

THE KANSAS DEPARTMENT OF THE AMERICAN LEGION

BYLAWS

ARTICLE I

Section 1. The name of this organization shall be The Kansas Department of The American Legion (hereafter "Department").

ARTICLE II

Section 1. The Department Executive Committee shall exercise the power given it by the Constitution.

Section 2. The Department Executive Committee shall have general supervision and control over all property belonging to the Department.

Section 3. The Department Executive Committee shall have power between conventions to initiate matters of policy and establish rules and regulations for the conduct of the Department; *Provided*, that such policies, rules and regulations must be ratified by the succeeding Department Convention to remain in force.

Section 4. Any member of the Department Executive Committee, except ex-officio members, may be removed by the said Executive Committee from office, for just cause, by the three-fourths vote of all members of said committee, the member sought to be removed not voting; however, should there be charges preferred involving same offense against more than one member in the same removal proceeding, then all members, including those against whom charges are preferred, shall vote; *Provided*, thirty days' notice in writing shall be given the member or members sought to be removed before such vote for removal shall be taken.

Section 5. Absence without justifiable cause from two consecutive, regularly called meetings of the Department Executive Committee shall be deemed sufficient cause for the removal from office of such member of the Department Executive Committee.

Section 6. It shall be the duty of the Department Executive Committee to fill any vacancy occurring in its membership, except District Commanders, District Vice Commanders and the Department Judge Advocate, and the members elected to fill such vacancy shall hold office until the next ensuing Department Convention, when a successor shall be elected by the Department Convention.

ARTICLE III

Section 1. The personnel of the Department organization shall be as follows: Commander; Vice Commander; Adjutant; Finance Officer; Judge Advocate; two Master-at-Arms; and the

Executive Committee as provided by Article VII of the Constitution, and may include two Area Vice Commanders; Assistant Adjutant; Service Officer; Historian; and Chaplain.

ARTICLE IV

Section 1. Department Officers of The Kansas Department of The American Legion, , shall be elected annually by the Post delegates at the annual Department Convention, (Delegates' votes shall be cast as provided in Article IV, Section 3, of the Kansas Department Constitution), with the exception of the Department Adjutant, Department Assistant Adjutant, Department Finance Officer, Department Service Officer, Department Historian, Department Chaplain, and the Department Judge Advocate, whose appointment is provided for in Article V of the Bylaws, and the Area Vice Commanders who shall be nominated and elected annually by those Post delegates from the Districts to be represented by each Area Vice Commander.

Section 2. They shall pass upon the duties of their respective offices immediately upon election and shall hold office until their successors are duly installed. The Adjutant shall conduct his duties at the permanent state headquarters in Topeka, Kansas.

ARTICLE V

Section 1. The Department Adjutant shall be appointed by the Department Executive Committee and shall hold office for a period of two years. The beginning of said term to be calculated from the last date of the preceding Department Convention: *Provided*, that said officer may be removed by said Department Executive Committee upon thirty (30) days' notice.

Section 2. The Department Assistant Adjutant, Department Service Officer and Department Historian shall be appointed by the Department Adjutant subject to being ratified by the Department Executive Committee. Said officers shall hold office for a period of two years each, the beginning of said terms to be calculated from the last date of the preceding Department Convention or, at the Department Adjutant's discretion, employees may be fired for cause or, in the alternative, said officers may be removed by said Department Executive Committee upon a two-thirds vote of the members..

Section 3. The Department Judge Advocate, Department Finance Officer, and Department Chaplain shall be appointed by the Department Commander, subject to confirmation of the Department Executive Committee, and shall serve during the term of said Department Commander, or at the Department Commander's pleasure.

ARTICLE VI

Section 1. It shall be the duty of the Commander to preside at all meetings of the Department in conventions assembled and the Department Executive Committee, to enforce a strict observance of the Constitution and Bylaws, and perform such other duties as custom and parliamentary usage require, and to appoint all officers on committees not otherwise provided for, and to countersign all vouchers drawn upon the Department budget by the Adjutant for sums necessary to defray expenses and for other appropriations.

