

**CONSTITUTION AND BYLAWS  
AMERICAN LEGION AUXILIARY  
2016-2017**

**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 good will on earth,

To safeguard and transmit to posterity the principles of Justice, Freedom and Democracy-,

To participate in and contribute to the accomplishment of the aims and purposes of The American Legion;

To consecrate and sanctify our association by our devotion to mutual helpfulness.

**DEPARTMENT CONSTITUTION**

American Legion Auxiliary  
Department of West Virginia Inc.

Article I

NAME

Section 1. The name of this organization shall be the American Legion Auxiliary, Department of West Virginia.

Article II

NATURE

Section 1. The American Legion Auxiliary is a civilian organization of women.

Section 2. The American Legion Auxiliary shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for any promotion of the candidacy of any person seeking public office or preferment.

Article III

OBJECT

Section 1. The object of the American Legion Auxiliary, Department of West Virginia, Inc. shall be as stated in the Preamble to the Constitution.

Article IV

ELIGIBILITY

Section 1. Membership in the American Legion Auxiliary shall be limited to the grandmothers, mothers, sisters, wives, and direct and adopted female descendants of the members of The American Legion, and to the grandmothers, mothers, sisters, wives, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during any of the following Periods: April 6,

1917 to November 11, 1918; 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 on active duty in the Armed Forces of any of the governments associated with the United States during any of said periods, and died in line of duty or after honorable discharge; and to those women who of their own right are eligible for membership in The American Legion.

Section 2. There shall be two classes of membership, senior and junior.

a. Senior membership shall be composed of members over the age of eighteen; provided, however, that a wife under the age of eighteen years, who is eligible under section I 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 with full privileges.

c. Dues of both classes shall be paid annually or for life.

Article V

ORGANIZATION

Section 1. The Department of West Virginia, American Legion Auxiliary, Inc., shall be composed of Units, which shall be organized into Districts.

Article VI

UNIT ORGANIZATION

Section 1. Units shall be chartered by the National President and National Secretary upon receipt of the charter application properly executed with handwritten signature on the original (white sheet), and accompanied by the per capita dues and individual membership record forms. Application for Unit Charters shall be signed by the Department President and the Commander and Adjutant of The American Legion Post to which the Unit is attached and said charter shall be closed thirty days after the application has been signed by the Commander of said American Legion Post.

Section 2. The minimum membership of a Unit shall be ten senior members.

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

Section 4. Each Unit of the American Legion Auxiliary shall be the judge of its own membership, subject to the restrictions of the Constitution and Bylaws, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of the American Legion Auxiliary.

Section 5. 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.

Section 6. No person may, at any time, be a member of more than one unit.

Section 7. Any member in good standing in a Unit, shall be entitled to transfer to another Unit.

Section 8. Any member in good standing wishing to Transfer to another Unit must present to the New Unit her current membership card. Upon acceptance of the transfer application by the new Unit, the Unit Secretary will complete the Certification of Transfer. The member shall then be entitled to active membership in said unit. No dues shall be transferred.

Section 9. A Unit member may withdraw providing her current dues are fully paid. Upon withdrawal, however, she shall be prohibited from joining any other unit as a new member during the remainder of the current year for which said dues are paid. In the event a member wishes to remove her membership from one Unit to another during the current year, it shall be done by transfer and not by withdrawal.

Section 10. The Secretary and/or Treasurer of the Unit shall be bonded, such position bond being available through National Headquarters.

Section 11. The Department Executive Committee may recommend to the National Executive Committee the suspension or revocation of the charter of a Unit which violates the National Constitution and Bylaws or the Department Constitution and Bylaws or any specific action of the Department Convention or the Department Executive Committee.

#### Article VII

##### EXECUTIVE COMMITTEE

Section 1. Between Department Conventions, the administrative power shall be vested in a Department Executive Committee which shall be composed of the Department President, Department First Vice President, Department Second Vice President, Department Secretary-Treasurer, Department Chaplain, Department Historian, National Executive Committeewoman, all District Presidents, all Past Department Presidents, chairman of all Standing Committees.

Section 2. All members of standing committees, exclusive of the chairman, may attend Executive Committee meetings with the privilege of discussion but without vote.

Section 3. Any member in good standing may attend the Executive Committee Meeting with the privilege of discussion but without vote.

