____ Post No____.

ARTICLE II

OBJECTS

SECTION 2. The objects of the American Legion Auxiliary shall be the same as those expressed in the preamble to the Constitution of the American Legion.

ARTICLE III

NATURE

SECTION 1. The American Legion Auxiliary is a civilian veteran service organization.

SECTION 2. The American Legion Auxiliary shall be non-political and shall not be used for the dissemination of partisan principles nor for any promotion of the candidacy of any person seeking public office or preferment.

ARTICLE IV

ELIGIBILITY

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

1. Mothers, grandmothers, sisters, spouses and direct and adopted female descendants (daughters and granddaughters), of members of the American Legion; and,
2. Mothers, grandmothers, sisters, spouses, and direct and adopted descendants (daughters and granddaughters), of all men and women who served in either of the following periods:
 - a. April 6, 1917, to November 11, 1918
 - b. And any time after December 7, 1941, to the date of cessation of hostilities as determined by the Government of the United States

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. Mothers, grandmothers, sisters, spouses, and direct and adopted descendants (daughters and granddaughters), of all men and women who served in the Armed Forces of the United States during either of the following periods:
 - a. April 6, 1917, to November 11, 1918

- b. And any time after December 7, 1941, to the date of cessation of hostilities as determined by the Government of the United States.

and died in the line of duty or after honorable discharge.

- 4. To those women who of their own right are eligible for membership in the American Legion.

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

- (a) Senior membership shall be the functioning (or active) group, composed of members over the age of eighteen years; provided, however, that a spouse under the age of eighteen years, who is eligible under Section 1 of this article, shall be classed as a Senior member
- (b) Junior membership shall consist of that group under the age of eighteen 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 V
DEPARTMENT ORGANIZATION

SECTION 1. The American Legion Auxiliary - Department of North Dakota, Inc., shall be organized into ten geographical Districts and these, in turn, into Units.

SECTION 2. All District organizations shall be subject to the jurisdiction of the American Legion Auxiliary - Department of North Dakota, Inc.

SECTION 3. Each District shall be governed by a District Constitution.

ARTICLE VI
ELECTION OF DEPARTMENT OFFICERS

SECTION 1. The Department Convention shall elect the following term-limited Department Officers: Department President-Elect, a Department Vice-President, Department Secretary, Department Treasurer, Department Historian and Department Chaplain. The officers serve one term or until their successors are elected, and a term starts upon the adjournment of the convention at which they were elected and end at the adjournment of the following convention.

In odd numbered years, a National Executive Committeeman shall be elected for a two-year term starting in 2017.

SECTION 2. The retiring Department President shall serve as National Convention Delegation Chairman and will also serve as Department National Security Chairman and the Alternate National Executive Committeeman. This person will also remain on the Department Executive Committee without vote.

The alternate to the Alternate National Executive Committeeman shall be the current serving President of the Department.

SECTION 3. One District President and one District Vice-President shall be elected for a two-year term, odd numbered Districts in odd numbered years and even numbered Districts in even numbered years, from the ten geographical Districts.

ARTICLE VII
DEPARTMENT EXECUTIVE COMMITTEE

SECTION 1. Between Department Conventions, the administrative power shall be vested in the Department Executive Committee (DEC), which shall be composed of the Department President, National Executive Committeeman, Department President-Elect, Department Vice-President, Department Secretary, Department Treasurer, Department Chaplain, Department Historian, Chairman of the Finance Board and the ten District Presidents.

The immediate Past Alternate National Executive Committeeman shall be an advisory member of the Department Executive Committee until such time as the midyear National Executive Committee meeting has been held.

SECTION 2. A report of the Department Executive Committee sessions shall be presented to the Department Convention for reading and approval at the general session.

SECTION 3. All Past Department Presidents who retain their membership in a North Dakota Unit of the American Legion Auxiliary shall be members for life of the Department Executive Committee, without vote and without expense allowance from the Department.