Section 2. The Vice Commander shall, when called upon, assist the Commander, and in the Commander's absence, perform those duties as proscribed in these Bylaws, and shall succeed to that office in the event of the Commander's death, resignation or removal.

Section 3. It shall be the duty of the Adjutant to record the proceedings of the Department in convention assembled and of the Department Executive Committee, and to keep a register of the members of the Department embracing the material facts relating to their membership; and to keep the books provided for that purpose:

(1) The Constitution and Bylaws, and other rules and regulations of the Department, including a file of all Post, District and County Council Constitutions and Bylaws which shall include a "Suggested Post, District and County Council Constitution and Bylaws" to be used as reference in complying with Article IX Section 10 (3) as well as Article X District Organization Section 7(3) of the Department Bylaws.

(2) Copies of all official letters.

(3) Books in which shall be recorded the names and military record of all persons who have been declared ineligible for membership in the Department, and also of those members who have been expelled from the Department, together with the reason thereof.

(4) A transcript of the minutes of each meeting of the Department Executive Committee of The Kansas Department of The American Legion shall be transmitted to each Post in the Department, together with a complete record of the votes cast for or against each measure voted upon at each meeting of such Department Executive Committee, and for and by whom voted, within fifteen days after the adjournment of each meeting.

(5) It shall be the Adjutant's duty to keep these books and records in readiness for inspection by the Department Executive Committee, to care for the archives of the Department, and to give due notice of all meetings, to conduct the correspondence of the Department, and to notify the National Commander from time to time as they may occur, of applications, withdrawals, admissions, rejections, suspensions, expulsions, resignations, restorations, and deaths. The Adjutant shall have the care and custody of the various insignia of the Department.

Section 4, It shall be the duty of the Department Finance Officer to oversee the collection of all money belonging to the Department, receipt therefore and account for the same. The Finance Officer shall obtain a bond in such amount as the Department Executive Committee may direct, the premium for said bond to be paid out of the dues collected. The Finance Officer shall oversee the payment of all vouchers countersigned by the Commander and signed by the Adjutant, and none other, and shall retain these vouchers. The Finance Officer shall keep account of the receipts and expenditures, making a quarterly report reflecting the fiscal year of the Department thereof to the Department Finance Committee.

Section 5. It shall be the duty of the Historian to prepare for posterity the records of the Department and of the members thereof, in conjunction with the Secretary of the Kansas State Historical Society. The Historian shall collect from year to year all records and data of value and interest for the Department and shall compile during their term of office a complete history of the year's activities. The Department Historian shall also assist Post Historians so as to coordinate the work of these officials and shall have such other duties as the Department Executive Committee shall prescribe.

Section 6. It shall be the duty of the two Master-at-Arms to preserve order at the meetings of the Department as prescribed by the Commander.

Section 7. It shall be the duty of the Chaplain to offer prayer at the opening of each day's business and perform such other duties as the Department Commander may direct.

Section 8. The Judge Advocate shall be the legal adviser of the Department Officers and the Executive Committee and shall perform such other duties as the functions of his office may require.

Section 9.

(1) The Department Commander shall recommend to the Department Executive Committee, for its ratification, the appointment of members to all Department Standing Committees as follows: Commencing with the incoming administration one-third of each committee for one year, one-third for two years and one-third for three years; thereafter, all standing committees appointed shall be for three-year terms, except to fill vacancies as they occur.

(2) There shall be the following Department Standing Committees: American Legion Leadership College; Baseball; Bowling; Boys State; Cadet Law Enforcement Academy; Camporama; Children and Youth/Child Welfare Foundation; Civil Preparedness; Eisenhower Day; Employment; Finance; For God and Country; Foreign Relations; Golf; Legion Riders; Legislative; Media and Communications; Membership; Music; National Resources; National Security; POW/MIA; Scholarship and Oratorical; School Awards, County Government and Flag Education; Scouting; Shooting Sports; The Sons of The American Legion; and Veterans Affairs and Rehabilitation.

(3) . The Department Executive Committee is empowered to assign duties and responsibilities to all Department Standing Committees.

