

# **THE AMERICAN LEGION**

## **DEPARTMENT OF WISCONSIN**



### **2022-2023**

## **CONSTITUTION AND BYLAWS**

**Revised July, 2022**

*The Mission of The American Legion, Department of Wisconsin is to provide service to veterans, their families and their communities.*

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“The American Legion, Still Serving America”

# CONSTITUTION

OF

THE AMERICAN LEGION  
DEPARTMENT OF WISCONSIN

## PREAMBLE

For God and Country, we associate ourselves together for the following purposes:

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

## ARTICLE I

### Name

SECTION 1. The name of this organization shall be The American Legion, Department of Wisconsin.

## ARTICLE II

### Nature

SECTION 1. The American Legion is a civilian organization - membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion: no member shall be addressed by their military or naval title in any convention or meeting of The American Legion.

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

## ARTICLE III

### Organization

SECTION 1. The American Legion, Department of Wisconsin, is a constituent part of and subordinate to The American Legion, a Federal Corporation organized by Act of Congress. The Department organization shall consist of the following:

- (a)The Officers of the Department shall be as follows:
- One Department Commander
  - Four Department Vice Commanders
  - One Department Adjutant
  - One Department Service Officer

One Department Judge Advocate  
One Department Chaplain  
One Department Historian  
Two Department Sergeants-at-Arms

and such other officers as the Department Convention shall determine.

(b) The Department Commander, the four Department Vice Commanders who shall serve without seniority, and the two Sergeants-at-Arms, shall be elected by the delegates present at the Department Convention. The election of Department officers shall be conducted under the Australian Ballot System and voting shall be in secret. The Department officers shall be elected by a majority vote. The conduct of such election shall be in manner and form as provided by the Bylaws of The American Legion, Department of Wisconsin. Neither the Department Commander nor any of the Vice Commanders shall be eligible to succeed themselves. The term of office of each of such officers shall commence immediately upon the adjournment of the Annual Department Convention and shall end upon the adjournment of the next succeeding Annual Department Convention.

(d) The Department Adjutant and the Department Service Officer shall hold office during good behavior and may be removed only for cause by the Department Executive Committee.

(e) All other Department Officers not otherwise provided for shall be appointed by the Department Commander subject to the approval of the Department Executive Committee. They shall hold office for one (1) year, or until their successors are seated.

i.) The Chair of the Department Finance Committee shall serve as the Department Finance Officer.

(f) At the Department Convention of 2018, the candidate for Sergeant at Arms receiving the highest number of votes, provided that they have received a majority of vote of delegates present, shall be elected to a two (2) year term. The candidate for Sergeant at Arms receiving the second highest number of votes, provided that they have received a majority of vote of delegates present, shall be elected to a one (1) year term. Thereafter, at each annual convention of The American Legion, Department of Wisconsin the candidate for Sergeant at Arms receiving the highest number of votes, provided that they have received a majority of vote of delegates present, shall be elected to a two (2) year term.

### **Department Executive Committee**

**SECTION 2.** A Department Executive Committee shall be composed of the Department Commander, the three (3) immediate Past Department Commanders, the four (4) Department Vice Commanders, the Department Chaplain without vote, the National Executive Committee Member and the twelve (12) District Commanders. In the event that the National Executive Committee Member is unavailable, the Alternate National Executive Committee Member shall act with vote. In the event the Chaplain is unavailable, the assistant Chaplain shall act for the chaplain without vote.

### **Posts**

**SECTION 3.** (a) The local unit of the Department shall be the Post, the minimum membership of which shall be determined by the Department Executive Committee. Those who desire to establish a Post shall, subject to the provisions of this Constitution and Bylaws, make application for a charter to the Department Adjutant, and when such application shall be approved by the Department Commander or by the

Department Executive Committee, it shall be forwarded to the National Adjutant in conformity with the National Constitution.

(b) Post Charters, when issued by the National Commander and the National Adjutant, shall be countersigned by the Department Commander and the Department Adjutant.

(c) The Officers of the Post shall be as follows:

- Post Commander
- One or more Post Vice Commanders
- Post Adjutant
- Post Finance Officer
- Post Historian
- Post Chaplain
- Post Sergeant-at-Arms
- Post Service Officer and such other officers as the Post shall authorize.

(d) Each Post within The American Legion, Department of Wisconsin shall adopt a Constitution and Bylaws, subject to the review of the Department Judge Advocate and the approval of the Department Executive Committee. All Post Constitutions shall contain Rules of Procedure Governing Discipline of Members that conform with Article XII of the Bylaws of The American Legion, Department of Wisconsin. All Post Constitutions shall contain the following provisions;

“No real estate owned by this Post or trustee of this Post will be sold, disposed of or have its title encumbered without a majority vote of the members present at a regular meeting of the post after written notice delivered to the members at least thirty (30) days prior to any meeting at which a vote to sell, dispose or encumber the real estate will occur.”

### **Districts**

**SECTION 4.** (a) The Department shall be divided into twelve (12) Districts, the areas of which shall be composed as follows:

- District 1 - Racine, Kenosha, Walworth, Rock and Waukesha Counties.
- District 2 - Jefferson, Columbia, Dodge, Washington, Ozaukee and Sheboygan Counties.
- District 3 - Crawford, Richland, Grant, Iowa, Dane, LaFayette and Green Counties.
- District 4 - All of that part of Milwaukee County which lies South and West respectively of a line defined as follows: Beginning at the intersection of the center line of East Knapp Street in the city of Milwaukee, and the shore of Lake Michigan and running thence West along the center line of East Knapp Street to the center of the Milwaukee River, thence generally South along the center of said Milwaukee River to the center line of East State Street; thence West along the center line of East and West State Street to the center line of North 60<sup>th</sup> Street; thence North along the center line to North 60<sup>th</sup> Street and the East line of the 5<sup>th</sup> Ward of the City of Wauwatosa to the intersection of the center line North 65<sup>th</sup> Street and the center line of West Center Street; thence West along the center line of West Center to the East Boundary line of the City of Wauwatosa; thence generally North along the said East Boundary line of the City of Wauwatosa to the center line of West Hampton Avenue; thence West along the center line of West Hampton Avenue (being the

North line of the City of Wauwatosa) to West line of the County of Milwaukee.

- District 5 - All that part of Milwaukee County which lies North and East respectively of the line defined in "District 4" above.
- District 6 - Marquette, Green Lake, Fond du Lac, Winnebago, Calumet, and Manitowoc Counties.
- District 7 - LaCrosse, Jackson, Monroe, Clark, Vernon, Juneau, Adams and Sauk Counties.
- District 8 - Marathon, Portage, Waupaca, New London Post No. 263 in Outagamie County, Waushara, Wood and Shawano/Menomonee Counties.
- District 9 - Langlade, Forest, Florence, Marinette, Oconto, Outagamie, Brown, Kewaunee and Door Counties.
- District 10 - Dunn, Barron, Chippewa, Eau Claire, Trempealeau, Buffalo-Pepin, Pierce and St. Croix Counties.
- District 11 - Price, Oneida, Iron, Vilas, Taylor, Ashland, and Lincoln Counties.
- District 12 - Douglas, Sawyer, Burnett, Polk, Rusk, Bayfield and Washburn Counties.

(b) Each District shall have a District organization, the membership of which shall consist of delegates from each Post within the District, and which membership shall be composed of a minimum of two delegates from each Post together with one additional delegate for each one hundred memberships on which the Post shall have paid its dues to the Department. Alternates for each delegate may also be elected by each Post to act in the absence or disability of a delegate. Membership in such District organization shall be mandatory upon all Posts in such District.

(c) Each District shall adopt a written Constitution and Bylaws to govern its operation and functioning, which shall be approved by the Department Executive Committee, and a copy of which shall be filed with the Department Adjutant.

(d) Each District shall elect one District Commander and may elect or appoint one or more District Vice Commanders for each District from among the active Legionnaires of such District. Their respective terms of office shall commence immediately upon the adjournment of the annual Department Convention after their election and shall end at the adjournment of the second next succeeding annual Department Convention. Their election or appointment shall be subject to ratification by the Department Convention following their election. The odd numbered Districts shall elect District Commanders and either elect or appoint District Vice Commanders during even numbered years, and the even numbered Districts shall elect District Commanders and either elect or appoint District Vice Commanders during each odd numbered year. The District Constitution may provide for the election or appointment of additional District officers, except that the District Adjutant shall be appointed by and hold office at the discretion of the District Commander.

(e) The District Commander and District Vice Commanders and such other elective District officers as the District Constitution provides shall be elected at a District meeting held between the first day of April and the first day of July in any year at such time as may be designated by the District Commander. The District Commander shall notify each Post Commander in the District, through Department Headquarters, by mail

at least thirty (30) days prior to the date of such election meeting. The number of delegates and alternates to which a Post is entitled at any District meeting at which District officers are elected shall be ascertained and computed on the paid-up membership of such Post as reported to Department Headquarters thirty (30) day prior to such meeting. The names of the delegates and alternates to such meeting shall be certified to by the Post Adjutant and submitted to the District Commander prior to such meeting.

(f) The District organization shall hold at least two meetings a year which shall take the place of, and be known as, the District Spring Conference and the District Fall Conference, and which, at the discretion of the District Commander, may be held in conjunction with the Spring and Fall conferences of other Districts in the Department. The District organization shall hold such other meetings as may be provided by its Constitution and Bylaws.

(g) The District Commander, or such District Vice Commander as the Commander shall designate, shall preside at all meetings of the District organization. The duties of the District Commander and the District Vice Commanders shall be such as are prescribed by the Department Constitution and Bylaws, and as further provided by the District Constitution and Bylaws. The duties of other District officers and committees shall be such as are provided by the District Constitution and Bylaws.

(h) The District shall have the power to levy and collect such per capita and assessments from the Posts within the District as shall be provided by its Constitution and Bylaws.

(i) There shall be a District Executive Committee of which the District Commander shall be the chair and presiding officer. Such District Executive Committee shall be composed of and shall have such powers as shall be defined by the District Bylaws.

### **County Councils**

**SECTION 5.** (a) Established County Councils to coordinate the County activities of The American Legion are recognized as a definite part of the Department organization.

