

**THE KANSAS DEPARTMENT
OF THE AMERICAN LEGION
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 and the Constitution of the State of Kansas; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in all Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I

NAME

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

ARTICLE II

ELIGIBILITY

Section 1. An individual is eligible for membership in The American Legion only if the individual

- (1) Has served in the Armed Forces of (A) the United States at any time during – (i) the period of April 6, 1917, through November 11, 1918; or (ii) any time after December 7, 1941; or (B) a government associated with the United States Government during a period or time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and (2) was honorably discharged or separated from that service or continues to serve honorably during or after that period of time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other ground to subject themselves to military discipline or unqualified service.

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

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

Section 4. No person, who has been expelled by a Post, shall be admitted to membership in another Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, the person may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

ARTICLE III

NATURE

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

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

ARTICLE IV

DEPARTMENT CONVENTION

Section 1. The legislative body of the organization shall be a Department Convention to be held annually at a time and place fixed by the Department Executive Committee, which shall have the authority to change such time and place for sufficient reasons.

Section 2. The annual convention shall be composed of delegates from each Post and delegates at large. Each Post shall have representation at the annual Department Convention on the basis of two delegates for each Post composed of fifty members or less, and one additional delegate for each additional fifty members or fraction thereof, whose current dues have been received at Department headquarters thirty days prior to the meeting of the Department Convention, and one alternate for each delegate. Alternates shall have all the privileges of delegates except voting. Each Past Department Commander shall be a delegate at large to the annual convention: *Provided*, that the member in good standing of The Kansas Department of The American Legion. The delegates to the Department Convention shall be chosen by each Post in the manner prescribed in this Section.

Section 3 Each Post represented at the Department Convention shall be entitled to cast the full registered voting strength of its Post: *Provided*, fifty percent or more, of the registered delegates are seated on the floor of the Convention; *Provided further*, that the vote of the registered delegates who are absent, and not represented by alternates, may be cast by the majority of the delegates present and voting.

ARTICLE V

QUORUM

Section 1. A quorum shall exist at a Department Convention when ten percent of all Posts in the Department are represented in whole or in part.

ARTICLE VI

RULES

Section 1. The rules of procedure at the Department Convention shall be those set forth in Robert's Rules of Order.

ARTICLE VII

DEPARTMENT EXECUTIVE COMMITTEE

Section 1. The executive power shall be vested in a Department Executive Committee to be composed of a District Commander and District Vice Commander, elected annually prior to the Department Convention by each of the ten* American Legion Districts, and in addition thereto, the following ex-officio members: One National Executive Committee Member and one Alternate National Executive Committee Member; Department Commander; Department Adjutant; Department Vice Commander; Department Historian; Department Chaplain, Department Judge Advocate; two (2) Department Master-at-Arms; two (2) Area Vice Commanders, one (1) from the Eastern portion of the Department made up of the First, Second, Third, and Fourth, and Tenth* Districts one (1) from the Western portion of the Department, made up of the Fifth, Sixth, Seventh, Eighth, and Ninth Districts; and each Past Department Commander; *Provided*, that all members of the Executive Committee be members of The Kansas Department of The American Legion, in good standing; and that no expenses of such Past Department Commanders shall be paid to meetings of the Department Executive Committee. The Department Adjutant, Department Historian, Department Judge Advocate, Department Chaplain, and Past Department Commanders shall have no vote in the meetings of the Department Executive Committee.

Section 2. Continued existence of Area Vice Commander positions was determined by a simple majority of the Post Delegates to the 2006 Department Convention and it shall be reviewed and determined every three years thereafter if the existence of Area Vice Commander positions shall remain.

ARTICLE VIII

THE LOCAL UNIT

Section 1. The local unit shall be termed the Post, which shall have a minimum membership of fifteen. No Post shall be received into this organization until it shall have received a charter. A Post desiring a charter shall apply to the Department organization, and the charter shall be issued by the National Executive Committee whenever recommended by the Department organization. No Post shall be named after any living person.

ARTICLE IX

DUES

Section 1. The revenue of The Kansas Department of The American Legion, shall be derived from annual membership dues and from such other sources as may be approved by the Department Executive Committee.

Section 2. Each Post shall pay the Department each fiscal year for each member of that particular Post, the amount of such annual dues as determined by each Department Convention for the ensuing year. Said dues shall be divided as follows: 10¢ of the dues for Children and Youth; 55¢ for each District's per capita dues; the amount required to be paid for the National per capita dues; and the remainder for the Department Administrative expenses.

Section 3. The annual dues shall be collected by each Post and be transmitted through the Department or through any website or other means authorized by the National Executive Committee to the National Treasurer.

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

Section 5. The fiscal year shall begin July 1 and end June 30 of the following year.

ARTICLE X

AUXILIARIES

Section 1. The American Legion recognizes an auxiliary organization known as "The American Legion Auxiliary."

Section 2. Membership in The American Legion Auxiliary shall be limited to the: grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and to the grandmothers, mothers, sisters, spouses 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; and any time after December 7, 1941; 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 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.

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

ARTICE XI
AMENDMENT TO CONSTITUTION

Section 1. This Constitution, or any part thereof, may be amended at any annual Department convention, by a two-thirds vote; *Provided*, that such proposed amendment has the authority of a local Post or District convention, and has been transmitted by the Department Adjutant to every local Post in this Department at least thirty (30) days before said annual Department Convention; and this Constitution and the Department Bylaws shall also be automatically amended in conformity to any amendment of the National Constitution by the National Convention of 1919, and each and all subsequent National Conventions insofar as such amendments affect the Constitution and Bylaws of the Kansas Department.

As of August 1, 2020
*Effective July 1, 2021