

**CONSTITUTION AND BYLAWS OF THE
AMERICAN LEGION AUXILIARY,
DEPARTMENT OF RHODE ISLAND, INC.**

CONSTITUTION

PREAMBLE

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

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations during the Great Wars; to inculcate a sense of individual obligation to the community; state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and goodwill on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to participate in and contribute to the accomplishment of the aims and purposes of The American Legion; to consecrate and sanctify our association by our devotion to mutual helpfulness.

ARTICLE I – NAME

Sec. 1. The name of this organization shall be the American Legion Auxiliary, Department of Rhode Island, Inc.

ARTICLE II - NATURE

Sec. 1. The American Legion Auxiliary, Department of Rhode Island, Inc. is a patriotic service civilian organization of women that supports the mission of The American Legion.

Sec. 2. The American Legion Auxiliary, Department of Rhode Island, Inc. shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

ARTICLE III -MEMBERSHIP

Sec. 1. Membership in the American Legion Auxiliary shall be limited to the grandmothers, mothers, sisters, wives, and direct and adopted female descendants of members of The American Legion and to the grandmothers, mothers, sisters, wives, and direct and adopted female descendants of men and women who were in the Armed Forces of the United States during any of the following periods: April 6, 1917 to November 11, 1918; December 7, 1941 to December 31, 1946; June 25, 1950 to January 31, 1955; February 28, 1961 to May 7, 1975; August 24, 1982 to July 31, 1984; December 20, 1989 to January 31, 1990; August 2, 1990 to the date of cessation of hostilities as determined by the Government of the United States; all dates inclusive, or who being citizens of the United States at the time of their entry therein, served active duty in the Armed Forces of any of the governments

associated with the United States during any of said periods, and died in the line of duty or after honorable discharge; and to those women who of their own right are eligible for membership in The American Legion.

Sec. 2 There shall be two classes of membership: Senior and Junior.

(a) Senior membership shall be composed of *members the age of eighteen and over*; provided, however, that a wife under the age of eighteen years, who is eligible under Section 1 of this article, shall be classed as a Senior member.

(b) Junior membership shall consist of that group under the age of eighteen years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen year, Junior members shall automatically be admitted into Senior membership with full privileges.

(c) Dues from both classes shall be paid annually or for life.

ARTICLE IV -OFFICERS

Sect. 1. The Department of Rhode Island shall have the following officers: President, National Executive Committeewoman, Alternate Executive Committeewoman, Senior Vice President, Junior Vice President, Secretary, Treasurer, Chaplain, Historian, Sergeant-at-Arms, and Assistant Sergeant-at-Arms. The officers are members of the Department Executive Committee. (The President is a delegate to the National Convention and Chairman of the Department Delegation.)

Sect. 2. The Sergeant-at-Arms and Assistant Sergeant-At-Arms shall be appointed by the incoming President and shall have the same privileges as the elective Department Officers.

Sect. 3. All Department Officers, members of the Department Executive Committee and Chairmen of Standing Committees shall be in good standing in their Units to be verified by the Department Secretary.

Sect. 4. Vacancies occurring in any of the elective offices of the American Legion Auxiliary, Department of Rhode Island, Inc. with the exception of the Department President and the Department Senior Vice President shall be filled by the Department Executive Committee. A vacancy in the office of Department President shall be filled by the Department Senior Vice President. A vacancy in the office of Department Senior Vice President shall be filled by the Department Junior Vice President.

Sect. 5. The National Executive Committeewoman & Alternate National Executive Committeewoman shall be elected to serve a two year term commencing at 2018 Department Convention. The Alternate National Executive Committeewoman shall serve only in the absence of the National Executive Committeewoman.

Sect. 6. Elected & appointed members of the Department Executive Committee, with the exception of the NEC and the Alternate NEC, shall serve one (1) term from the adjournment of the

Department Convention and shall conclude at the adjournment of the next succeeding Department Convention.