ARTICLE VIII DEPARTMENT CONVENTION

SECTION 1. The legislative body of the American Legion Auxiliary shall be the Department Convention to be held annually at the same time and place as the convention of the American Legion.

SECTION 2. Delegates to the Department Convention. The convention delegates shall be composed of Department Officers, Chairmen of standing committees, Past Department Presidents so long as they remain members of a Unit in this Department, Presidents of Units, and one delegate for every thirty members or major fraction thereof whose dues have reached Department Headquarters by midnight thirty (30) days before such convention.

Each delegate whose convention registration fee has been paid shall be entitled to one vote. The vote of any delegate absent and not represented by an alternate shall be cast by the delegates present from the unit. Department Officers, Chairmen, and Past Department Presidents shall be entitled to vote with their Unit delegation, provided they are present at said Department Convention.

SECTION 3. Unit delegates. All delegates and alternates shall be elected at a regular or special meetings of the Auxiliary Unit at least thirty (30) days before the annual Convention, and the names of such delegates shall be certified to the Department Secretary at least twenty (20) days prior to the Department Convention. In case of the inability of all the duly elected delegates and alternates to attend the Department Convention, the Unit President may appoint one or more delegates to fill vacancies. If delegates and alternates are elected at a special meeting of the Auxiliary Unit, the meeting must be specifically called for the purpose and members duly notified of the purpose of the meeting.

SECTION 4. National Delegates. Delegates to the National Convention shall be elected at the Department Convention as follows: The incoming Department President (to be installed), National Executive Committeeman, the outgoing Department President (Chairman of the Delegation) and the Department Secretary shall be delegates ex-officio, odd numbered Districts to be represented in the odd numbered years, even numbered Districts to be represented in even numbered years and said delegates to be nominated at their respective District meeting. In the event of the inability of the Department Secretary to attend the National Convention, the Department Treasurer shall be the alternate delegate for the Department Secretary.

SECTION 5. Quorum. A quorum shall exist at a Department Convention when one-fourth of the Units are represented in whole or in part.

ARTICLE IX UNIT ORGANIZATION

SECTION 1. Units shall be chartered by the National President and National Secretary upon receipt of the Charter application properly executed and accompanied by the per capita dues and individual membership record forms. Application for Unit Charters shall be signed by the Department President and the Commander and Adjutant of The American Legion Post to which the Unit is attached and said Charter shall be closed thirty (30) days after the application has been signed by the Commander of said Legion Post.

SECTION 2. A fee of \$10.00 shall accompany each application for a permanent charter.

SECTION 3. With the sole exception of the Department Headquarters Unit the minimum membership of a Unit shall be ten (10) Senior members. The Department Headquarters Unit shall have no minimum membership requirement.

SECTION 4. A Unit shall be given the name and the number of The American Legion Post to which it is attached.

SECTION 5. Each Unit of the American Legion Auxiliary shall be the judge of its own membership, subject to the restrictions of the Constitution and Bylaws except that no person who is a member of an organization which has for its aim the overthrow of the United States government by force or violence or who subscribes to the principles of any group

opposed to our form of government, shall be eligible to become or remain a member of the American Legion Auxiliary.

SECTION 6. When a Unit ceases to function, or its charter has been revoked or cancelled; the Charter, all Unit records and funds shall be immediately forwarded to Department Headquarters. The disbanded unit's check for the remaining funds, shall be sent to Department Headquarters, indicating in the memo field which American Legion Auxiliary program they wish the funds to go to.

SECTION 7. No person may, at any time, be a member of more than one Unit.

SECTION 8. Any member in good standing in a Unit shall be entitled to transfer to another Unit.

State Life Members (SLM's) may transfer only to another unit in the Department of North Dakota.

SECTION 9. Any member in good standing wishing to transfer to another Unit must present to the new Unit their current membership card. Upon acceptance of the transfer application by the new Unit, the Unit Secretary will complete the certification of transfer. The member shall then be entitled to active membership in said Unit. No dues shall be transferred.