Section 4. An Advisory Board to the Department President shall consist of five Past Department Presidents appointed by the incoming Department President. The committee shall meet with the incoming Department President to assist her in making Departmental appointments or to assist in any advisory capacity she may request.

Section 5. All questions affecting the election, eligibility and conduct of the National Executive Committeewoman, Department Officers, or members of the Department shall be referred to and determined by the Department Executive Committee, which shall be final authority thereon.

#### Article VIII

##### DEPARTMENT OFFICERS

Section 1. The Department Convention shall elect annually a President, a First Vice President, a Second Vice President, a Secretary/Treasurer, a Chaplain and a Historian.

Section 2. The National Executive Committeewoman shall be the retiring President and the incoming President shall be her alternate.

Section 3. Each of the Districts shall elect a President and a Vice President at their Spring Convention.

Section 4. All Department Officers, members of the Department Executive Committee and Chairmen of Standing Committees must be in good standing in their Units. Dues shall be paid to Department by November 1.

#### Article IX

##### DEPARTMENT CONVENTION

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

Section 2. Representation in the Department Convention shall be by Units.

#### Article X

##### FINANCE

Section 1. The revenue of the American Legion Auxiliary, Department of West Virginia, Inc., shall be derived from annual membership dues of senior and junior members and from such other sources as may be determined by action of the Department Convention or by the Department Executive Committee.

#### Article XI

##### FISCAL YEAR

Section 1. The fiscal year of this Department shall be from September 1st to August 31, and the Secretary/Treasurer shall submit reports to Convention covering this period.

#### Article XII

##### AMENDMENTS

Section 1. This Constitution may be amended at any Department Convention by a vote of two-thirds of the total authorized representation thereat, provided the proposed amendments shall have been submitted through the Department Secretary/ Treasurer to all Units and members of the Department Executive Committee by mailing same to them at least thirty (30) days prior to Convention and provided further that all proposed amendments shall be read at a regular meeting of the Convention.

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

Section 3. An amendment not having been previously read or distributed as required in Section 1, may be adopted by the unanimous vote of the Convention Body.

## DEPARTMENT BYLAWS

### Article I

#### DEPARTMENT EXECUTIVE COMMITTEE

Section 1. **POWERS:** The Department Executive Committee shall have general supervision and control over all property belonging to the Department and shall supervise the administration of the Department according to the Constitution and Bylaws and such other rulings as the Department may prescribe.

Section 2. **MEETINGS:** The Department Executive Committee shall meet within twenty-four (24) hours preceding the Department Convention upon reasonable notice thereof, also immediately after Department Convention (with the new President). The next meeting shall be the annual Fall Executive Committee meeting which shall be scheduled in September, sixty (60) days following the close of the Department Convention but no later than thirty (30) days following the close of the National Convention. Any time thereafter at the call of the Department President one week prior to date of meeting. The Department President shall call a meeting upon the written request of not less than seven (7) members.

Section 3. **QUORUM:** Seven (7) members shall constitute a quorum of the Department Executive Committee.

Section 4. All Past Department Presidents, in good standing in their local Units, shall be members of the Executive Committee for life, with vote, but their expenses to Executive Meetings and Conventions as such shall not be paid by the Department.

### Article II

#### DUTIES OF OFFICERS

Section 1. **DEPARTMENT PRESIDENT:** It shall be the duty of the Department President to preside at all meetings of the Department Convention assembled and the Department Executive Committee, to appoint members of standing committees and create such other committees and appoint members thereon as she deems advisable, and to appoint all officers not otherwise provided for, with the approval of the Department Executive Committee. She shall be ex-officio member of all committees and shall perform such other duties as are usually incident to the office. The Department President will receive a copy of all Recommendations and Resolutions adopted at each National Convention immediately after said Convention. It is the duty of the Department President to see that all Department Officers and Department Chairmen are advised of these changes immediately.

Section 2. **DEPARTMENT VICE PRESIDENT:** In the absence of the Department President at a meeting of the organization, it shall be the duty of the Department First Vice President to be the presiding officer. In the event of a vacancy in the office of the Department President, the Department First Vice President shall become Department President and shall assume the duties and authority of the office. She shall assume such other duties as assigned to her by the Department President.