(b) In any County which has no County Council established as hereinafter provided, the Posts in each County shall be grouped under the supervision of a County Commander who shall be appointed by the Department Commander upon the recommendation of the District Commander of the District in which said County is located. Such appointment shall be made no later than thirty days after each annual Department Convention.

(c) In any County not having a County Council and not embracing one or more Districts, but having two or more Posts, County Councils may be established whenever a majority of the Posts in any County shall so determine. A report of such action shall be transmitted to the District Commander who shall call a meeting of the representatives of all Posts in the County. The representatives of each Post at such meeting shall be on the same basis as its representation in the last Annual Department Convention. After organization, the representation of each Post shall be determined on such basis as each County Council shall, by its Constitution and Bylaws, provide.

(d) In any County embracing one or more Districts, there shall be a County Council composed of delegates from each member Post, elected in such a manner as the Constitution and Bylaws of such County Council may provide to coordinate inter-District activities of The American Legion. The District Commanders shall be delegates-at-large in such County Council. Membership in such County Council shall be mandatory upon all Posts in the County.

(e) Each County Council shall elect a Commander, one or more Vice Commanders, a Finance Officer, and Adjutant, Service Officer, and shall select an Executive Committee and such other officers and committees as may be required by the Department or as may be deemed advisable by the County Council. Membership in such County Council shall be mandatory upon all Posts in the County.

## ARTICLE IV

### Eligibility for Membership

SECTION 1. An individual is eligible for membership in The American Legion only if the individual has served in the Armed Forces of the United States at any time during the period of April 6, 1917, through November 11, 1918, or any time after December 7, 1941; or a government associated with the United States Government during a period or time referred to in this section and was a citizen of the United States when the individual entered such service; and was honorably discharged or separated from said service or continues to serve honorably during or after the period or time; provided, however that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

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

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

SECTION 4. No person who has been expelled from The American Legion, Department of Wisconsin by a Post; and such expulsion reported by the Department to National Headquarters within 30 days of receipt of said expulsion shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, such person may then appeal to the Department Executive Committee for permission to apply for membership in another Post and shall be ineligible for membership until such permission is granted.

## ARTICLE V

### Administration - Department Convention

SECTION 1. (a) The legislative body of the organization shall be a Department Convention, which shall be held not more than four months prior to the date of the National Convention for the same year; the date and place of such Department Convention shall be determined and fixed pursuant to the provisions of the following subsections:

(b) There shall be created a Permanent Convention and Activities Commission to be composed of six (6) members, not more than one member of which shall be from the same District. The Department Commander, upon taking office each year will appoint two (2) members for a term of three (3) years to replace those Commission members which terms have expired at the close of the annual convention.

(c) This commission shall be empowered to make the necessary investigation and recommendations for the holding of the annual Department Convention and shall make such further investigation and recommendations for such other annual events of the Department as requested by the Department Executive Committee, and shall make their recommendations after such investigation to the Department Executive



Committee, which shall be empowered thereafter to select the time and place for such annual Conventions and annual events.

Badger Boys State and the Wisconsin American Legion Baseball Association shall be exempt from the provisions of this section.

(d) The requirements and the conditions for the holding of a Department Convention and such annual events shall be made known by the Commission through the Department Headquarters.

SECTION 2. The annual Department Convention shall be composed of delegates and alternates from each Post. Such delegates and alternates shall be selected from among those who have paid their dues at least thirty (30) days prior to the Department Convention. Each such Post shall have a minimum of two delegates and two alternates, together with one additional delegate and alternate for each one hundred memberships on which the Post shall have paid its dues to the Department at least thirty (30) days before the date of the Department Convention. However, those with less than fifteen (15) paid up members shall be allowed one (1) delegate and one (1) alternate.

SECTION 3. At least twenty-eight (28) days prior to the annual Department Convention, the Department shall issue to each Post a certificate showing the number of delegates and alternates to which that Post is entitled under this Constitution. The Post Adjutant of each Post shall certify the names of the delegates and alternates elected by the Post endorsement thereon, and shall mail the same to the Department at least fifteen (15) days prior to the date of the annual Department Convention.

SECTION 4. There shall be a Credential Committee consisting of three delegates to be appointed by the Department Executive Committee to sit the day before, and the first day of the Convention, to pass upon and decide eligibility of delegates and alternates.

SECTION 5. Each delegate present at the annual Department Convention shall have one vote. In the absence of a delegate, the designated alternate, if present, may vote. Alternates shall have all the privileges of delegates excepting that of voting. All Past Department Commanders, all members of the Department Executive Committee, and all County Commanders shall have the status of delegates to the Department Convention.

SECTION 6. No delegate shall be entitled to a seat or a vote in the annual Department Convention unless the Post from which elected has paid all financial obligations owing to the Department.

SECTION 7. (a) The Policy committee, as established by the Department Bylaws, Article III, Section 4a, shall meet not more than forty-five (45) days prior to the annual Department Convention to consider all resolutions, of any nature whatsoever, that have been submitted or presented to the annual Convention, consolidate all resolutions of similar content, indicating the source of such consolidated resolutions, assign to proper committee with recommendations and submit the Resolving Clause of proposed resolutions, to all Posts in the Department not later than thirty (30) days prior to the Convention, through Department Headquarters.

(b) All resolutions must emanate from a Post, County, or District after favorable action at any authorized meeting thereof, or from the Department Executive Committee or any Department officer, or from the floor of the Convention, subject to Convention rules, except where otherwise provided.

(c) No resolution shall be considered at any annual Department Convention unless such resolution shall

have been submitted to the Department Headquarters on a date not less than forty-five (45) days prior to the first day of such Convention. No exception from this rule shall be permitted unless such resolution shall be presented to such Convention by or with the consent of the Department Executive Committee, or unless unanimous consent of all delegates present is obtained from the floor of the convention.

SECTION 8. A majority of the districts, when represented wholly or in part by duly accredited delegates or alternates, shall constitute a quorum at any Department Convention.

SECTION 9. The Department Convention may make its own rules of procedure, but in the absence of such action, the rules shall be the same as prescribed by "Roberts Rules of Order".

## **ARTICLE VI**

### **Delegates to National Convention**

SECTION 1. There shall be five (5) delegates-at-large to the National Convention, three (3) of whom shall be the retiring Department Commander, the newly-elected Department Commander, and the Department Adjutant, who shall be the Delegation Secretary. The Alternate National Executive Committee Member shall become a delegate-at-large to the National Convention if not selected a delegate by the district. All vacancies remaining unfilled from the five (5) delegates-at-large and an alternate for each of the five (5) delegates-at-large shall be appointed by the newly-elected Department Commander.

SECTION 2. The additional delegates shall be selected at least forty-five (45) days prior to the Department Convention by the respective Districts of the Department from among those members of The American Legion whose dues shall have been paid at the time of their selection and who are then currently in good standing. Each District shall in accordance with the method set forth in their respective Constitution select one delegate for each one thousand members or major fraction thereof, in the District if the Department quota permits. Each District shall select the same number of alternates as it has delegates to the National Convention. The Department shall notify each District, as soon as is feasible of the number of delegates to which the District is entitled.

SECTION 3. In the event there is a vacancy in the Department delegation at any National Convention, the Department Commander shall be authorized to fill such vacancy by appointment of a Wisconsin Legionnaire in the following manner and priority: A vacancy in the delegation from any District shall be filled by alternate delegates, present and able to act, from said District in the order of priority they were elected. If a vacancy in a District delegation exists after all the alternates eligible from said District have been appointed, alternates of other Districts, present and able to act, may be appointed; but all first alternates must be appointed before any second alternates and in successive priority; and after all alternates, any Legionnaire may be appointed.

## **ARTICLE VII**

### **National Officers**

SECTION 1. At the Department Convention held during the even-number years, there shall be an election by majority vote under a secret Australian Ballot of a National Executive Committee Member who will represent The American Legion, Department of Wisconsin on the National Executive Committee for a period of two (2) years.

SECTION 2. An Alternate National Executive Committee Member shall be elected at the Department Convention by secret Australian ballot during the even-numbered years to act only in the absence of the National Executive Committee Member.

SECTION 3. The term of the National Executive Committee Member and the Alternate National Executive Committee Member shall commence immediately upon the adjournment of the National American Legion Convention following their election, and will end at the adjournment of the second next succeeding National Convention. The term of the office of the Alternate National Executive Committee Member shall run concurrent to that of the National Executive Committee Member.

SECTION 4. All Past National Commanders, who served in that capacity while members of The American Legion, Department of Wisconsin while in good standing in their respective Department, shall be members of the National Executive Committee, without vote, and shall be life members to all National American Legion Conventions, with vote to be exercised by them with their respective Department.

## ARTICLE VIII

### Dues and Funds

SECTION 1. A membership fee may be charged by the Department, by each local Post, duly organized County Council, and District organization. Annual dues for State purposes shall be fixed for the ensuing year at each annual Department Convention; provided that in the event of the failure of the Convention to act, such dues shall be fixed by the Department Executive Committee only if the fixing or setting of annual dues was brought before the Convention and not acted upon. Local dues shall be fixed by each Post, County Council and District organization. Dues may be assessed and paid as authorized by respective Bylaws.

SECTION 2. The annual National dues, as determined by the National Convention, shall be paid by 1. Collected by the Post and paid through the Department to the National Treasurer, 2. Paid by the member to the National Treasurer using the mylegion.org pay dues on-line module, 3. Collected by the Posts and paid to the National Treasurer using the mylegion.org Process Membership module.

SECTION 3. A member in good standing in the Department of Wisconsin is one for whom their Post has remitted, with their membership card, their National dues and \$11.50 for Department dues. The \$11.50 for Department dues shall be earmarked as follows:

General Operation Fund-----	\$11.15
Dues Investment Fund-----	.35

SECTION 3. (a) All monies remaining in programs as allocated in the past year will revert back to the General Operations Fund at the end of any fiscal year, with the exception of the Wisconsin American Legion Baseball Association and the Sons of The American Legion, Detachment of Wisconsin. The Dues Investment Fund, shall not revert to the General Operations Fund and is capped at \$100,000.00 with any monies over that amount to be placed in the Capital Building Reserve Fund.”

SECTION 4. (a) There is hereby created a separate fund entitled Rehabilitation Fund to be administered by the Department Finance Committee, funded by receipts from gifts, grants, devises, donations and revenue enhancement funds, including any sweepstakes as may be approved by the Department Executive Committee.