SECTION 10. Any Unit member may withdraw providing the current dues are fully paid. Upon withdrawal, however, that member shall be prohibited from joining any other Unit as a new member during the remainder of the current year for which said dues are paid.

In the event a member wishes to move their membership from one Unit to another during the current year, it shall be done by transfer and not by withdrawal.

SECTION 11. The Secretary and/or Treasurer of the Unit shall be bonded, such position bond being available through National Headquarters.

ARTICLE X UNIT OFFICERS

SECTION 1. Each Auxiliary Unit shall elect annually a President, one or more Vice-Presidents, Recording Secretary, Corresponding Secretary (if possible), Treasurer, Historian, Chaplain and Sergeant-at-Arms.

ARTICLE XI UNIT EXECUTIVE COMMITTEE

SECTION 1. Each Unit shall have an Executive Committee which shall consist of the President, one or more Vice-Presidents, Recording and/or Corresponding Secretary, Treasurer and two or three members-at-large elected by the Unit.

ARTICLE XII FINANCE

SECTION 1. The revenue of the American Legion Auxiliary, Department of North Dakota, Inc., shall be derived from annual membership dues and from such other sources as may be determined by action of the Department Convention or by the Department Executive Committee.

ARTICLE XIII DISCIPLINE

SECTION 1. The Department Executive Committee, after notice and hearing, may recommend to the National Executive Committee the suspension or revocation of the Charter of any Unit in this Department when such Unit violates the Constitution of the National Organization or of this Department, which fails to discipline any of its members for any such violation and may provide for the government and administration of such Unit during suspension or upon revocation.

SECTION 2. No Unit or any member shall circularize any other Unit member thereof, without the consent of the Department Executive Committee.

ARTICLE XIV
AMENDMENTS

- SECTION 1. This Constitution, or any part thereof, may be amended at any Department Convention by a two-thirds vote of the delegates present, provided that such amendments shall have been submitted through the Department Secretary to the Units at least thirty (30) days prior to the convening of the next Department Convention; provided further, it may be amended by the unanimous vote of any Convention without notice; provided further, that all proposed amendments shall be read at regular session of the Convention at least twenty-four (24) hours before the vote is taken thereon.
- SECTION 2. Necessary amendments proposed after distribution or revision as shown in Section 1, may be adopted by a two-thirds vote of the delegation, provided they have been read at one meeting of the session prior to taking the vote.
- SECTION 3. This Constitution and the Department Bylaws shall also be amended to conform to the National Constitution and Bylaws.



DEPARTMENT BYLAWS

ARTICLE I

SECTION 1. The American Legion Auxiliary, Department of North Dakota Inc., shall be divided into ten geographical Districts, the boundaries of which shall be the same as those of The American Legion, Department of North Dakota.

ARTICLE II

DEPARTMENT OFFICERS

SECTION 1. The Department Officers of the American Legion Auxiliary shall be elected annually by secret ballot. Nominations shall be made from the floor. A majority of the votes cast shall be necessary to elect. If there is only one candidate for an office to be filled, the election shall be by voice vote.

SECTION 2. They shall enter upon the duties of their offices from the time of election and retain office until retired by their successor.

SECTION 3. Any vacancies occurring in any of the elective offices of the Department of North Dakota except that of President shall be filled by the Department Executive Committee. Voting shall be by ballot.

SECTION 4. The National Executive Committeeman and Alternate NEC shall serve as provided by the Constitution of the National Organization and shall be required to give a full report of the work to the Department Convention.

SECTION 5. Every Department Officer handling American Legion Auxiliary funds must be bondable to be covered by the Blanket Position Bond provided by National Headquarters.

ARTICLE III

DUTIES OF DEPARTMENT OFFICERS

SECTION 1. Department President. It shall be the duty of the Department President to preside at all meetings of the Department in Convention assembled, and the Department Executive Committee, to enforce a strict observance of the Constitution and Bylaws and perform such other duties as custom and parliamentary usage require, and to appoint all officers or committees not otherwise provided for.