- Sect. 7. All questions affecting the eligibility, election and conduct of a Department Officer shall be referred to the Department Executive committee where a decision by a two-thirds vote in said committee shall be the final authority thereon.

ARTICLE V DEPARTMENT EXECUTIVE COMMITTEE

- Sect.1. Between Department Conventions the Department Executive Committee shall serve as the governing body of the organization with fiduciary policy and strategic responsibility for the organization.
- Sect. 2 The Department Executive Committee shall consist of the following officers: President, Senior Vice President, Junior Vice President, Secretary, Treasurer, Chaplain, Historian, Sergeant-at-Arms, Assistant Sergeant-at-Arms, DEC Delegates or Alternates (one per unit), the National Executive Committeewoman, the Alternate National Executive Committeewoman and five (5) Delegates At Large.
- Sect. 3. The Past Department Presidents shall be members of the Department Executive Committee with voice and without vote with the exception of a Past National President who shall have life privileges of voice and vote.
- Sect. 4. The Department President and Department Senior Vice President shall serve as Chairman and Vice Chairman of the Department Executive Committee respectively.

ARTICLE VI - CONVENTION

- Sect. 1. The legislative body of this Department shall be a Department Convention, to be held *each year for the purpose of electing officers, receiving reports and transacting such other business as shall properly come before it.* The time and place of the Convention shall be the same as that of the American Legion, if it is feasible.
- Sect. 2. Representation in Department Convention shall be by Units. Each Unit shall be entitled to one (1) delegate (Charter) and one (1) additional delegate for each twenty- five (25) members or major fraction thereof, whose current dues shall have been received by the Department thirty-five (35) days prior to the meeting of said convention and to one alternate for each delegate elected by the Unit, provided said Unit has been chartered ninety (90) days before the Department Convention. The delegates and alternates shall be elected at a meeting of the Unit to be held not less than thirty-five (35) days prior to the Convention and delegates from Units failing to comply with this ruling, can only be seated by convention action.
- Sect. 3. All Past Department Presidents in good standing in their local Units with the exception of Past Department Presidents who are serving on the Executive Committee as delegates-at-large, or Unit Executive Committeewomen, or Chairmen of Standing

committees, shall be life delegates-at-large to the Department Convention, with vote to be exercised with their Units.

Any Department Secretary or any Department Treasurer upon her retirement at five (5) or more years in office, and in good standing in her local Unit, with the exception of Past Department Secretaries or Past Department Treasurers who are serving on the Executive Committee as delegates-at-large or Chairmen of Standing Committees, shall be a life delegate-at-large to the Department Convention with vote to be exercised with her local Unit.

- Sect.4. Delegates-at-large to a Department Convention shall be the elective officers, Department Sergeant-at-Arms, members of the Department Executive Committee and Department Chairmen of Standing Committees in good standing in their Units with vote to be exercised with their Units.
- Sect.5. All Department Officers, Executive Committeewomen, Delegates-at- Large and Chairmen of Standing Committees must attend all but two (2) of the scheduled Department Executive Committee Meetings to be entitled to vote at the Department Convention; and that Past Department Presidents, Past Department Secretaries and Past Department Treasurers who are serving on the Department Executive Committee as delegates-at-large and/or Chairmen of Standing Committees will be subject to the same regulations as the chairmen. This attendance provision does not apply to Block Island Unit 36.
- Sect. 6. Each delegate shall be entitled to one vote. The vote of any delegate absent and not represented by an alternate may be cast by the majority of the delegates present from her Unit
- Sect.7. A quorum shall consist of at least fifty-five (55%) of duly elected registered delegates.