(b) The use of said Rehabilitation Fund is hereby authorized only for hospital service, recreation or rehabilitation, welfare or disaster relief, education and such other rehabilitation work for veterans or their dependents of the State of Wisconsin. No funds of the Rehabilitation Fund shall at any time be diverted to or used by or for any other program or activity not herein above enumerated.

(c) Money from the Rehabilitation Fund can be used to support the fiscal requirements of the Department Service Office Fund, Camp American Legion and the Hospital Fund. The amounts of money required by budgets for these three programs shall be drawn from the Rehabilitation Fund, and further supported by funds from general dues receipts as determined by the Finance Committee and approved by the Department Executive Committee.

## ARTICLE IX

### Discipline

SECTION 1. Officers: The Department Executive Committee shall have full power to suspend or remove from office for inefficiency, neglect of duty, misconduct in office, or other good cause shown, any elective or appointive officer of the Department, or of any Post, District or County Council therein after a fair and impartial hearing on written charges brought against such officers. Notice containing a statement of the charges shall be given the officer at least ten (10) days prior to the date fixed therein for said hearing. Said hearing shall be conducted pursuant to such rules and regulations as said Department Executive Committee shall prescribe. After the filing of such charges, the Department Commander may at once, if deemed advisable, temporarily suspend any such officer pending the hearing of said charges. The District Commander shall also have power to call a special meeting of any Post to fill any vacancy caused by any such suspension. Upon the hearing of said charges, no officer shall be removed unless two-thirds of the Committee at such meeting shall vote in favor of the removal. Any officer who shall be removed or suspended by the Department Executive Committee shall have the right to appeal to the next Department Convention by giving notice in writing to the Department Adjutant within ten (10) days after such removal or suspension. It shall then be the duty of the Department Adjutant to bring such appeal to the attention and vote of the Convention.

SECTION 2. (a) Posts: The Department Executive Committee may suspend, cancel or revoke a Post charter. The action taken by the Department Executive Committee shall be final and conclusive unless an appeal is taken to the National Executive Committee within thirty days (30) from the date of said suspension, cancellation or revocation.

(b) Any Post failing to meet the obligations imposed upon it by the National or Department Constitution and Bylaws, or ceasing to function for six months as an American Legion Post, or voluntarily ceasing to function as a Post, or merging with one or more other Posts, or refusing to pay the National or Department per capita dues, shall, upon order of the Department Executive Committee, surrender its charter for cancellation. Upon failure to surrender such charter, immediate steps may be taken for its revocation, cancellation, or suspension.

(c) Upon revocation, cancellation or suspension of the charter of a Post, such Post shall immediately cease operations, and upon revocation or cancellation, shall turn over its charter to the Department Commander or Department Executive Committee; and the Department Executive Committee is authorized, empowered and directed (by and through its duly authorized agent) to take possession, custody, and control of all the records, property and assets of and belonging to said Post, and to take all necessary and proper steps and proceedings to conclude and close the affairs of such Post. The Department Executive Committee may

provide for the transfer of the members in said Post to other Posts of their choice, subject to the approval of such other Post.

(d) The procedure in an action involving the revocation, cancellation, or suspension of the charter of a Post shall follow the "Rules of Procedure" provided for by the Code adopted by the National Executive Committee.

SECTION 3. (a) Members: Members may be suspended or expelled from The American Legion only upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, and conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose membership until given a fair trial by the Post of which they are a member, in such manner and form as the Department Bylaws and Department Executive Committee shall prescribe.

(b) Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee or Department Convention, according to the provisions of the Bylaws of the Department. The decision of the Department shall be final.

(c) A member whose dues for the current year have not been paid by January 1, shall be classified as delinquent. If dues are paid on or before February 1, the member shall be automatically reinstated. If still delinquent after February 1, they shall be suspended from all privileges. If still under suspension on June 30 of such year, membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs. The Post, at its option, may also require a member whose membership has been so forfeited to pay one year's arrears in dues as a condition precedent to reinstatement.

## ARTICLE X

### Amendments

SECTION 1. This constitution may be amended at any annual Department Convention by a two-thirds vote of the duly qualified delegates present, provided that the proposed amendment or amendments shall have been made available in writing to the delegates, prior to the opening of the first day of convention. All proposed amendments to this Constitution shall be submitted through Department Headquarters to each Post for study and discussion at least thirty (30) days prior to the annual Department Convention. Failure to do so will preclude consideration of the proposed amendment referred to in this section by the Convention, unless over-ruled by a three-fourths vote of those delegates present.

SECTION 2. Amendments to the National Constitution of The American Legion shall automatically operate to amend the Constitution of the Department of Wisconsin.

## BYLAWS

OF

THE AMERICAN LEGION  
DEPARTMENT OF WISCONSIN

### ARTICLE I

## Department Executive Committee

SECTION 1. Between Department Conventions, the administrative power shall be vested in the Department Executive Committee. Said committee, in addition to the specific duties prescribed and defined in the Constitution and in these Bylaws, shall, with the Department Commander, exercise general supervision over the Department, Districts, County Councils, and Posts.

SECTION 2. The Department Commander may call a meeting of the Department Executive committee at any time and place selected by The Commander. The Commander shall call a meeting of the said committee within 10 business days when requested to do so in writing by five members of the Department Executive Committee. When the Department Commander deems appropriate, the Commander may authorize meetings via electronic media.

SECTION 3. The Department Executive Committee shall have the power to require any officer having the possession or custody of any of the funds or property of the Department to give a bond in such sum as they shall fix with sureties as they shall approve. All expenses contracted with the giving of the bond required by the Constitution or these Bylaws, or by the Department Executive Committee, shall be paid out of Department funds.

SECTION 4. The Department Executive Committee shall have authority to appoint subcommittees from among its members for the performance of special duties and shall have the authority to delegate to them such functions and authority as it shall deem necessary.

SECTION 5. Any matter purporting to relate to the policy, business, or administration of the Department, and which is not regulated by specific provisions of the Constitution, a Department Convention or these Bylaws, shall be referred to the Department Executive Committee for determination and adjustment.

SECTION 6. The Department Executive Committee shall have the power to create such committees, boards, and commissions as it may determine in accordance with the Department Constitution and Bylaws.

SECTION 7. A quorum of the Department Executive Committee shall consist of nine (9), of whom seven (7) shall be District Commanders or their alternates.

SECTION 8. All Past Department Commanders who have served in that capacity while members of The American Legion, Department of Wisconsin, and remain in good standing in their respective Post, shall be members of The Department Executive Committee without vote.

## ARTICLE II

### Duties of Officers

#### Department Commander

SECTION 1. (a) The Department Commander shall be the Chief Executive of the Department. The Department Commander shall see that the provisions of the National and Department Constitutions and Bylaws and of all laws, regulations, and policies established there under shall be observed. The Department Commander shall be the presiding officer of Department Conventions and of all other Department meetings and gatherings attended. The Department Commander shall represent the Department in its relations with the American Legion Auxiliaries, federal, state, and other governmental bodies. The Department

Commander shall have authority to designate a Department Vice Commander to represent the Commander at public ceremonies and meetings and, in the event of the inability of any of the Department Vice Commanders to accept such assignment another representative shall be appointed. In case of sickness, absence, or other temporary disability of the Department Commander, a Vice Commander shall be designated to act in the Commander's stead.

(b) The Department Commander shall receive from comrades, Posts, private citizens, or organizations complaints affecting the conduct of members of Posts or affecting the welfare of the Department, and shall present same to the Department Executive Committee for appropriate action.

(c) The Department Commander shall appoint from time to time such committees, boards and commissions as deemed necessary, or as shall be provided for by the Department Executive Committee or the Department Convention. The Department Commander shall serve as Ex-Officio to all committees, boards and commissions.

(d) The Department Commander shall receive a personal expense allowance to be determined by the Department Executive Committee, but not to exceed \$5,200.00 per year.

### **Department Vice Commanders**

**SECTION 2.** The Department Vice Commanders shall be the representatives of the Department Commander on all matters referred to any of them, and shall, on request, preside over meetings of the Department Convention or Department Executive Committee, and perform such other duties as are usually incident to the office.

### **Department Adjutant**

**SECTION 3.** (a) The Department Adjutant shall keep a record of all meetings of the Department Convention and all meetings of the Department Executive Committee, and shall prepare same for permanent record in a book or file kept for that purpose; and shall, at each regular meeting at the direction of the Department Commander, read the minutes of the previous meeting and make such corrections as may be allowed. The Department Adjutant shall, further, keep a record of all Posts in the Department and shall obtain from all Posts a complete record of the personnel of such Posts. The Department Adjutant shall have the custody of all the minute books, files, records, and other property or equipment used in the performance of the duties of their office. The Department Adjutant shall receive from local Posts all annual dues and assessments that may be levied upon such Posts and deposit same to the credit of The American Legion, Department of Wisconsin, in depositories as designated by the Department Executive Committee, and shall keep a record of all receipts of such monies. The Department Adjutant shall prepare and sign vouchers and checks for the approved disbursements of Department funds and submit same for countersignature to the Department Commander.

(b) The Department Adjutant shall notify all Posts of financial obligations owing the Department at least thirty (30) days prior to any Department Convention. The Department Adjutant shall also notify the Convention Credentials Committee of any such obligations remaining unpaid at the time designated for the meeting of said Committee by Section 4 of Article V of the Department Constitution. The Department Adjutant shall give like notice to the District Commander of any District holding a conference authorized by Section 4 (b) of Article III of the Department Constitution.

(c) The Department Adjutant shall receive such salary as shall be determined by the Department Executive Committee.

(d) The Department Adjutant shall render, at the annual Department Convention, a full and complete report of the functioning of their office for the preceding year, and shall perform such other duties as may be imposed upon by the Department Executive Committee and Department Commander. The Department Adjutant shall be required to render complete and detailed reports at all future Conventions; and prior to the date of holding the Convention, these reports shall be printed for distribution to the delegates at the beginning of the opening session of the Convention, and all Posts in the Department shall be furnished with a copy of these reports.