(4) The Department Commander is empowered to name special committees to perform specific duties, however such special committees shall be disbanded when its duties are fulfilled and shall automatically be terminated at the succeeding Department Convention, unless reappointed by the incoming Department Commander.

Section 10. The Department Commander and Department Finance Officer shall be ex-officio members of the Finance Committee and the Department Adjutant shall be an ex-officio secretary of the Finance Committee. The Department Finance Committee shall be charged with the preparation of the proposed yearly budget that shall be presented to and approved by the Department Executive Committee at The Kansas American Legion Leadership College. The Department Finance Committee shall provide the Department Executive Committee with a summarized report of the quarterly reviews conducted during the previous fiscal year at the Department Executive Committee Meeting during the Mid-Winter Forum.

Section 11. The Department Legislative Committee shall be charged with the exclusive responsibility of presenting the views of The American Legion on legislation before and to the Kansas State Legislature. The Department Commander, the Department Adjutant, the Department Service Officer, and the National Executive Committeeman shall be ex-officio members of said Committee.

Section 12. It shall be the duty of the Area Vice Commanders within 5 days of the Department Convention's conclusion to meet with the Department Commander, Department Vice

Commander, Department Adjutant, and Department Membership Committee to develop membership targets and associated target dates, methods to be employed in obtaining each target, contact their respective District Commanders and Vice Commanders to encourage their attendance at the annual American Legion Leadership College or similar function for the purpose of formulating membership teams and plans to include identifying locations for new Posts and revitalizing existing Posts where needed.

Section 13. In the event of a vacancy in the office of the National Executive Committee Member (NEC) by reason of death, resignation or removal, the Alternate National Executive Committee Member (ANEC) shall automatically succeed to the office of the NEC for the remainder of said term of that office. The Department Executive Committee shall then appoint a replacement ANEC to fill the newly created vacancy of that office for the remainder of said term.

ARTICLE VII

Section 1. All officers elected shall orally, if present, and if absent, in writing, declare upon their honor that they will maintain the Constitution of the Department, conform to its Bylaws and rules and use their best endeavor to promote its objectives and advance its interests.

ARTICLE VIII

Section 1. Any officer who shall neglect or improperly perform the duties incumbent upon him/her shall be expelled by a vote of three-fourths of the members of the Department Executive Committee present, after proper notice and hearing.

ARTICLE IX POST INFORMATION

Section 1. A Post may be formed and the charter shall be issued by the National Commander and National Adjutant upon receipt of the application properly executed by not less than fifteen persons eligible to membership in The American Legion, and no Post shall be recognized by the members of The American Legion unless acting under a legal and unforfeited charter. Likewise, no Post shall be officially recognized while maintaining less than the required membership of fifteen.

Section 2. Each Post in the Kansas Department shall be numbered consecutively in the order in which the petitions for Post Charters are received at Department headquarters.

Section 3. Each Post in the Kansas Department shall be responsible for the eligibility of its members and shall accept membership only after a thorough investigation of the applicant's eligibility.

Section 4. Members may be suspended or expelled from membership in The American Legion upon proper showing of cause by a three-fourths vote of the membership of the Post present and voting. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or 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 be suspended or expelled until given a fair trial in

such a manner and upon such notice as may be prescribed by the Constitution and Bylaws of the local Post. Any member who has been suspended or expelled pursuant to this section and the procedure provided by the local Post, shall have the right to appeal such suspension or expulsion to the Department Executive Committee. The decision of the Department Executive Committee shall be final.

Section 5. The officers of each Post shall be: A Post Commander; one or more Post Vice Commanders; a Post Adjutant; and such other officers as the Post shall determine. The Post Commander and Vice Commander or Vice Commanders, shall be elected by secret ballot, and shall hold office for a period of one year, or until their successors have been elected and qualified. Other Post Officers may be elected or appointed as each Post may determine. Annual Post elections shall be held at a regular meeting not more than sixty days nor less than fifteen days prior to the Department Convention and said Post Officers shall be installed prior to the Department Convention. All vacancies in Post offices shall be filled in a manner to be determined by such Post and shall hold office for the unexpired term. Each Post Finance Officer shall be bonded for twice the amount of the funds likely to come under his/her control. No bond is to be less than \$200.