ARTICLE VII – AMENDMENTS

- Sect.1. This Constitution may be amended at a Department Convention by a two-thirds (2/3) vote of the authorized registered delegates provided that the proposed amendments have been *received into the Department Headquarters 45 days prior to the opening of the state convention. Amendments must be sent to Unit Presidents, Unit Secretaries, and the Department Executive Committee 30 days prior to the opening of the state convention* (provided further that the proposed amendments shall be read at a regular meeting of the convention.)
- Sect.2. Necessary amendments proposed after distribution or revision as shown in Section 1, may be adopted by a 2/3 vote of the delegation, provided they have been read at the morning session of Department Convention prior to taking the vote at the afternoon session of Department Convention.
- Sect.3. An amendment not having been previously distributed or read as required in Section 1 may be adopted by the unanimous vote of the convention body.

Adopted at the Department Convention, July1, 2017

Alishia Marasco
Department President

Elaine Walmsley
Dept. Constitution & By Laws Chairman

BYLAWS

ARTICLE I – ORGANIZATION

Sec. 1. The Department shall be organized into Units. Units shall function in accordance with National and Department Constitution and Bylaws and such Standing Rules as shall be prescribed by the department.

Sec. 2. Unit Organization

- a. There shall be but one Unit for each Post. Units shall be given the name and number of the Post to which they are attached. Each Unit shall have a minimum membership of ten senior members in good standing.

Each Unit of the American Legion Auxiliary shall be responsible for verifying eligibility and deciding its membership, subject to the restrictions of the national governing documents.

- b. No officers of newly organized Units shall be installed until the Unit has received its charter, duly signed by the National President and Secretary and the Department President and Secretary. The application for a charter must first be duly approved by the Post to which it is attached and must be accompanied by remittance covering the National dues and the Department per capita dues on those persons signing the application, and other required charter fees. The charter will be issued by the National President and the National Secretary, upon the receipt of the application properly executed and approved by the President of the Department.
- c. The Department may prescribe the Constitution of the Units, provided that nothing shall be inconsistent with the National or Department Constitutions.
- d. The officers of the Unit shall be the President, one or more Vice Presidents, Secretary and Treasurer, Historian, Chaplain and such other officers and committees as may, from time to time, be authorized.
- e. All persons handling funds of the unit shall be bonded by a reputable solvent bonding and surety company, or shall be covered by a fidelity/crime insurance in an adequate amount as determined by the unit.
- f. All elective officers of the Unit shall be elected annually.
- g. The incoming President shall choose her own installing officer, who shall be a past Unit President, Department or National Officer.

- h. When a Unit ceases to function, or its charter has been revoked or canceled, the charter and all Unit records and funds shall be immediately forwarded to Department Headquarters. (Funds received are to be held in the Department for the period of one year in the event that the Unit reorganizes.) If said funds were designated for specific purposes, they shall be deposited into their respective Department account (for one year).
- i. Any Unit failing to meet the obligations imposed on it by the C&BL, or by the rulings of Convention or the Executive Committee, or ceases to function as a Unit from one Department Convention to the next, or refusing to pay the per-capita tax due Department and National may have their charter revoked by the Department Executive Committee with the approval of the National Executive Committee.

ARTICLE II ELECTION OF DEPARTMENT OFFICERS

- Sect.1. The following Officers shall be elected annually at the Department Convention by secret ballot: President, Senior Vice President, Junior Vice President, Secretary, Treasurer, Chaplain and Historian. No elected Department officer shall hold the office for more than two (2) consecutive terms, excepting the Secretary and the Treasurer. A majority of votes cast shall be necessary to elect. When there is but one candidate for an office, the nominee may be elected by voice vote. All Department Officers and committee members shall be in good standing in their units. These Department Officers shall enter upon the duties of their respective offices according to ARTICLE IV, Sect.6 of the constitution.
- Sect.2. The Sergeant-at- Arms and Assistant Sergeant-at-Arms are appointed by the Department President and ratified by the **Post Convention Department Executive Committee**. The Department Officers shall enter upon the duties of their respective offices *according to ARTICLE IV, Sec.4 and 6 of the constitution.*
- Sect.3. The National Executive Committeewoman and Alternate National Executive Committeewoman will be elected for a two year term commencing at the 2018 Department Convention.