(e) The Department Adjutant will have administrative jurisdiction over the Department Service Office and Camp American Legion. Therefore, the Department Service Officer and Camp American Legion Director will report and be accountable to the Department Adjutant for all administrative practices and decisions executed by their respective offices.

(f) The Department Adjutant shall be a consultant to all committees, boards and commissions.

### **Department Service Officer**

**SECTION 4.** (a) The Department Service Officer shall have charge and direction of all service activities arising in the Department; and shall be the official advisor of all District, County Council, and Post Service Officers. The Department Service Officer shall perform such other duties as are usually incident to such office and as may be required by a Department Convention, the Department Executive Committee, or the Department Commander. The Department Service Officer will report and be accountable to the Department Adjutant for all administrative practices and decisions executed by the office.

(b) The Department Service Officer shall receive such salary as shall be determined upon by the Department Executive Committee.

### **Department Chaplain & Assistant Chaplain**

**SECTION 5.** (a) The Department Chaplain shall officiate as such at the Department Convention and all other meetings of a Department nature, and shall perform such other duties ordinarily incident to the office of Chaplain, or as shall be assigned by the Department Commander.

(b) Assistant Department Chaplain shall officiate as requested by the Department Chaplain and/or Department Commander at Department functions.

### **Department Sergeants-at-Arms**

**SECTION 6.** Sergeants-at-Arms shall perform such duties as shall be assigned to them by the Department Commander.

### **Department Judge Advocate**

**SECTION 7.** The Department Judge Advocate shall be an Attorney-at-Law licensed to practice in the State of Wisconsin. The duties shall be to interpret the Constitution, Convention resolutions, procedures, and other Department regulations, and give an opinion thereon only at the request of the Department



Commander or the Department Executive Committee, and to prosecute or defend, upon the behalf of the Department, any action before any court.

### **Department Historian**

**SECTION 8.** The Department Historian shall be responsible for the compiling of a complete historical record of the Department. The Department Historian shall have authority to request from the officers or Committee Chairs of the Department, District, and Posts therein information necessary for the performance of their duties.

### **Reports by Department Officers,**

#### **Committee Chairmen, and District Commanders**

**SECTION 9.** Each Department Officer, Committee, Board or Commission Chair, and District Commander shall annually prepare a report of the activities of such office, committee, board, or commission, together with recommendations. Such report will be submitted forty-five (45) days prior to the opening of the Department Convention each year, and in time for printing in the annual Convention Publication. Printed copies shall also be distributed to the Department Executive Committee.

## **ARTICLE III**

### **Department Appointments, Standing and Special Committees**

**SECTION 1.** The Department Commander, upon taking office each year will appoint a Judge Advocate and Department Historian, subject to approval by the Department Executive Committee.

**SECTION 2.** (a) The Department Commander, upon taking office each year will appoint Members, Committee Chairs/Directors, and liaison members to the following committees and Boards: Americanism, Camp American Legion, Children and Youth, Convention and Activities, Finance, Fundraising, Hospital, Legislative, Marketing & Communications, Membership, National and Homeland Security, Policy\*, Religious Emphasis, and Veterans Affairs and Rehabilitation, subject to the approval of the Department Executive Committee. \*Policy Committee elects its own Chair and Vice Chair.

(b) Other Standing Committees will be appointed as mandated by the Department Executive Committee. Standing Committees will consist of such Members, Program Chairs/Directors, Liaisons, Consultations and Ex-Officio members as designated in the Department Constitution or By Laws. Program Chairs, Liaisons will serve a one (1) year term.

**SECTION 3.** The Department Commander will appoint the Chair and Vice Chair of each Department Committee. The tenure of a Chair or Vice Chair is one (1) year. Policy Committee elects its own Chair and Vice Chair.

**SECTION 4.** (a) Camp American Legion, Children and Youth, Convention and Activities, Finance, Fundraising, Legislative, Marketing & Communications, Membership, National and Homeland Security, Policy, Veterans Affairs and Rehabilitation Committees will be composed of six (6) members to be appointed by the Department Commander, who upon taking office each year will appoint two (2) members for a term of three (3) years to replace those committee members which terms have expired at the close of the annual convention.

(b) The Americanism Committee will be composed of three (3) members to be appointed by the Department Commander for a one (1) year term.

(c) The Hospital Committee will be composed of two (2) members and in addition, the eight (8) hospital representatives or their assistant representative, for each of the eight (8) Veterans Hospitals as stated in the outline of the committee for a term of (1) one year.

(d) If a member is absent for 2 consecutive meetings of the committee or commission to which they are appointed, the Department Commander may dismiss the member from such committee or commission; and appoint another member in good standing of The American Legion, Department of Wisconsin to serve out the remainder of the original term of appointment.

SECTION 5. All Committees, Commissions and Boards authorized by this Constitution and Bylaws are subject to the call of the Department Commander for all meetings, Midwinter Conference, and Department Convention. When deemed appropriate, the Department Commander may authorize such meetings via electronic media except for Midwinter Conference and State Convention.

### **Committee Outlines**

#### SECTION 6.

##### **(a) Americanism Committee**

i) Purpose: To develop the spirit of Americanism among The American Legion and citizens and residents of the State of Wisconsin; to put into effect Americanism policies and programs of The American Legion; to coordinate any overlapping of programs dealing with Americanism. To oversee and report on programs that relate to Americanism and many youth programs.

ii) The Americanism Committee will be composed in accordance with Article III, Section 4 (b) of the Department Bylaws with the following Program Chairs; Americanism and Government Scholarship Program, Boy Scouts, County Youth Government, Education and Scholarship, Oratorical, Sons of The American Legion, Shooting Sports and the Wisconsin American Legion Law Enforcement Career Academy. In addition, a Legionnaire representative as determined by each of the following; Badger Boys State, Inc.; the Wisconsin American Legion Baseball Association; and American Legion Riders Association of Wisconsin, each of whom shall have voice and vote.

iii) American Legion Baseball is a program of The American Legion. Rules and By Laws for the baseball program are established by the American Legion Baseball Association. The association enforces all rules, oversees and manages the baseball program. The Baseball Association manages expenditures, income and finances of the Wisconsin American Legion Baseball Program. They establish a budget for approval by the Finance Committee and any surplus income remains in the Baseball Program.

##### **(b) Marketing & Communications Committee**

i) Purpose: The Marketing & Communications Committee shall work with all Department Wisconsin American Legion commissions and committees to build awareness and support for the mission and programs of The American Legion. Promote the same to active-duty military, Guard and Reserve

components, military veterans and retirees, and the general public; to strategize and execute the organization's activities to promote membership growth, strengthen the fundraising program, maximize merchandising opportunities, nurture corporate alliances and achieve greater brand awareness. The Committee serves as the voice of Veterans by enhancing public perceptions of The American Legion, America's Veterans and their families. It is the responsibility of the committee to maintain the image of The American Legion and to communicate our various messages to the public promoting and publicizing projects, events, programs and accomplishments of The American Legion. The committee will be responsible for recommending policy changes in the publication of the official Department paper, "The Badger Legionnaire". The Department Historian will serve as consultant to the Committee, and there will be one (1) Auxiliary Liaison Members and such other purposes as may be assigned it by the Department Executive Committee.

**(c) Camp American Legion Committee**

i). The following shall be consultants to the Camp Committee: Department Service Officer, Immediate Past Department Commander, Camp Director, VA & R Committee Chairman.

ii) Purpose: To oversee and make recommendations on the operations of Camp American Legion, located at Lake Tomahawk, Wisconsin, to the Department Executive Committee.

**(d) Children and Youth Committee**

i) Purpose: To ensure that any child of a veteran in need of care and protection shall receive proper and timely service and aid; to strengthen the family unit; extend support; extend support to sound organizations and facilities that provide services for children and youth; and to maintain a well-rounded program that meets the needs of the young people in their respective communities.

**(e) Finance Committee**

i) Purpose: The Department Finance Committee shall approve, budget, and audit the expenditures of the Department, its decisions being final unless overruled by a majority of the members present at a regular or special meeting of the Department Executive Committee. The Department Finance Committee shall have the authority to engage the auditors for Department Funds.

ii) The Department Finance Committee shall adopt its own rules regulating the approval, budgeting, and auditing of the expenditures of the Department, subject to approval by the Department Executive Committee.

**(f) Fundraising Committee**

i) Purpose: The Fundraising committee is responsible for overseeing fundraising activities and conducting events throughout the year that will raise capital to support Legion programs with the Department of Wisconsin as directed by the Department Executive Committee.

(ii) They will make recommendations on Legion Programs to the Department Executive Committee on a yearly basis.

(iii) The Fundraising Chair will report to the Finance Committee at Fall, Midwinter, Spring and July Convention meetings of Fundraising activities and funds raised.

### **(g) Hospital Committee**

i) Purpose: To provide entertainment and recreational programs at all Federal VA Hospitals and State Veteran's Homes in Wisconsin, to work in close cooperation with the Department Veterans Affairs & Rehabilitation Committee, and to assist existing hospital facilities to aid in making the Veteran's stay in the hospital as pleasant as possible.

ii) The committee will be composed in accordance with Article III, Section 4c and include, in addition the eight (8) representatives or assistant representative for each of the five (5) Federal Veterans Hospitals; Iron Mountain, Zablocki, Minneapolis VA, Tomah, Madison, and the three (3) State Veteran's Homes; King, Union Grove and Chippewa Falls for a term of (1) one year. The hospital representatives will make a written accounting report of all donations received, to be submitted to the Department Adjutant thirty (30) days prior to the Department Convention.

iii) The Department Service Officer shall be a consultant to this committee.

### **(h) Legislative Committee**

i) Purpose: To represent The American Legion, Department of Wisconsin with the State Legislature, and contact Congress on matters of interest to Wisconsin Veterans as long as contact does not conflict with the National American Legion policy. This committee shall make recommendations to the Department Convention and to the Department Executive Committee, and in general supervise the legislative program of the Department. This committee has exclusive responsibility for petitioning the State Legislature on behalf of or in opposition to all legislation in which The American Legion, Department of Wisconsin is interested. This committee shall select the Department Legislator of the Year.

ii) The Department Judge Advocate shall be a consultant to this committee.