Section 6. The duties of Post Officers shall be similar to the duties of the corresponding Department Officers insofar as is practicable. Post delegates to the Annual Department Convention shall be elected at least fifteen days prior to such convention, and the Post Adjutant shall immediately thereafter notify the Department Adjutant giving the names of such delegates.

Section 7. Any officer of any Post may be removed from office for just cause by three-fourths vote of the membership of the Post present and voting: provided, written charges against any such officer are first made under oath in writing by five members and filed with the Adjutant or Commander, and thirty days' notice thereof in writing is first given to said officer before such vote for removal from office shall be taken; and *provided further* that fifteen days' notice of such hearing shall be given to each member in good standing in said Post. The accused shall be given the right to appear at said hearing in person and by counsel and present a defense to said accusation.

Section 8. Each Post may prescribe its local dues in addition to the stated National and Department dues.

Section 9. The time and place for the Post meetings shall be determined by each Post.

Section 10. Each Post shall adopt a Constitution and Bylaws which are consistent with the National and Department Constitution and Bylaws.

- (1) Said Post Constitution and Bylaws must be filed with the Department Adjutant at Department Headquarters.
- (2) Any amendments made by a Post to its Constitution and Bylaws must be forwarded to the Department Adjutant at Department Headquarters within ten (10) days following the effective date of such amendments.
- (3) Any Post not filing a copy of its Constitution and Bylaws shall be considered to be governed by the "Suggested Post Constitution and Bylaws" on file with the Department Adjutant at Department Headquarters.
- (4) The resolution of any question, problem or other matter referred to the Department

concerning a Post's Constitution or Bylaws will be determined by reference to the copy of said Post's Constitution and Bylaws together with any subsequent amendments filed at Department Headquarters.

ARTICLE X DISTRICT ORGANIZATION

Section 1. The District shall have authority to create intermediate bodies between the Posts and Districts to act as a liaison between such organizations and for the purpose of promoting the program of The American Legion.

Section 2. The Department Executive Committee shall define the powers of such intermediate groups, but in no event shall such powers invade the prerogatives now vested in either the Post or Department or National organization.

Section 3. Such intermediate bodies now existing within the Districts and heretofore authorized or recognized by the Department are hereby officially recognized to the extent of the powers herein granted.

Section 4. It shall be the duty of the District Commander to preside at District meetings and District conventions held in the District and to visit County and Post meetings during the term of office, so far as practicable, and shall perform such other duties as the Department Commander or the Department Executive Committee may assign.

Section 5. The District Vice Commander of the respective Districts shall, in the absence or incapacity of the District Commander, perform the duties of that office; and in the event of a vacancy in the office of District Commander by reason of death, resignation or removal, the District Vice Commander shall automatically succeed to the office of District Commander for the unexpired term.

Section 6. In the event of a vacancy in the office of District Vice Commander by reason of death, resignation, removal or by reason of the succession to the office of District Commander, the Department Commander and Department Adjutant shall fill such vacancy by appointment for the unexpired term.

Section 7. Each District and all County Councils of said District shall adopt a Constitution and Bylaws which are consistent with the National and Department Constitution and Bylaws.

- (1) Said District and County Council Constitution and Bylaws must be filed with the Department Adjutant at Department Headquarters.
- (2) Any amendments made by a District or County Council to its Constitution and Bylaws must be forwarded to the Department Adjutant at Department Headquarters within ten (10) days following the effective date of such amendments.
- (3) Any District or County Council not filing a copy of its Constitution and Bylaws within one year following the adoption of this amendment to the Department Constitution and Bylaws shall be considered to be governed by the "Suggested District or County Council Constitution and Bylaws" on file with the Department Adjutant at Department Headquarters.
- (4) The resolution of any question, problem or other matter referred to the Department concerning a District or County Council Constitution or Bylaws will be determined by

reference to the copy of said District or County Council Constitution and Bylaws together with any subsequent amendments filed at Department Headquarters.