Section 3. **DEPARTMENT SECOND VICE PRESIDENT:** It shall be the duty of the Department Second Vice President to act as a representative of the Department President on all matters referred to her by the Department President.

Section 4. **DEPARTMENT SECRETARY/ TREASURER:** It shall be the duty of the Department Secretary/Treasurer to record the proceedings of the Department Executive Committee meetings, and to keep all records required to successfully carry on the work of the Department. She shall edit and distribute The Auxiliary Spirit monthly; send out notices of meetings, including the Department, and special committee meetings as directed by the Department President and the Department Executive Committee. The Department Secretary/Treasurer shall receive all moneys due or paid into the Department from any source whatsoever. The Department Secretary/Treasurer shall keep a record of all moneys received. The Secretary/Treasurer shall edit the annual reports of all officers and chairmen of standing committees and distribute same to all Units as soon after convention as possible. The Department Secretary/Treasurer shall sign all checks when disbursing Auxiliary funds. Provided the Department Secretary/Treasurer cannot perform the duties of her office because of accident, illness or death for any reason whatsoever, the Department President shall then sign the checks.

Section 5. **DEPARTMENT SECRETARY/ TREASURER:** The Department Secretary/Treasurer shall sign all checks when disbursing the funds of the Department on receipt of vouchers signed by the finance chairman authorizing payment; keep a record of all expenditures, showing date, to whom and for what purpose the money was expended; render monthly statements to the chairman of the Finance Committee showing receipts and expenditures made during the month. A quarterly financial report shall be printed in The Auxiliary Spirit. The Department Secretary/Treasurer shall prepare a detailed financial statement at the close of the Department year. The accounts shall be audited by a certified public accountant.

Section 6. **DEPARTMENT CHAPLAIN:** It shall be the duty of the Department Chaplain to offer prayer at the opening of each day's business of the Department Convention, and to perform such other duties as the Department President may direct.

Section 7. **DEPARTMENT HISTORIAN:** It shall be the duty of the Department Historian to compile the historical records of the Department and to make an annual report to the Department Convention and to the National Historian. She shall prepare a written account of the year's activities for reference in the compilation of future Department History books. This report is to be filed in Department Headquarters no later than December 31 following the Department Convention, copy to be sent to the Department President with whom she served.

Section 8. All Department Officers shall assume the duties of their respective offices on date of election and installation, at the close of the convention session; and shall serve until their successors are duly elected and qualified, excepting the Secretary/Treasurer, who will be allowed two weeks for closing books.

Section 9. A vacancy existing in any office of the Department, with the exception of the Department President and Department First Vice President, for any cause other than the expiration of a term, shall be filled for the unexpired term by a majority vote of the Department Executive Committee.

Section 10. In the event of a vacancy in the office of the Department President, the First Vice President shall assume the duties and authority of the office. In this event the Department Second Vice President shall automatically succeed to the office of Department First Vice President. Any First Vice President who serves in the office of the Department President for a period of six months or more shall be considered a Past Department President and shall be entitled to all the privileges thereof. Any Second Vice President who serves in the office of Department First Vice President for a period of six months or more shall be considered a Past Department First Vice President. If the term is less than six months the person so named is eligible to election by regular process to the office.

Section 11. The Department President, Department First Vice President, Department Second Vice President, Department Secretary/Treasurer, Chaplain, Historian, eight District Presidents, Parliamentarian and the National Executive Committeewoman, shall have their expenses paid to the Department Convention and the Executive Committee Meetings.

Section 12. The Department Past President shall be the National Executive Committeewoman for the year immediately following her term as Department President and the Department President shall be the Alternate National Executive Committeewoman. In case of death or the National Executive Committeewoman fails to fulfill her obligations, she shall resign and the immediate Past Department President will serve as the National Executive Committeewoman for the remainder of her year. In case the immediate Past Department President isn't able to serve, then it would fall on the next immediate Past Department President.

#### Article III

##### DELEGATES TO DEPARTMENT CONVENTION

Section 1. The delegates and alternates to Department Convention shall be elected at a Unit meeting. Alternates shall have priority in the order of their election.

The credentials for delegates and alternates shall be filed with Department Headquarters at least two weeks before Department Convention.

Mandatory funds due Department from a Unit must be paid and postmarked at least thirty (30) days prior to opening day of Convention or Delegate will be deprived of voting privileges.