### **(i) Membership Committee**

i) Purpose: To promote an increase of membership in the Department, to ascertain the causes for failure of former members to renew their membership, and generally, to assist the Posts in a program working toward increasing the numerical strength of the Department. Also, to recommend programs to Posts for the promotion of such activities as would stimulate interest in The American Legion and its programs in all communities.

ii) The committee will be composed in accordance with Article III, Section 4a, and in addition will include the four (4) Department Vice-Commanders and the six (6) District Commanders from 1st, 3rd, 5th, 7th, 9th and 11th the odd number Districts, elected in the even numbered years, will serve on the Membership Committee in the odd numbered membership year beginning in 2023, and the six (6) Districts Commanders from the 2nd, 4th, 6th, 8th, 10th, and 12th the even numbered Districts, elected in odd numbered membership years, will serve on the Membership Committee in the even numbered membership years beginning in 2022 and continuing the rotation thereafter.

### **(j) National and Homeland Security Committee**

i) Purpose: To organize the membership in support of national or civilian defense projects in the communities. To organize the department and to assist in organizing the communities for readiness to meet any emergency.

ii) Keep the rank and file of The American Legion informed of any actions that could have an effect on the security of the state and nation. Use sources available such as media and/or word of mouth to ensure that we are informed of threats to our foreign interests.

iii) Select the Guard/Reservist of the year submitted by participating districts.

iv) Provide increased awareness of POW/MIA's within the Department

v) Provide POW/MIA activities and education to the public.

vi) Select the winners of the Edward J. Ormsby Law and Order Award, the Outstanding Fire Fighter Award, and the Emergency Medical Technician Award and any other awards assigned to the committee.

vii) The Blood Donor Chair shall be a member of the committee.

### **(k) Policy Committee**

i) Purpose: The Department Policy Committee will study, recommend, and formulate policies that will be beneficial to the Department on all matters that will tend to increase the prestige of The American Legion, Department of Wisconsin and to advance the best interests of The American Legion. No recommendation shall be considered as final unless approved by the Department Executive Committee or a Department Convention.

ii) The Policy Committee will review all Convention Resolutions before they are presented to the convention for action. The Policy Committee shall determine if Convention Resolutions are properly written and/or germane to the policies and mandates of The American Legion, Department of Wisconsin.

iii) Any Past National Commanders that were members of The American Legion, Department of Wisconsin when elected will serve as Ex Officio members of this committee and the Department Judge Advocate shall serve as consultant to this Committee.

### **(l) Sons of The American Legion**

i) The American Legion, Department of Wisconsin recognizes the Sons of The American Legion as a program of the Department. The National American Legion and The American Legion, Department of Wisconsin shall have jurisdiction over the Sons of The American Legion Squadrons chartered by a Post in the Department of Wisconsin. The American Legion, Department of Wisconsin Executive Committee shall be the governing body of the Sons of The American Legion and must ratify all actions taken at their annual convention.

ii) The Department Commander shall annually appoint a Program Chair for the Sons of The American Legion, Detachment of Wisconsin from the ranks of The American Legion, Department of Wisconsin. The Program Chair for the Sons of The American Legion, Detachment of Wisconsin shall serve as a member of the Department Americanism Committee. The minutes of all meetings, and the actions taken by the Sons of The American Legion, Detachment of Wisconsin Executive Committee shall be incorporated in the Sons of The American Legion Program Chair report to the Department Americanism Committee at each regularly scheduled meeting thereof.

iii) The Sons of The American Legion Detachment elects organization officers at their annual Convention, which is held at the same time and in conjunction with The American Legion, Department

of Wisconsin Convention.

**(m) Veterans Affairs and Rehabilitation Committee**

i) Purpose: To formulate policies in coordination with the Department Service Officer, subject to approval by the Department Executive Committee or a Department Convention, of all the different phases of the rehabilitation problems of veterans and their dependents of all wartime conflict as defined by the U.S. Congress.

ii) The committee will be composed in accordance with Article III, Section 4a, and include the Chairman, which are appointed for one (1) year, of the following committees: Employment, Hospital, and Homeless Veterans Task Force.

iii) The Department Service Officer and Camp Committee Chair shall serve as a consultant to this Committee.

**(n) Religious Emphasis Committee**

i) Purpose: To promote Spiritual growth of our membership at all levels of The American Legion, Department of Wisconsin and to provide training and mentors to Legionnaires who desire to be a Chaplain.

iii) The committee will consist of the Department Assistant Chaplain, the Immediate Past Department Chaplain and one member appointed by the Department Commander. The Department Chaplain will serve as a liaison to this committee.

**ARTICLE IV**

**Election of Department Officers**

**SECTION 1.** At each annual Department Convention, the following Department officers shall be elected under the Australian Ballot System, and voting shall be in secret. Pursuant to Article VII of the Constitution of The American Legion, Department of Wisconsin the election of the National Executive Committee member and the Alternate National Executive Committee member are for a 2-year term on even-number years. Pursuant to Article III, Section 1 (f) of the Constitution of The American Legion, Department of Wisconsin commencing at the Department Convention of 2018, the candidate for Sergeant at Arms receiving the highest number of votes, provided that they have received a majority of vote of delegates present, shall be elected to a two (2) year term. The candidate for Sergeant at Arms receiving the second highest number of votes, provided that they have received a majority of vote of delegates present, shall be elected to a one (1) year term. Thereafter, at each annual election of The American Legion, Department of Wisconsin the candidate for Sergeant at Arms receiving the highest number of votes, provided that they have received a majority of vote of delegates present, shall be elected to a two (2) year term.

Such officers shall be nominated in the following order:

1. One Department Sergeants-at-Arms
2. Four Department Vice Commanders
3. One Department Commander
4. One Alternate National Executive Committee member
5. One National Executive Committee member

SECTION 2. Nominating speeches for the office of Department Commander shall be limited to four minutes, nominating speeches for National Executive Committee Member and Alternate National Executive Committee Member shall be limited to three minutes. Nominating speeches for all other officers shall be limited to two minutes and the seconding for all offices shall come from the District floor leader of the candidates District, which will be a one sentence seconding as follows: The (number of) District seconds the nomination of (name of candidate) for the office of (name of office candidate is nominated for).

SECTION 3. Election Procedure

(a) Nominations for all elective offices shall be made a special order of business on the first day of convention. Nominations shall proceed until all nominations for all elective offices shall have been made. No nominations shall be made or entertained after the adjournment of the first day's business session.

(b) Each registered delegate present at the annual Department Convention shall have one vote, and each Convention delegate shall, upon registration, receive an identifying badge containing their name and Post number, and shall also receive a delegate's credential.

(c) The election of all elective officers shall be conducted under the Australian Ballot System, and all voting shall be in secret: polling places shall be established at or near the place of holding the Department Convention for each of the Districts of The American Legion, Department of Wisconsin; each District shall be assigned a poll list, three Clerks, and other necessary supplies. Voting will be done by the use of the official ballot boxes, official ballots to be provided by the Supervisor of Election.

(d) The election officials shall consist of the following:

1. A Supervisor of Election, and a Assistant Supervisor to fill in if appointed Supervisor is absent, who shall be appointed by the Department Commander, both of which shall not be a candidate for, or holder of any Department office in The American Legion, Department of Wisconsin.

2. Three Inspectors of Election, and one (1) Alternate Inspector to fill in if one of the appointed Inspectors is not available, who shall be appointed by the Department Commander and who shall assist the Supervisor of Election in the establishment and preparation of the polling places, and the general supervision of the conduct of the election.

3. Three Clerks appointed from each District by the District Commander. No Clerk appointed by the District Commander shall serve as a Clerk for the District from which appointed. Three Clerks, two of which shall be on duty at all times, shall be assigned by the Supervisor of Election to assist in the balloting of each District (but in no case shall Clerks assigned to the District from which they were appointed), and it shall be the duty of such Clerks to be present at the polling place of the District to which they are assigned during the hours that voting is permitted.

(e) The voting procedures shall be as follows: A delegate wishing to vote shall present themselves at the polling place of their District, shall identify themselves by their registration delegate card, shall give their name and Post number to the Clerk for entry in the polling list, shall present their card to the Clerk, which shall be punched or stamped by the Clerk, and thereupon shall be handed an official ballot and shall make and cast such ballot in the official ballot box only.

(f) At the close of the time allotted for voting, Clerks and the Supervisor of Election shall count the number of votes cast and compare the same with the number of voters listed on the poll list. The Clerks shall

thereafter tally the votes for the respective candidates and make return thereof promptly to the Supervisor of Election, setting forth the number of votes cast (the number of voters) with the polling list and tally sheet. The Supervisor of Election, together with the Inspectors of Election, shall thereupon total the vote of all Districts for all candidates, and shall make return thereof to the Department.

All tally sheets shall be delivered to the Department Adjutant and shall be retained for a period of thirty (30) days following the conclusion of the election.

The Supervisor of Election and the Inspectors of Election shall determine all questions of irregularity with respect to the election, and any candidates aggrieved by such determination may appeal to the Department Executive Committee any question of irregularity affecting the result of such election at any time within ten (10) days after adjournment of the convention at which such election was held.

(g) The polls of such election shall be open for voting at 8:30 a.m. on the second day of the Convention and shall remain open until 10:30 a.m. of said second day.

(h) Election officials shall expeditiously, upon closing of the polls, tally and count the votes and make return thereof so that announcement of the results of such election may be made promptly.

(i) The majority vote of the delegates present and voting shall be required for the election of any elective officer; and if no elective candidate received a majority of the votes cast, then the two candidates for such office who received the highest number of votes, therefore, shall be voted upon the second day of the Convention. The polls shall open at 2:00 p.m. on said second day of the Convention for the purpose of permitting the delegates to cast supplemental votes only for such office or offices where no candidate received a majority vote. The polls for such supplementary voting shall close at 3:30 p.m. on the second day of said Convention. The above procedure shall apply to all offices excepting the office of Department Vice Commander.

With respect to the election of Department Vice Commander, the four receiving a majority of the votes cast shall be declared elected, provided that no more than four shall receive a majority vote.

In the event that more than four receive a majority vote, then the four highest shall be declared elected.

In the event that less than four receive a majority vote, then those receiving a majority vote shall be declared elected, and a supplementary election shall be held to complete the election of four Department Vice Commanders in the following manner:

In the event that three nominees receive a majority vote, then a supplementary election shall be held to complete the election of four Department Vice Commanders in the following manner:

In the event that three nominees receive a majority vote, then a supplementary election shall be held with the next two highest nominees being voted on.