ARTICLE III – DUTIES OF OFFICERS

- Sect.1. **PRESIDENT:** It shall be the duty of the Department President to preside at all sessions of the Department Convention and meetings of the Department Executive Committee; to appoint a Parliamentarian; to appoint members of department standing, special and other committees as she deems advisable to further the mission of the organization and to appoint officials not otherwise provided for in these By Laws, all subject to confirmation by the Department Executive Committee. The Department President shall serve as an ex-officio member of all committees and shall perform other duties as are usually incident to the office.

Sect.2. In the event the Department President becomes incapacitated or is otherwise unable to discharge the duties of her office, the Department Executive Committee may declare the position vacant.

In the event there is a vacancy in the office of the Department President, the Department Senior Vice President shall become President and shall assume the duties and authority of the office. In the event the Department Senior Vice President has assumed the office of Department President, the Department Junior Vice President shall become Senior Vice President and shall assume the duties and authority of the office.

Sect. 3. SENIOR VICE PRESIDENT: She will work closely with the President to learn the duties of that office and in the absence of the Department President, she shall assume all the duties of the President. Upon the request of the Department President, she shall represent her at any other Department meeting or function and bring the greetings of the Department.

Sect. 4. JUNIOR VICE PRESIDENT: She shall be a member of the Department Executive Committee and assist the Department President and shall perform such other duties as the Department President shall direct. She shall be Chairman of a major standing committee.

Sect. 5. SECRETARY: It shall be the duty of the Secretary to conduct all official correspondence under the direction of the President. She shall keep a record and distribute the proceedings of the Department Convention and of the Department Executive Committee meetings; she shall keep all records of the Department Organization; receive and answer all official mail; send and give due notice of all meetings and perform other duties as assigned by the Department President. She will receive Membership dues together with all other monies for various Department programs, assign voucher numbers for each transmittal and transmit to the Department Treasurer a voucher sheet along with monies to be deposited. She shall have the power to sign checks in case of an emergency.

Sect. 6. TREASURER: It shall be the duty of the Department Treasurer to serve as custodian of the funds of the Department Organization and account for the same. She shall sign (all) checks in dispersing the funds of the organization as described by her Department Executive Committee and Department Finance Committee; she shall perform other duties as assigned by the Department President. All chairmen with budgeted funds shall receive monthly an income/expense report for said committee.

Sect. 7. CHAPLAIN: It shall be the duty of the Chaplain to offer *nonsectarian* prayer in accordance with the rules of the American Legion Auxiliary at all Conventions and other ceremonial meetings of the Department and she shall act as spiritual advisor to all Unit Chaplains. It shall be the duty of the chaplain to plan and present a memorial service at the Department Convention.

Sect. 8. HISTORIAN: It shall be the duty of the Historian to prepare for posterity, the records of the Department in duplicate; one copy to be given to the Department President and one copy for the National Headquarters. She shall make an annual report at the Department Convention.

Sect. 9. SERGEANT-at-ARMS: It shall be the duty of the Sergeant-at-Arms to preserve order at the meetings of the Department; familiarize herself with Flag Etiquette and the Manual of Ceremonies; be responsible for Department Colors, bell and gavel; assist the Department

President at all installations, initiations and Department functions; be present at all official visits; and any other duties as prescribed by the Department President.

Sect. 10. ASSISTANT SERGEANT-at-ARMS: It shall be the duty of the Assistant Sergeant-at-Arms to assist the Sergeant-at-Arms and familiarize herself with the duties of the office; and perform any other duties as prescribed by the Department President.

Sect. 11. THE NATIONAL EXECUTIVE COMMITTEEWOMAN: It shall be the duty of the National Executive Committeewoman (NEC) to fulfill the responsibilities expected of a member of the National Executive Committee and to articulate the organization's mission, accomplishments and goals to the public and to her Department. It is expected that the NEC will present a report following each meeting of the National Executive Committee, to the Department Executive Committee.