Section 2. Each unit shall be entitled to two (2) delegates and one (1) additional delegate for each fifty (50) members or major fraction thereof, whose dues have been received by the Department Headquarters one month prior to the meeting of the Conventions for which they were elected. An equal number of alternates shall be elected. Junior members up to the age of eighteen shall have no vote, but shall be counted in the membership and given the voting strength of Units and Department.

Section 3. Twenty-five (25) per cent of the duly elected and accredited delegates to a Department Convention shall constitute a quorum.

Section 4. Each delegate present having paid her registration fees for the Convention will be privileged to vote. Each delegate present will have one vote.

Section 5. The Department elective officers, all District

Presidents and all Past Department Presidents in good standing in their Units shall be delegates-at-large to Department Convention. Presentation of a current membership card and the payment of registration fee shall seat the delegates-at-large and grant them a vote.

#### Article IV

##### COMMITTEES

Section 1. The Department President shall appoint a Parliamentarian, subject to the ratification of the Department Executive Committee. Her duties would include advising the President, be familiar with Roberts Rules of Order, Newly Revised, and the Constitution & Bylaws of the organization. In case of a vacancy during her year, the Department President shall appoint a member to fill the unexpired term, subject to the ratification of Department Executive Committee. The Department President shall be permitted to use mail ballots.

Section 2. The Department President shall appoint chairmen and members of all standing committees, which are named by the National President and such other committees as she shall deem advisable, subject to the ratification of the Department Executive Committee. The Department President shall be an ex-officio member of all committees. In case of a vacancy in a committee, the Department President shall appoint a member to fill the unexpired term, subject to the ratification of Department Executive Committee. The Department President shall be permitted to use mail ballots.

Section 3. There shall be the following Standing Committees: Americanism, Auxiliary Emergency Fund, Children & Youth, Community Service, Constitution and By-Laws, Education, Finance, Girls State, Junior Activities, Leadership, Legislative, Membership, National Security, Past Presidents Parley, Poppy, Public Relations, and Veterans Affairs & Rehabilitation.

The following Standing Committees, in addition to the Committee members, shall consist of all District Chairmen, one of whom shall be appointed from each District by the District President, for a one-year term: Americanism, Children & Youth, National Security, and Veterans Affairs and Rehabilitation.

The following Standing Committee, Membership, in addition to the committee members, shall consist of all District Vice Presidents, serving the Department as District Membership Chairmen.

Section 4. The Finance Committee shall be composed of three members, appointed by the Department President and subject to the ratification of the Department executive Committee, and also the Department Secretary/Treasurer shall serve as ex-officio member, without vote. One member shall be appointed each year to serve a three-year term. The Finance Committee shall meet prior to the Executive Committee Meeting or at the call of the Department President. The Department Finance Committee shall oversee the general financial policy of the Department organization, subject to ratification of the Department Executive Committee. It shall be charged with the preparation of the yearly budget for the fiscal year from September 1 through August 31, and shall supervise the expenditure of funds under the budget.

Section 4. The Education Committee shall be composed of three members, appointed by the Department President and subject to ratification of the Department Executive Committee. One member shall be appointed each year to serve a three year term.

Section 6. Duties of Committees not specifically outlined in these Bylaws shall be governed by the Unit Handbook of the American Legion Auxiliary, and by assignments given to them by the Department President.

Section 7. The Constitution and Bylaws Chairman and committee members shall examine the Constitution and Bylaws of all Units, and Districts, which may be submitted to the committee. If the same are not in proper form and do not conform to the National and Department Constitution and Bylaws, the Committee shall return same with their suggestion to the Unit, or District submitting same. When it has been determined that the Constitution and Bylaws of any Unit, or District are in conformity with the provisions on the National and Department Constitution and Bylaws, the Chairman shall make a written report of the Committees findings to the Unit, or District, and the Department Secretary/Treasurer showing their approval of the same as to form and contents. This said Constitution and Bylaws of the Unit, or District so submitted when approved by the Committee, shall become binding on such, unit, or District for the government of its affairs.