SECTION 2. Department President-Elect. (1) Shall become President at the beginning of the succeeding year. (2) Shall assist the President in every way possible, and such duties as may be assigned her. (3) Act as the President's representative when so requested. (4) Serve as ex-officio member without vote on all standing and special committees. (5) Assume the duties of the President in case of resignation or death until the post is filled in accordance with the Bylaws.

SECTION 3. Department Vice-President. (1) Shall serve as an aide to the President. (2) Presides when called upon by the Department President or when the Department President is absent. (3) Shall be appointed by the Department President to a Chairmanship. (4) Shall assume the duties of the Department President in the event of resignation or death until the position is filled in accordance with the Bylaws.

SECTION 4. Department Secretary. It shall be the duty of the Department Secretary to perform all secretarial duties and others which are usually incident to such office, shall prepare and submit an annual report of the office to the Department Convention, and shall receive such salary as shall be recommended by the Finance Board and approved by the Department Executive Committee to be fair and reasonable, together with such expenses for office as the Executive Committee shall deem reasonable and necessary for the proper performance of said duties.

- SECTION 5. Department Treasurer. The Department Treasurer shall perform the duties usually incident to such office. The Department Treasurer shall receive such salary as shall be recommended by the Finance Board and approved by the Department Executive Committee to be fair and reasonable, together with such other expenses as the Department Executive Committee shall deem reasonable and necessary for the proper performance of said duties.
- SECTION 6. Department Chaplain. The Department Chaplain shall offer prayer at the opening of each official session of the Department Conferences and Conventions and perform such other duties as the Department President may direct and shall have a vote.
- SECTION 7. Department Historian. The Department Historian shall compile a historical record of the Department and members thereof, and shall perform such other duties as are incident to such office and shall have a vote
- SECTION 8. District Presidents. The District Presidents shall preside over at least one District meeting annually. They will endeavor to visit as many Units as possible, aid in their work, and organize new Units.
- SECTION 9. Department Officers. It shall be the duty of all Department Officers to attend all Department Conventions during their incumbency in office.

ARTICLE IV
DEPARTMENT EXECUTIVE COMMITTEE

- SECTION 1. Between Department Conventions, the administrative power shall be vested in the Department Executive Committee which shall be composed of the Department's President, President-Elect, Vice President, Secretary, Treasurer, Chaplain, Finance Board Chairman and the ten District Presidents.
- The National Executive Committeeman shall be an advisory member of the Department Executive Committee.
- All Department Officers and the ten District Presidents are required to attend all DEC meetings, organizational meeting, Winter Conference, and Department Convention unless there is an approved absence.
- Two-thirds of the Department Executive Committee with (7) District Presidents in attendance shall constitute a quorum of the DEC.
- SECTION 2. A report of the Department Executive Committee meetings shall be presented by the Department Secretary to the Department Convention.
- SECTION 3. All Past Department Presidents who retain their membership in a North Dakota Unit of the American Legion Auxiliary shall be members for life of the Department Executive Committee, without vote and without expenses allowance from the Department.

ARTICLE V
DEPARTMENT EXECUTIVE BOARD

- SECTION 1. Meetings of the Department Executive Board will be for emergency matters that require immediate action between Department Executive Committee meetings.
- SECTION 2. The members of the Department Executive Board are the Department's President, President-Elect, Vice President, Secretary, Treasurer and Finance Board Chairman.
- SECTION 3. Due to the emergency nature of the meetings conducted by the Department Executive Board, members will meet via phone or video conference capabilities available to the individual members.

ARTICLE VI
DEPARTMENT HEADQUARTERS

- SECTION 1. Department Headquarters of the Department shall be in the city in which the Department Secretary resides.