The term of office of the National Executive Committeewoman shall commence immediately following the adjournment of the National Convention. The Alternate National Executive Committeewoman shall serve only in the absence of the National Executive Committeewoman.

Sect. 12. All Department Officers elected or appointed are expected to attend all official visitations, installations and other functions requested by the Department President. If unable to attend any function, they are to notify the Department President.

ARTICLE IV – DEPARTMENT EXECUTIVE COMMITTEE

Sect.1. The Department Executive Committee shall have general supervision and control over all property belonging to the Department and shall exercise the power given to it in the Constitution. This committee cannot act on or alter any resolution passed on the Convention floor.

Sect.2. Role/Duty: The Department Executive Committee shall serve as the governing body of the organization with fiduciary, policy and strategic responsibility for the organization between Department Conventions. It shall be the duty of the Department Executive Committee, as Corporate Directors for the department, to ensure that the organization has adequate resources to fulfill its mission. The Department Executive Committee is responsible for the organization's adherence to legal standards and ethical norms. It may also revoke Unit charters with the approval of the National Executive Committee,

There shall be a minimum of four DEC meetings each administrative year, to include a pre and post department convention meeting. Regular or special meetings shall be at the call of the Department President.

Special meetings of the DEC can be also called by a written request of a minimum of **five (5) voting members**.

Sect. 3. Authority: The Department Executive Committee shall adopt the annual budget/or the Department Organization; adopt policies and standing rules, unless otherwise noted in the Department Constitution, these Bylaws or Standing Rules, strategic plans and agreements and memorandums of

understanding; review financial statements and accept the Department annual end of year report; ratify committees; confirm committee and other Department appointments and confirm the appointment of officials not otherwise provided for in these Bylaws; levy assessments as needed; ratify the cancellation of charters; and other duties and responsibilities that are the normal function of a corporate board of directors.

All meetings of the Department Executive Committee shall be open to any member in good standing, but they shall have no voice without permission from the chair. They do not have a vote

ARTICLE V – CONVENTION

- Sect. 1. The Department President shall be empowered to appoint such other committees as are necessary to carry on the business of the Convention.
- Sect. 2. Each Unit shall have as many votes as it is entitled to delegates based upon the number of members whose dues are paid up-to-date. Changes to the formula for delegate strength may be determined only by a two-thirds (2/3) vote of the Department Convention delegates, (provided, however, that for each vote to be cast, a registration fee be paid. This registration fee is to be used for the express purpose of meeting the Department Convention expenses and shall be set for each Convention by the Department Executive Committee.)
- Sect. 3. No Unit in this Department shall be considered eligible to compete for department awards unless it shall have paid, in full, all obligations (Unit bond and any unit payments assessed by the Department) to the Department funds. (at least thirty days prior to the Department Convention. The Department Secretary shall notify the Unit Secretary of any outstanding Unit obligations at least sixty days prior to the Convention.)
- Sect. 4. The National Executive Committeewoman and her Alternate shall be elected at the Department Convention in the same manner as the Department Officers for a two year term.

ARTICLE VI -APPOINTMENT OF COMMITTEES

- Sect. 1. The Department President shall name such committees and a chairman of each committee to carry on the programs of the American Legion Auxiliary as required by the Department. All appointments are to be ratified by the Department Executive Committee immediately following Department Convention.
- Sect. 2. There shall be the following mission-related Standing Committees as stated in the National bylaws and listed in the Standing Rules: Americanism, Auxiliary Emergency Fund, Children and Youth, Community Service, Constitution and Bylaws, Education, Finance, Girls' State, Junior Activities, Leadership, Legislation, Membership, National Security, Past Presidents Parley, Poppy, Public Relations, Veterans Affairs & Rehabilitation.
- Sect. 3. The Department President shall be empowered to appoint Special Committees and such other mission and member/organizational support committees as are necessary to carry on the business

of the Department **ratified** by the Department Executive Committee with notification to Units. These Special Committees will be listed under Standing Rules.