#### Article V UNIT ORGANIZATION

Section 1. Charters: In addition to the revocation as provided by the Constitution, charters may be canceled or suspended. The Department Executive Committee may order the suspension of a charter for a period not to extend beyond the closing of the next succeeding Department Convention as a disciplinary measure, or pending action relative to final revocation. The cancellation shall be in order when two or more Units merge, or where a Unit voluntarily ceases to function, or under such other conditions as might make such action necessary within the Department.

Section 2. Any Unit failing to meet the obligation imposed upon it by the Constitution and Bylaws or by rulings of National or Department Conventions or Executive Committee or ceasing to function from the one Department Convention to the next as an American Legion Auxiliary Unit, or refusing to pay the per capita tax due Department and National organizations shall upon order of the Department President, surrender its charter. Upon failure to surrender its charter immediate steps may be taken by the Department Executive Committee for the revocation of the same.

Section 3. American Legion Auxiliary Units suffering the revocation of their charters may appeal from the decision of the Department Executive Committee and the Department President to National Executive Committee.

Section 4. No Unit in this Department or any member thereof shall circularize any other Unit, or any members thereof without the consent of the Department Executive Committee.

Section 5. Units shall elect officers annually and such election shall take place at least two weeks prior to Department Convention. Installation of Unit Officers may be

held before the Department Convention and if not, should be held immediately following the Department Convention. The outgoing Unit President shall represent the Unit at the Department Convention and accept awards.

Section 6. Units shall not, unless authorized by the Department Executive Committee, incur any obligations or liabilities of any kind whatsoever which shall subject to liability any other Unit, Post, Department, committee or group of members of the Auxiliary or The American Legion. Units shall not affiliate with other organizations unless specifically authorized to do so by the Department Executive Committee.

Section 7. The Unit Officers and Chairman shall conform to those of the Department.

#### Article VI DISTRICT ORGANIZATIONS

Section 1. Organization and administration of Districts shall be in accordance with the National and Department Constitution and the uniform standing rules as prescribed by the Department Convention.

Section 2. Each District shall hold a Spring Conference for the purpose of giving Unit Reports and election of District Officers. The Fall Conference shall be held for the purpose of receiving instructions from the Department President, Department Secretary and the Department Chairmen.

Section 3. In the event that two (2) or more members are running for the vacant District office, a short break will be given to allow the District to caucus and elect their officer. The elected officer shall then be ratified by the Executive Board.

#### Article VII FINANCE

Section 1. The National per capita dues shall be set by the National organization per annual for junior members, and senior members, and senior members and shall include subscription to the National American Legion Auxiliary magazine for senior members. The annual Department dues shall be set by the Department membership, as needed for senior members and junior members. Each may prescribe Unit dues provided that the minimum fee covering Department and National per capita is charged. Each Unit may prescribe Unit dues, provided that the minimum fee covering Department and National per capita is charged.

Section 2. The National and Department dues shall be collected by the Unit and transmitted to the Department Secretary/Treasurer, together with such other funds as may be determined by the Department Executive Committee or Department Convention.

Section 3. All special funds shall be administered and directed by the Department Executive Committee or Department Convention.

Section 4. No officer or committee chairman shall receive compensation for her services, except as provided by the Department Convention.

Section 5. The expenses necessary for the performance of official duties shall be paid from the Department funds according to rules prescribed by the Department Convention, or the Department Executive Committee.

Section 6. All persons handling funds of the Department shall be bonded with surety bond at Department expense.

#### Article VIII DUES

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

#### Article IX DELEGATES TO NATIONAL CONVENTION

Section 1. The Department shall be entitled to five (5) delegates at the National Convention and one (1) additional delegate for each 1,500 members or major fraction thereof, whose current dues have been received by the National Treasurer, thirty (30) days prior to the meeting of said Convention, and to one alternate for each delegate.

Section 2. The incoming and outgoing Department Presidents shall be delegates to the National Convention. The outgoing President shall serve as a chairman of the Department Delegation at National Convention.

Section 3. The National Executive Committeewoman shall be a delegate-at-large to the National Convention.

Section 4. The Department Secretary/Treasurer shall be a delegate to the National Convention.

Section 5. All delegates to National Convention other than those specified in Sections 2, 3, and 4 shall be selected by delegates assembled at Department Convention.

Section 6. Each delegate to the National Convention shall be entitled to one (1) vote. The vote of any delegate absent and not represented by an alternate shall be cast by the majority of the delegates from her Department.