In the event that two only receive a majority vote, then a supplementary election shall be held for the next three highest nominees to be voted on, and in the event that only one receives a majority of the votes cast, a supplementary election shall be held for the next four highest nominees to be voted for the three remaining offices, and in the event that no nominee receives a majority of the votes cast, then a supplementary election shall be held with the five highest nominees being placed on the ballot.



(j) In the event of the absence or disability of any delegate, their alternate, upon receiving proper certification from the Convention Credentials Committee, shall have the right to cast their vote in all elections held under these rules.

(k) A canvass of all votes cast at any election may be held and conducted at the request of a majority of the members of the Executive Committee in writing, and such canvass shall be conducted by a special canvassing board of five appointed by the Department Commander.

(l) In the event of any tie, the tie shall be broken by lot.

## **ARTICLE V**

### **Vacancies**

**SECTION 1.** Vacancies occurring in any elective office of the Department of Wisconsin shall be filled by the Department Executive Committee. Vacancies in the representation of any District in the Department on the Executive Committee shall be filled by the appointment of an individual by the District Executive Committee, subject to the approval of the Department Executive Committee. A vacancy in the office of the Department Commander shall be filled by election of any of the Department Vice Commanders by the Department Executive Committee.

## **ARTICLE VI**

### **Fiscal Year**

**SECTION 1.** The fiscal year of the Department shall be the period of time as prescribed by the Department Executive Committee.

## **ARTICLE VII**

### **Monies, Collections, Liability, and Expense**

**SECTION 1.** No indebtedness or liability shall be contracted for, or expenditure made, of more than two hundred dollars (\$200.00) over and above the amount budgeted in a current fiscal year, taking into consideration normal operating over-runs for administrative expenses, by any Department officer, except the Department Commander and the Department Executive Committee.

**SECTION 2.** There shall be no travel at Department expense unless authorized by the Department Commander except for the Department Adjutant, Department Service Officer and Camp American Legion Director who may travel as they deem necessary within the limits of the allocated amounts approved in the annual budget for that purpose.

**SECTION 3.** All District, County, and Post officials handling American Legion monies and negotiable instruments shall be covered by fidelity/crime insurance in an adequate amount as determined by the District, County, or Post Executive Committee. In case of delinquencies in the payment of amounts due Department or National Headquarters, action shall be taken at once by the proper officials to bring about a speedy and complete settlement.

The insurance policy provided by the District, County, and Post Officials shall be approved by the Department Judge Advocate and the Department Executive Committee.

SECTION 4. The Department Commander shall, should it be deemed advisable, detail special auditors to investigate the membership roll and financial statement of a District, County or Post.

## **ARTICLE VIII**

### **Posts**

SECTION 1. Subject to the provisions of the National and Department Constitution and Bylaws, each Post shall have authority to adopt its own Constitution, Bylaws, Rules, and Regulations.

### **Name**

SECTION 2. No Post shall be granted a charter in the name of any living person. A post may change its name upon application to and approval of the Department Executive Committee.

### **Annual Election of Officers**

SECTION 3. Post officers shall be elected annually by each Post in the Department at an election to be held after May 1. The newly-elected officers are to be installed and assume their respective duties at such time as determined by the Post, but not later than September 20 of each year.

### **Duties of Officers**

SECTION 4. The duties of the several officers of a Post shall be defined by the respective Posts and shall conform as nearly as may be to the duties imposed on similar officers of the Department.

### **Report to Department and District Commanders**

SECTION 5. Each Post Commander shall, as directed by the Department Adjutant prior to the opening of the Department Convention each year, make a report to the Department Headquarters and the District Commander of the affairs of the Post, a certification of the Service Record of Post Officers, a roster of the incoming officers of the Post, the Children and Youth Report, the Consolidated Post Report, the Rehabilitation Form, provide proof of any Bonding of Post Officers and the activities of the previous year. A memorandum calling attention to the requirement for submitting such reports shall be prepared and mailed out to all Post Commanders by Department Headquarters not later than May 31 of each year.

### **Membership Transfers**

SECTION 6. (a) Membership may be transferred from one local Post to another upon request, giving reason for transfer, and unearned dues remaining with the Post of first membership on forms provided for the purpose.

(b) Any member in good standing in a Post moving from the community in which that Post is located shall be entitled to a certificate from their Post, stating their membership and the duration thereof.

(c) If, within fifteen (15) days after acceptance into membership of a Post, any person who, during the calendar year immediately preceding, was a member of another Post, the Post Adjutant shall notify in writing the Post Adjutant of the Post to which the person formerly belonged of such acceptance into membership.

## **Post Location**

**SECTION 7.** All applications for Charter shall state definitely the District and County to which the Post subjects itself for residence. No Post shall change its location from one District or County to another without the consent of the Department Executive Committee. Any Post in Milwaukee County may hold business meetings any place in said County without fear of losing their District affiliations unless a Post purchases a Memorial Building. In such case, said Post is to make formal written request of the Department Executive Committee that they become a part of the District in which their building is located.

## **Member's Qualifications**

**SECTION 8.** Subject to the provisions of the National and Department Constitution and Bylaws with respect to eligibility, each Post shall be judge of the qualifications of candidates for membership and its members.

**SECTION 9.** Each Post shall maintain two separate funds, namely a general and a rehabilitation fund. All poppy profits shall be placed in the rehabilitation fund and used solely for service work.

## **ARTICLE IX**

### **District Commanders**

**SECTION 1.** Each District Commander shall give, through Department Headquarters, written notice to the Posts in their District of a meeting, conference, or caucus provided for in Section 4 (e), Article III of the Constitution at least thirty (30) days prior to such meeting, conference, or caucus.

**SECTION 2.** District Commanders and District Vice Commanders shall take office and be given the credentials of their office at the conclusion of the first Department Convention held following their election.

**SECTION 3.** The District Commander, and in the District Commander's absence, the District Vice Commander, shall be designated as floor leader during the Department Convention unless the District shall decree otherwise.

**SECTION 4.** Each District Commander, in addition to being a member of the Department Executive Committee, shall also have general advisory power over the Posts in their District; and it shall be their duty to take such steps as in their judgment shall promote the membership of such Posts, to assist in the organization of additional Posts, and to promote the general welfare, efficiency, and success of The American Legion within their District.

**SECTION 5.** A District Vice Commander, in the absence of the District Commander shall represent the District Commander at a Department Executive Committee meeting. In the event of the death, resignation, or suspension of a District Commander, with no successor appointed, the Department Commander may designate a District Vice Commander to represent the District at a Department Executive Committee meeting. Whenever a District Vice Commander is authorized to attend a Department Executive Committee meeting, either by a District Commander or Department Commander, they shall have all the rights and powers accorded a District Commander.

**SECTION 6.** A District organization shall have full power and authority to levy and collect from each Post annually a per capita assessment in an amount not to exceed sixty (60) cents per member based on the Post's

respective membership as of July 15 in any assessment year.

## **ARTICLE X**

### **County Councils**

**SECTION 1.** Each County Council hereafter organized shall, after approval of the Department Judge Advocate, adopt a Constitution and Bylaws.

**SECTION 2.** It shall be the duty of the County Council to assist in and coordinate all efforts and movements in their respective Counties in the interests of The American Legion.

**SECTION 3.** All officers of County Councils, except those selected to fill vacancies, shall be elected and installed between June 1 and September 20 of each year. Within one week after such installation, the Department Adjutant and the District Commander shall be notified of the names and addresses of all of the officers of the County Council.

**SECTION 4.** A County Council shall have full power and authority to levy and collect from each Post annually a per capita assessment in an amount not to exceed fifty (50) cents per member, based on the Post's respective membership as of July 15 in any assessment year. Each Post shall pay the respective assessment on or before December 1 of each year. A County Council may also raise money by other means.

## **ARTICLE XI**

### **Rules of Procedure Governing the Discipline of Posts, Including the**

#### **Suspension and Revocation of Charters**

##### **Charges**

**SECTION 1.** A charge that any Post should, for any good and sufficient cause, have its Charter cancelled, suspended, or revoked may be initiated by any intermediate body between the Post and the Department, or by any three Posts of the Department in which the Post accused is located. A charge may be withdrawn only with the consent of the Department Commander

**SECTION 2.** Such charge shall be filed with the Department Commander at Department Headquarters.

**SECTION 3.** Such charge shall be in writing, signed by the respective Commanders and Adjutants of the intermediate bodies or Posts, as the case may be, and sworn to before any officer authorized to administer oaths.

**SECTION 4.** Three additional copies of such charge shall be filed with the original. The Department Commander shall forthwith cause one copy of such charge to be served on the defendant Post by delivering a true copy thereof to the Adjutant of said Post, as hereinafter provided.

**SECTION 5.** Such Charge shall include the following:

(a) A certified or attested copy of the resolution authorizing the filing of such charge.

(b) The full name and address of the Post against which the charge is made, as well as the full name and address of the Commander and Adjutant of such Post.

(c) A clear, concise and detailed statement of the facts upon which the charge is based.

(d) The section or sections of the National and/or Department Constitutions and Bylaws alleged to have been violated.

(e) Affidavits or documents substantiating the charge may be attached.

SECTION 6. After a charge has been filed, the Department Commander shall forthwith cause a full investigation of the facts to be made. After such investigation, the Department Commander shall file a report and recommendations with the Department Executive Committee for its action thereon at its next meeting.

SECTION 7. Proceedings relating to the cancellation, suspension, or revocation of a Post Charter may also originate with either the Department Commander or the Department Executive Committee.

SECTION 8. The action of the Department Executive Committee in rejecting any charge or charges against a Post shall be final.

### **Resolution of Department Executive Committee**

SECTION 9. Should the Department Executive Committee determine by a majority vote that the Post should surrender its Charter, said Department Executive Committee shall direct the defendant Post to surrender its Charter for cancellation and shall pass a resolution that unless the Charter is so surrendered prior to the date therein specified, a hearing and trial be held to determine whether the Post Charter should be cancelled, suspended, or revoked; and said resolution shall include the following:

(a) A statement that the Department Executive Committee has determined that a hearing and trial is warranted.