- Sect. 4. The duties and compositions of the Standing and Special Department committees shall be as described in the Standing Rules.
- Sec. 5. The Girls' State Committee shall consist of three members. Members of the committee appointed by the Department President shall be on a one-year basis. The Girls' State Committee shall direct the Girls' State program and in addition shall make all arrangements for and conduct the annual session of Girls' State, with the Girls' State Chairman.

Administrative Committees

- Sect. 6. The Department Finance Committee shall have three members subject to ratification by the Department Executive Committee. One member shall be appointed to serve for three years. The three-year term appointee will have two years left to serve. The two-year appointee will have one year left to serve on the committee. The Department President shall appoint one member to serve as Chairman. The Department Treasurer shall serve as a consultant to the Finance committee with voice but without vote.

The Department Finance Committee shall oversee the general financial policy of the Department organization. It shall prepare the yearly budget and provide oversight of the expenditure of funds under the new budget and report to the DEC.

- Sect. 7. All committees shall hold an organizational meeting within sixty days of the Department Convention to formulate plans for the ensuing year and provide an opportunity for members and chairmen to become familiar with their duties and responsibilities.
- Sect. 8. In case of resignation or death of any member of any appointed committee, the Department President shall appoint a member to fill the unexpired term, subject to ratification of the Department Executive Committee.

ARTICLE VII – REVENUE

- Sect. 1. The revenue of the American Legion Auxiliary, Department of Rhode Island, Inc. shall be derived from annual membership dues, per capita taxes/dues from such other sources as may be approved by the Department Executive Committee.
- Sect. 2. The amount of the Unit dues shall be determined by each Unit.
- Sect. 3. The amount of Department dues, as stated in the standing rules, can only be amended by a **two-thirds vote** at a Department Convention.
- Sect. 4. The amount of dues owed to the National organization will be determined by the National organization.

Sect. 5. The revenue of the American Legion Auxiliary, Department of Rhode Island, Inc. shall be disbursed according to a budget system as devised by the Finance Committee and approved by the DEC.

Sect. 6. The Department Organization shall ensure that all persons handling funds of the Department Organization shall be bonded by a reputable, solvent bonding and surety company, or shall be covered by fidelity/crime insurance in an adequate amount approved by the Finance Committee.

ARTICLE VIII – DISCIPLINE

Sect. 1. A member of the American Legion Auxiliary may be expelled or suspended from membership, or disciplined for actions inimical to the best interest of The American Legion or the American Legion Auxiliary. The procedure for expulsion shall follow that outlined by the National Organization in the Unit Handbook.

ARTICLE IX – RULES (Parliamentary Authority)

American Legion Auxiliary, Department of Rhode Island, Inc. shall be governed by the current edition of Roberts Rules of Order, Newly Revised, in all cases in which they are applicable and in which they are not inconsistent with applicable state statutes, the Department Constitution and By Laws, Standing and Special Rules.

ARTICLE X AUTHORITY

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

Presented at Department Convention on July 1, 2017 by:

Elaine T. Walmsley, PDP & chairman of C&BL, Wm. Shields Jr. Unit 43

Dianne Winston, PDP & member C&BL, Fierlit Korzen Unit 79

Sharon Demers, PDP & member C&BL, Wm. Shields Jr. Unit 43

Elaine Parker, member C&BL, East Greenwich Unit 15

Barbara McDonald , member C&BL, East Greenwich Unit 15

Alishia Marasco, ex-officio, Department President, SPRM Unit 81

Beverly Burns, ex-officio, Department Secretary, East Greenwich Unit 15

Adopted at the Department Convention, July 1, 2017

Alishia Marasco,
Department President

Elaine Walmsley
Dept. Constitution & By Laws
Chairman