ARTICLE VII
DEPARTMENT COMMITTEES

- SECTION 1. The newly elected Department President upon assuming office shall appoint the following standing Committees, which shall be in existence until such new Committees shall be appointed by the succeeding Department President, to wit:
1. Americanism Committee, consisting of one member.
 2. Finance Board shall consist of a Chairman and two additional members with the terms of normal office being three years with two members holding over annually. No member shall serve for more than six years in the Department. At least one member of the Finance Board must be a Past Department President. If a board member leaves mid-term, the Department President shall appoint someone to fill that position.
 3. Children and Youth Committee, consisting of one member.
 4. National Security Committee, consisting of one member.
 5. Public Relations Committee, consisting of one member.
 6. Community Service Committee, consisting of one member.
 7. Constitution and Bylaws Committee, consisting of one member.
 8. Education Committee, consisting of one member.
 8. Girls State Committee
 - a) The Girls State Committee shall consist of five members. At a given time, three people shall be serving on a three-year term and two people shall be serving on a one-year term. Each year the Department President shall appoint one member to serve a three-year term, and two members to serve one-year terms.
 - b) The Department President, with the aid of the Girls State Committee, shall appoint the Girls State Director from within the Girls State Committee. The Girls State Director will serve as Chairman of the Girls State Board. If a committee member leaves mid-term, the Department President shall appoint someone to fill that position. If the member leaving was serving as the Director, the Department President will first fill the vacant committee position, and then the Department President and Girls State Committee of five shall appoint a new Director from within the Committee.
 - c) The Girls State Board shall consist of the Girls State Committee, the Department President, the Department Secretary, and the Department Treasurer. The Department President, Department Secretary and the Department Treasurer shall serve as ex-officio members of the Girls State Board.
 9. Membership Committee, consisting of a chairperson in addition to the ten District Presidents.
 10. Poppy Committee, consisting of one member.
 11. Veterans Affairs and Rehabilitation Committee, consisting of the Veterans Affairs and Rehabilitation Chairman, a Hospital Fund Fargo VAMC Coordinator, and Gift Shop chairmen.
 12. Junior Activities Committee, consisting of one member.
 13. Leadership Committee, consisting of one member.
 14. Legislative Committee, consisting of one member.
 15. Communications Committee, consisting of a chairman and two additional members with the terms of normal office being three years with two members holding over annually.

16. Past Presidents Parley Committee, consisting of the Past Presidents Parley President and a Secretary. The Past Presidents Parley Secretary shall be the outgoing National Executive Committeewoman, and the Past Presidents Parley President shall be the outgoing Past Presidents Parley Secretary.

SECTION 2. All committees are subject to the ratification of the Department Executive Committee, with the exception of the Department Convention Chairman and the Past Presidents Parley Committee.

ARTICLE VIII
FINANCE COMMITTEE

SECTION 1. The Department Finance Board, with the Department Treasurer as an ex-officio member, shall perform the following:

- a) Prepare a department budget annually.
- b) Supervise the funds under the budget.
- c) Invest permanent funds and have general oversight of the financial welfare of the organization
- d) Authorize a CPA, with no Auxiliary connection, to complete an audit every five years, starting in 2020.

ARTICLE IX
FINANCE

SECTION 1. Annual dues shall be payable annually following convention for the succeeding calendar year. A member failing to pay such annual dues by January thirty-first shall be classed as delinquent and shall be suspended from all membership privileges provided, however, such suspended member shall be notified in writing by the Secretary of the Unit of such suspension prior thereto. Payment of back dues, after suspension, shall reinstate such member to active membership. Any member delinquent to December thirty-first of the year of delinquency shall automatically be dropped from the rolls and may not thereafter be reinstated without vote of the Unit, where the Constitution of the Unit requires vote on application for membership, and the payment of all past dues, or by re-establishing eligibility and making application as a new member.

SECTION 2. In addition to the dues per capita per annum conforming to the National organization's rate, the Department per capita dues per annum shall be as indicated in the Department Standing Rules. (See Standing Rule #35).

This shall include a subscription to the American Legion Auxiliary National Magazine for senior members and a subscription to the Department publication, *The Message*.

SECTION 3. The local Unit shall determine the amount of the local dues.