(b) Authorization and direction to the Department Commander and Department Adjutant to sign a formal complaint.

(c) The names and addresses of the members of the subcommittee before which the hearing and trial is to be held.

(d) The name and address of the Department Judge Advocate or special Acting Department Judge Advocate who is to assist the committee.

(e) Authorization to the subcommittee to hire such stenographic or other help as may be necessary and to incur such expense as may be necessary.

(f) That the subcommittee shall report its written findings of the fact and recommendation to the Department Executive Committee at its next meeting; provided, however, that if the hearing or trial is not completed, a partial report shall be made.

### **Complaint**

SECTION 10. In all cases, a formal complaint (in triplicate) shall be drawn by the Department Judge Advocate and signed by The American Legion, through its Department Commander and Department

Adjutant, setting forth the following:

- (a) A clear and concise statement of the facts upon which the charges are predicted.
- (b) The origin of the charges.
- (c) A copy of the resolution of the Department Executive Committee appointing subcommittee and its assistants.
- (d) A copy of the Uniform Code of Procedure for the revocation, cancellation, or suspension of Post Charters.
- (e) The time within which an appearance or answer shall be filed by the Post, which shall be not less than twenty (20), nor more than sixty (60) days from the date of the service of a copy of the complaint.
- (f) The time and place for the hearing and trial, which shall not be more than thirty (30) days after the date of the expiration of the time for the filing of the answer.

SECTION 11. Any such complaint may be amended by the subcommittee of the Department Executive Committee, in its discretion, at any time upon such terms as may be deemed just in the opinion of the said subcommittee.

#### Service

SECTION 12. The subcommittee shall cause a true copy of the complaint to be served on the defendant Post.

SECTION 13. All complaints, orders, and other process and papers of the subcommittee or of The American Legion, Department of Wisconsin may be served personally, or by registered mail, or by leaving a copy thereof at the principal office or headquarters of the intermediate body or Post or place of residence of the person or officer to be served. The verified return by the individual serving the same, showing service thereof in the manner herein provided or the registry return receipt shall be proof of service.

SECTION 14. All notices, order, papers, or other process which are to be served on The American Legion, Department of Wisconsin, or the subcommittee appointed to conduct the trial, shall be deemed served if they are served on the Department Adjutant at Department Headquarters, said service to be made as herein above provided.

SECTION 15. Witnesses may be summoned by a notice signed by either the special Acting Department Judge Advocate, the Department Judge Advocate, or by a member of the subcommittee.

#### Answer

SECTION 16. The defendant Post shall file an answer to said complaint with the Department Judge Advocate at Department Headquarters within the time specified in the complaint. The answer shall contain a clear and concise statement of the facts which constitute its defense. Any charge or specification in the complaint which is not expressly denied or explained in the answer shall be deemed to be admitted.

SECTION 17. In the event that the complaint is amended during the course of the hearing or trial, the defendant shall be furnished with a copy of such amendment and may file an amended answer to the said

amended complaint within five (5) days thereafter.

### **Subcommittee**

**SECTION 18.** The subcommittee to hear and try and make written findings of fact and recommendations with reference to the matter of the cancellation, suspension or revocation of the Post Charter shall be appointed by the Department Executive Committee, and shall consist of not less than three (3) members of the Department Executive Committee. No member of the Post under investigation shall be a member of such committee.

**SECTION 19.** Should no member of the subcommittee be a lawyer, opinions on questions of law may be obtained from the Department Judge Advocate.

**SECTION 20.** A majority of the members of the subcommittee shall constitute a quorum. If for any reason there is less than a quorum, the hearing shall be adjourned until a quorum is present.

**SECTION 21.** The duties of the Department Judge Advocate or special Acting Department Judge Advocate shall be to see that the trial is prompt, complete, and thorough; to make all arrangements for the hearings, to summon all witnesses, and to produce all papers. The Department Judge Advocate or special Acting Department Judge Advocate shall see that the orders of the subcommittee are carried out. The Department Judge Advocate or special Acting Department Judge Advocate shall examine and cross-examine all witnesses.

### **Hearing and Trial**

**SECTION 22.** The rules of evidence prevailing in courts of law and equity shall not be controlling. The subcommittee shall decide all questions arising as to the relevancy of the evidence and the regularity of the proceedings.

**SECTION 23.** The subcommittee may hold its hearings in closed sessions or may open them to the public. The subcommittee shall hear witnesses on oath or affirmation.

**SECTION 24.** Any party to the proceeding shall have the right to appear at such hearing in person, by counsel or otherwise, subject to such reasonable restrictions as may be placed on this right by the subcommittee, and to examine and cross-examine witnesses and to introduce documentary or other evidence.

**SECTION 25.** Stipulations of fact may be introduced in evidence with respect to any issue.

**SECTION 26.** Objection to the conduct of a hearing shall be stated orally, together with a short statement of the grounds for such objection, and shall be included in the stenographic report of the hearing.

**SECTION 27.** Any party to the proceedings shall be entitled to a reasonable period at the close of the hearing for oral argument which shall not be included in the stenographic report of the hearing. Briefs may be filed by the parties within the time fixed by the subcommittee.

**SECTION 28.** In the discretion of the subcommittee, the hearings may be continued from day to day or adjourned to a later date or to a different place by the announcement thereof at the hearing by the chair or vice chair of the subcommittee, or by other appropriate notice.

SECTION 29. A stenographic report of the trial shall be made.

### **Report of Subcommittee**

SECTION 30. The subcommittee, after it has completed its hearings, shall file the complete report of the proceedings had upon the trial, together with its written findings of fact and recommendations with reference thereto, with the Department Adjutant not less than five (5) days before the next meeting of the Department Executive Committee, all of which shall be open to the inspection of all members of the Department Executive Committee as well as representative or representatives of the defendant Post.

SECTION 31. The Department Executive Committee shall consider said report and act thereon.

SECTION 32. At the Department Executive Committee meeting at which the report of said subcommittee is to be considered, one representative of the defendant Post may, within the discretion of the Department Executive Committee, be given the privilege of the floor for not more than one hour.

SECTION 33. Should the subcommittee's report be a partial report, the Department Executive Committee may continue the committee and authorize it to hold further hearings and present its final report at the next meeting of the Department Executive Committee.

### **Appeal**

SECTION 34. Should the Department Executive Committee refuse to cancel, suspend, or revoke the charter of the Post, such decision shall be final and no appeal can be taken there from.

SECTION 35. Should the Department Executive Committee, upon a report of its subcommittee, cancel, suspend, or revoke the charter of the defendant Post, the defendant Post and the National Adjutant shall be notified by the Department Adjutant of the decision of the Department Executive Committee, which notice shall be mailed within five (5) days after such decision has been rendered. Should the defendant Post desire to appeal the decision of the Department Executive Committee, it shall serve its notice of appeal, signed by the Post Commander and Adjutant, to the Department Adjutant at Department Headquarters, within thirty (30) days from the date of said suspension, cancellation or revocation.

SECTION 36. Upon receipt of said notice of appeal, the Department Commander shall immediately notify the National Commander of such appeal and shall cause the Department Judge Advocate, or Acting Department Judge Advocate, and the subcommittee to submit all the papers and the complete record of the hearings to the National Commander.

Upon receipt of the notice of appeal, the National Commander shall appoint a subcommittee of not more than five (5), nor less than three (3), members of the National Executive Committee for the purpose of hearing the appeal from the action of the Department Executive Committee. (Above section subject to revision by National Executive Committee.)

SECTION 37. The National Executive Committee, or Alternate, from the Department of which the defendant Post is a part shall not be eligible to serve on this committee.

SECTION 38. This subcommittee of the National Executive Committee shall meet at least one day prior to the meeting of the National Executive Committee; and to this committee, the National Commander shall refer the complete record, in writing, of said proceedings, with such exceptions thereto as are made by the



defendant Post.

SECTION 39. This subcommittee may make its recommendations merely from the records, or it may permit representatives of the Department or the defendant Post to appear and argue the matter before the committee. And it may, at such hearing of such appeal, take further evidence relating thereto under such rules and conditions as it may from time to time adopt.

SECTION 40. This subcommittee shall review the cause and recommend to the National Executive Committee the action to be taken thereon.

SECTION 41. The decision of the National Executive Committee, based upon the report of this subcommittee shall be final, and there shall be no appeal there from.

## ARTICLE XII

### Rules of Procedure Governing Discipline of Members

SECTION 1. Process: The first process in all actions of expulsion or suspension against a member of The American Legion in good standing shall be by filing with the Adjutant of the Post written charges, in triplicate, properly verified by affidavit of the accuser or accusers.

SECTION 2. Writ - Returnable When Written Charges Are Filed: The Adjutant shall issue a writ, dated upon the day it shall be issued and signed with the Adjutant's name, directed to the Sergeant-at-Arms (or some other member of the Post in good standing) commanding them to summon the accused to appear at the Post meeting place at the next regular meeting (provided fifteen (15) days have intervened) to show cause why they should not be suspended or expelled (as the case may be).

SECTION 3. Service - Return: It shall be the duty of the Sergeant-at-Arms, or the member appointed, to serve the writ so issued by reading it to the accused and at the same time, delivering a verified copy of the charges filed. The Sergeant-at-Arms, or the member appointed, shall endorse upon said writ the time and manner of serving it and immediately thereafter, file the same with the Post Adjutant.

SECTION 4. Alias Writ: Whenever it shall appear by the return that the accused is not found fifteen (15) days or more previous to the regular Post meeting, the Adjutant, at the request of the accuser, shall issue another writ and so on until service is had.

SECTION 5. Failure to Make Return: If the Sergeant-at-Arms, or the member to whom a summons is delivered, shall neglect or refuse to make return of same within the time required in Section 4, another summons shall be issued directed to some member in good standing for service as herein above set forth.

SECTION 6. Service by Publication: Whenever the accuser shall file with the Adjutant of the Post in which the charges are pending an affidavit showing that the accused has gone out of the state; or on due inquiry, cannot be found, or is concealed within the state so that process cannot be served upon the accused and stating the place of residence of such accused, if known, or that upon diligent inquiry, the accused's place of residence cannot be ascertained, the Adjutant of the Post shall cause publications to be made in said county, then in the nearest newspaper published in the state containing notice of the pendency of such charges before said Post, the name of the accused and the accuser, and the time and place of the hearing of said charges. Within ten (10) days of the first publication of such notice, the Adjutant of said Post shall send a copy thereof, by mail, addressed to the accused if their place of residence is stated in said affidavit -

said notice shall be published at least once each week for three successive weeks.