#### Article X ELECTIONS

Section 1. The election of the following officers shall be by secret ballot: Department President, Department First Vice President, Department Second Vice President, Department Secretary/Treasurer, Department Chaplain and Department Historian. A majority of the votes cast shall be necessary to elect. When there is but one candidate for an office, the roll call may be dispensed with the nominee elected by voice vote.

Section 2. The eight District Presidents and Vice Presidents shall be elected in their respective District Conventions and ratified by the Department Convention delegates.

Section 3. Such officers, shall serve until the adjournment of the succeeding Department Convention or until their successors are chosen. Vacancies in these offices occurring between Department Convention shall be filled by the Department Executive Committee.

Section 4. All Department Officers, members of the Department Executive Committee and members of all Department Committees shall be in good standing in their local Units.

Section 5. No person shall be eligible for reelection to the office of Department President, Department First Vice President, Department Second Vice President, Department Chaplain and Department Historian, except as provided for in Article II, Section 10.

Section 6. Any elected District Officer may run for a Department Office.

#### Article XI NATIONAL OFFICE

Section 1. Any member aspiring to a National Office, other than Central Division, shall have the endorsement of her local Unit, given at a regular meeting, signed by the President and Secretary, and submitted at a regular District meeting, signed by the District President and Secretary, and submitted to the Department Secretary/Treasurer thirty (30) days prior to Department Convention at which time the endorsement shall be voted on by secret ballot. Said candidate shall not seek endorsement until three (3) National or Divisional Chairmanships or have served as Central Division National Vice President before seeking endorsement. A majority of the votes shall be necessary to elect.

Section 2. Any member aspiring to the office of Central Division National Vice President shall have the endorsement of her local Unit, given at a regular Unit meeting, signed by the Unit President and Secretary, and submitted at a regular District meeting, signed by the District President, and Secretary, and submitted to the Department Secretary/Treasurer thirty (30) days prior to Department Convention at which time the endorsement shall be voted on by secret ballot. Said candidate shall not seek endorsement until three (3) years before it is West Virginia's turn. A majority of the votes cast shall be necessary to elect. (Adopted July II, 1987)

#### Article XII DISCIPLINE

The suspension or expulsion of a member shall be by the procedure as printed in the Unit Handbook of the American Legion Auxiliary.

#### Article XIII REGISTRATIONS AND REQUIREMENTS

Section 1. All members must present paid up membership cards for current year at the time of registration at District Meetings and Department Conventions.

#### Article XIV PARLIAMENTARY AUTHORITY

Section 1. The rules contained in Robert's Rules of Order, Newly Revised, shall govern this organization in all cases in which they are not inconsistent with the National Constitution and Bylaws, Standing and Special Rules.

## Article XV

### DEPARTMENTAL TRADITIONS

Section 1. The song, "Gold Star Mothers," written and set to music by the late Miss Bess Sheppard, Past Department President, and her late mother, Mrs. Maggie Sheppard, and Mrs. Dora Paden Shaw, was adopted as the official Gold Star Mothers' song by the Department of West Virginia in 1954, but was first sung on September 3, 1939 in Bluefield, West Virginia at the memorial service of The American Legion Convention. It was again sung at the opening session of the Forty-First Department Convention of the American Legion Auxiliary in Huntington, West Virginia in 1963.

Section 2. The song "Remembrance," written by the late Mrs. E. Wyatt (Jessica) Payne, Past Department President, was adopted as the official Memorial Song of the Department of West Virginia in 1964.

## Article XVI

### AMENDMENTS

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

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

Section 3. An amendment not having been previously read or distributed as required in Section 1, may be adopted by the unanimous vote of the convention body.

Section 4. Any Unit or member in good standing, may, during the interim of Department Convention, propose amendments to these Bylaws for consideration. If such case of urgent need by the Department should arise, a quorum of seven (7) of the Department Executive Committee may pass such amendments. Such amendments would be effective until the next Department Convention.

Section 5. Amendments to National Constitution and Bylaws adopted by National Convention action, shall automatically become effective in this Department.

We have received and found not to be in conflict with Department and National Constitution and Bylaws.

Constitution and Bylaws Committee (2016-2017)

Carla Wilfong, Chairman

Susan Brown, Member

Vickie Luttrell, Member