ARTICLE XI

Section 1. There shall be a District Executive Committee which shall be elected by the delegates to the District Convention. The personnel of the District Executive Committee shall consist of five members, two of whom shall be the District Commander and the District Vice Commander, and the remaining three members to be selected at large from the District. The District Executive Committee shall constitute and act as a District Steering Committee; and the duties of said District Committee shall also include selection of all committees who shall serve at the District Convention. The three members selected at large shall hold office for a term of three years.

ARTICLE XII ORDER OF BUSINESS

Section 1:

- (1) Opening of the Department convention in due form.
- (2) Presentation of distinguished guests.
- (3) Announcement of committees.
 - (a) Resolutions.
 - (b) Credentials.
 - (c) Rules.
 - (d) Constitution and Bylaws.
- (4) Introduction of District officers.
- (5) Election of delegates to National Convention.
- (6) Reports of committees.
- (7) Unfinished business.
- (8) New business.
- (9) Election and installation of Department officers.
- (10) This order of business may be suspended at any time for a definite purpose by a two-thirds vote, to be taken without debate.

ARTICLE XIII TRANSFERS

Section 1. Transfer of members in good standing from one Post in The Kansas Department of The American Legion, may be made at any time: *provided*, such transfer be made in accordance with the National Constitution and Bylaws, and rulings of the National Executive Committee.

ARTICLE XIV

Section 1. The Kansas Department Commander shall be a delegate at large to each Department Convention occurring during his/her term of office.

Section 2. The retiring Department Commander, the incoming Department Commander and the Department Adjutant shall be automatically elected at each Department Convention as delegates at large to the next succeeding National Convention of The American Legion, except where the record of any of the above-mentioned officials does not justify such representation; and in event of inability to attend such National Convention, each of the above parties is hereby given authority to designate his/her respective alternate.

Section. 3. Representation of the Kansas Department to the National Convention shall consist of delegates-at-large, and delegates nominated at the annual District Conventions on the following basis: One delegate for the first 2,000 members, and one additional delegate for each additional 1,000 members, or fraction thereof, according to the District membership as of March 1. District delegates and delegates-at-large as are permitted by Department membership numbers shall be elected at the annual Department Convention. Each delegate shall be entitled to one alternate, who shall be elected in the same manner as is described in this article for the election of delegates, except that this Section does not alter, change or amend Section 2 of Article XIV.

Section 4. The retiring Department Commander shall be the chairman of the Department delegation to the next National Convention, and the Department Adjutant shall be the secretary of said delegation: *provided*, the retiring Department Commander is not in attendance at the National Convention, the incoming Department Commander shall serve as chair of the delegation: *provided further*, that if neither the retiring nor the incoming Department Commander is in attendance, then the retiring Department Vice Commander shall act as chair of the delegation. If none of the aforesaid Department Officers are present at the National Convention, then the delegates shall be authorized to elect the chair of the delegation.

ARTICLE XV

Section 1. The Bylaws of The Kansas Department of The American Legion, may be amended by a two-thirds vote of the delegates present, providing same constitutes a quorum, in any annual Department Convention.

ARTICLE XVI

Section 1. Any Post failing to meet the obligations imposed upon it by the 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 Department and National per capita dues, or under such other conditions as might make such action necessary, 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, suspension or cancellation.

Section 2. Upon revocation, cancellation or suspension of the charter of a Post in the Department, said 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 records, property and assets of said Post; provided, however, that nothing herein shall be construed as requiring the Department to take

over or assume any financial responsibility as to such property. 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.

Section 3. A member whose dues for the current year have not been paid by January 1 shall be classed as delinquent. If the member's dues are paid on or before February 1, the member shall be automatically reinstated. If the member is still delinquent after February 1, the member shall be suspended from all privileges. If the member is still under such suspension on June 30 of such year, the member's 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 which the reinstatement occurs: *provided however*, that the Posts, Department, and National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

Section 4. Annual dues shall be payable October 20 of each year, for the succeeding calendar year.

As of August 1, 2020