SECTION 7. Charges: The accuser or accusers shall set forth the charges of disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of The American Legion in terms of simplicity and understanding in order that the accused may properly prepare a defense.

SECTION 8. Accused to Enter Their Appearance in Writing: Before the accused defends in their own proper person, or through their counsel, they shall enter their appearance by filing an answer to said charges on or before the date of the regular meeting to which they have been summoned to appear.

SECTION 9. Failure to Answer: If the accused fails to answer the charges in manner and form as herein last set forth, the charges and matters and things therein stated shall be taken as confessed and the prayer for expulsion or suspension granted.

SECTION 10. Date of Trial: Whenever the accused enters their appearance by filing an answer to the charges preferred, the entire proceeding shall automatically be continued until the next regular Post meeting at which time the trial shall be had.

SECTION 11. Judge Advocate to Appoint Presiding Judge: As soon as a date is set for trial, the Adjutant shall notify the Department Judge Advocate of the pendency of the trial and the Department Judge Advocate shall appoint a Legionnaire, preferably a judge or an impartial experienced Attorney-at-Law, to preside over the trial. Such presiding judge shall have power and authority to pass upon the materiality and relevancy of all evidence presented, and shall have the general power to prescribe the necessary and reasonable rules and regulations for the orderly procedure of said trial and the granting of continuances.

SECTION 12. Continuance: Either party may apply for a continuance before the day set for trial by filing with the Adjutant a written motion, supported by affidavit, of the party so applying. Good and substantial cause must exist before said motion is granted.

SECTION 13. Presiding Judge Vacancy: In the case of death, removal, vacancy, resignation or disability of the presiding judge, it shall be the duty of the Department Judge Advocate, when duly notified by the Adjutant, to fill the vacancy by appointment. The Post shall bear the expenses, if any, of the presiding judge.

SECTION 14. Post Officers and Executive Committee to Act as Jurors: The Post Officers and the Post Executive Committee are hereby selected as jurors to ascertain, under the guidance of the presiding judge, the truth of the charges preferred. Their province is strictly limited to questions of fact; and within that province, they are still further restricted to the exclusive consideration of the matters that have been proved by evidence of the interested parties in the court of the trial. Their decision shall be reduced to writing and filed with the Post Adjutant, who, in turn, shall enter the same in the Post records.

SECTION 15. Causes of Challenge: If any Post Officer or any member of the Executive Committee, or any other member selected as a juror, shall state that they cannot fairly and impartially render a verdict therein in accordance with the evidence and the presiding judge is satisfied of the truth of such statement, said member shall be excused from serving as a juror.

SECTION 16. Preemptory Challenge: The accused and the defendant shall be entitled to challenge and cause two jurors to be excused without showing cause for such challenge.

SECTION 17. Selection of Jury: If sufficient officers and Executive members are challenged or excused so as to leave less than five (5) available as jurors, the presiding judge shall select sufficient Legionnaires from

those present to complete a jury of five. The presiding judge shall examine all jurors as to their qualifications to serve and shall rule upon their competency to serve. The presiding judge may cause the meeting to be adjourned, if necessary, to secure additional Legionnaires competent to serve as jurors.

SECTION 18. Amendments: At any time before a final decision is made by the jury upon the trial of a member upon expulsion or suspension, amendments may be allowed by the presiding judge upon such terms as are just and reasonable.

SECTION 19. Number Necessary to Expel or Suspend: To expel or suspend a member of The American Legion in good standing, two-thirds of the members selected to sit as jurors shall vote in the affirmative.

SECTION 20. Time for Appeal: Within forty (40) days after a judgment of expulsion or suspension is made and recorded, the accused only may make an appeal in manner and form as set forth in Section 3 of Article IV of the National Bylaws.

SECTION 21. Stenographic Report: Either party demanding a stenographic report of the trial shall pay for the same and when said report is completed, it shall be the duty of the presiding judge, on appeal, to examine the same and if correct, officially certify to the correctness of such report, and the same shall be immediately filed with the Department Adjutant, who, in turn, shall present the same to the Department Executive Committee or the Department Convention officials according to the Bylaws of such Department. All matters and things contained in such stenographic report shall become a part of the record and shall be considered in the final decision by the Department. In addition to the stenographic report, all interested parties shall have the further right of appearing in person, or by counsel, to present further evidence and arguments upon such final hearings.

SECTION 22. Notice by Department Adjutant Upon Request: When an appeal is taken by the accused in compliance with Section 3 of Article IV of the Bylaws of The American Legion, it shall be the duty of the accused to obtain from the Department Adjutant the date of the Executive Committee meeting or Department Convention, and the exact time and place of such hearing on appeal. This notice should be given, if possible, at least ten (10) days before the meeting or convention.

SECTION 23. Appeal-Department Judge Advocate to Preside: Upon appeal, the Department Judge Advocate shall preside at the trial. The Department Judge Advocate shall have the power and authority to grant a continuance to either party if deemed for the best interest of the Legion; to pass upon the materiality and relevancy of all the evidence presented, and shall have general power to prescribe the necessary and reasonable rules and regulations for the orderly procedure of said trial.

SECTION 24. No Further Appeal: The decision reached by the Department Executive Committee or Department Convention shall be final.

SECTION 25. Effect of Decision: Where an appeal is taken by the accused and the Department Executive Committee or Department Convention sustains the appeal, the expelled member automatically becomes a member in good standing of said Post, and it is mandatory that the Adjutant reinstate said member upon the Post membership roll. Any Post failing to comply with this provision is subject to have its charter suspended or revoked.

### **ARTICLE XIII**

#### **Auxiliary**

SECTION 1. The American Legion, Department of Wisconsin recognizes an Auxiliary organization known

as, The American Legion Auxiliary, Department of Wisconsin.

SECTION 2. Membership in The American Legion Auxiliary shall be limited to the grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917 to November 11, 1918 and any time after December 7, 1941 who, being citizens of the United States at time of 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 line of duty or after honorable discharge; and to those women who, of their own right, are eligible to membership in The American Legion.

SECTION 3. The American Legion Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee, and thereafter approved by The American Legion, Department of Wisconsin.

## ARTICLE XIV

### Sons of The American Legion

SECTION 1. The American Legion, Department of Wisconsin recognizes an organization known as, "SONS of THE AMERICAN LEGION".

SECTION 2. The National Headquarters of The American Legion and the Department Executive Committee shall have jurisdiction over the Sons of The American Legion organized by any Post of The American Legion, Department of Wisconsin.

SECTION 3. The Department Commander shall annually appoint a Program Chair for the Sons of The American Legion, Detachment of Wisconsin from the ranks of The American Legion, Department of Wisconsin. The Program Chair for the Sons of The American Legion, Detachment of Wisconsin shall serve as a member of the Department Americanism Committee. The minutes of all meetings, and the actions taken by the Sons of The American Legion, Detachment of Wisconsin Executive Committee shall be incorporated in the Sons of The American Legion Program Chair report to the Department Americanism Committee at each regularly scheduled meeting thereof.

SECTION 4. The legislative body of the Sons of The American Legion shall be the National Convention of the Sons of The American Legion and its acts must be ratified by the National Executive Committee of The American Legion. In the Department of Wisconsin, the legislative body of the Sons of The American Legion shall be the Detachment Convention of the Sons of The American Legion and its acts must be ratified by the Department Executive Committee of The American Legion, Department of Wisconsin.

SECTION 5. (a) The Sons of The American Legion shall be organized as a "Squadron" under the jurisdiction of the local Post of The American Legion and shall bear the name of the Post as follows: "Sons of The American Legion", Squadron of \_\_\_\_\_ Post No. \_\_\_\_, Department of Wisconsin".

(b) The Commander of the Post of The American Legion shall appoint a committee of three (3) or more members to supervise the activities of "Sons of The American Legion" Squadron.

SECTION 6. All male descendants, adopted sons and stepsons of members of The American Legion, and such descendants of male and female veterans who died in service during the World Wars, or who died subsequent to the honorable discharge from such service, shall be eligible for membership in the "Sons of

The American Legion."

SECTION 7. There shall be no form or class of membership except an active member in the "Sons of The American Legion".

SECTION 8. All proposed amendments to the Constitution and Bylaws of the Sons of The American Legion, Detachment of Wisconsin shall not take effect until such time as they have been presented to the Department Americanism Committee, studied and reviewed by the Department Policy Committee and approved by the Department Executive Committee of the Department of Wisconsin.

## **ARTICLE XV**

### **Amendments**

SECTION 1. These Bylaws may be amended at any Department Convention by the affirmative vote of a majority of the duly qualified delegates present, provided the proposed amendment or amendments shall have been made available in writing to the delegates, prior to the opening of the first day of Convention.

SECTION 2. No proposed amendment to these Bylaws shall be submitted to a Department Convention unless such proposed amendment shall have first been submitted by the Department Executive Committee, any Department Officer or Committee Chairman, or by a regular meeting of any District or County Council of Post of The American Legion in the Department of Wisconsin.

SECTION 3. Amendments to the National Bylaws of The American Legion shall automatically operate to amend the Bylaws of The American Legion, Department of Wisconsin.

## **ARTICLE XVI**

### **Foundation**

SECTION 1. The Department shall establish and maintain an independent corporation under chapter 181 Wis. Stats. and section 501 (c) 3 of the internal revenue code for the receipt of tax-exempt contributions.

SECTION 2. The Corporation created under section 1 shall be known as The Wisconsin American Legion Foundation Inc. (Foundation).

SECTION 3. The Foundation shall create and maintain a restricted endowment fund and other restricted funds as deemed necessary by the Board of Directors (board) for the purpose of benefitting and furthering the programs of the department. The principal of the endowment fund and other restricted funds designated by the Board by resolution shall not be expended until the American Legion Department of Wisconsin is dissolved, terminated or otherwise ceases to exist at which time said funds shall be paid over and distributed to one or more qualified nonprofit organizations funds or foundations operated exclusively for the benefit of Wisconsin veterans and families, or as designated by the terms of the original donation.

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