SECTION 4. All National Convention Delegates will be paid with receipts. (See Standing Rules # 40). Alternate delegates are excluded from the reimbursement policy.

SECTION 5. Department Officers, Department Chairmen, Department Committee members and other auxiliary members who may be called in to report or present subject matter expertise at Department meetings shall be allowed mileage and per diem. The amount to be determined annually by recommendation of the Department Finance Board, subject to the approval of the Department Executive Committee.

An Expense Reimbursement form along with appropriate receipts shall be submitted to the Department Headquarters for review and approval by the Department Secretary and the Department Finance Board Chairman prior to reimbursement being made.

SECTION 6. Department attendees of the National Department Leadership Conference (Spring) for Department Secretary, Incoming Department President, and Incoming Membership Chairman; and the National Department Finance Conference (Fall/Winter) for Department Secretary/Treasurer and Finance Board Chairman shall be reimbursed for expenses upon submission of an Expense Reimbursement form along with appropriate receipts not paid by National Headquarters.

SECTION 7. Each District President shall be allowed compensation, according to number of Units, for visitation of Units and for work of the organization. Amount to be determined by recommendation of the Finance Board.

ARTICLE X
UNIT ELECTIONS

SECTION 1. All Unit elections shall be held either in the month of April or May at a regular or special meeting at least thirty days (30) prior to the annual Convention of the North Dakota Department of the American Legion Auxiliary.

SECTION 2. Newly elected and installed officers shall assume office at the first regular Unit meeting in June, as outgoing officers must finish their year with their Memorial Day plans and Poppy distribution.

SECTION 3. Annual reports of Unit Officers and chairmen shall be given, and installation of officers shall be held at the next regular meeting or special meeting following their election.

SECTION 4. If Unit officers are elected at a special meeting of the Auxiliary Unit, the meeting must be specifically called for that purpose and members duly notified of the purpose of the meeting.

ARTICLE XI
PARLIAMENTARY RULING

SECTION 1. Robert's Rules of Order, Newly Revised, shall govern all Conventions of this Department on all points not covered by this Constitution and Bylaws.

ARTICLE XII
AMENDMENTS

SECTION 1. These Bylaws, or any part thereof, may be amended at any Department Convention by a two-thirds vote of the delegates present, providing that such amendment shall have been submitted through the Department Secretary to the Units at least thirty (30) days prior to the convening of the next Department Convention; providing further, it may be amended by the unanimous vote of any convention, without notice; providing further that all proposed amendments shall be read at a regular session of the Convention at least two (2) hours before vote is taken thereon.

ARTICLE XIII
CANDIDATES

SECTION 1. Candidates for elective offices shall be introduced and given an opportunity to speak not to exceed five minutes when in attendance at any Unit or District meeting and at the Department Convention.

SECTION I Candidates for all elected Department Offices will be introduced at the Winter Conference. Candidates for elected offices shall be introduced and given an opportunity to speak not to exceed five minutes when in attendance at any Unit or District meeting and at the Department Convention.

CERTIFICATION

- Amended 6/30/2013 at Department Convention. Certified by Catherine Olson, 2013-2014 Department Secretary
- Article VI amended 6/27/2015 at Department Convention. Certified by Catherine Olson 2014-2015 Department Secretary
- Article VI of the Department Constitution amended 6/26/2016 at Department Convention. Certified by Shirley Montgomery 2016-2017 Department Secretary.
- Article VI and VII of the Department Bylaws amended 6/26/2016 at Department Convention. Certified by Shirley Montgomery 2016-2017 Department Secretary.
- ARTICLE VIII- FINANCE SECTION 2 of the Department Bylaws amended 6/28/2019 at Department Convention. Certified by Marcy J. Schmidt, Department Secretary
- DEPARTMENT CONSTITUTION AND BYLAWS -reviewed and revised by Committee in admin years 2019 and 2020, approved by General Session on June 26, 2021. Certified by: Marcy J. Schmidt, Department Secretary (6/27/2021-membership eligibility revised to National Constitution)