

**THE AMERICAN LEGION
DEPARTMENT OF KANSAS
CONSTITUTION AND BYLAWS**

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 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 consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I

NAME

The name of this organization shall be The American Legion, Kansas Department.

ARTICLE II

ELIGIBILITY

Section 1. Any person shall be eligible for membership in The American Legion who was a member of the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States and assigned to active duty at some time during either 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; December 22, 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 a citizen of the United States at the time of his 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; *provided, however*, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any of said periods; *provided further*, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service.

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

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

Sec. 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, he 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 his military or naval title in any convention or meeting of the American Legion.

Sec. 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 to it appearing.

Sec. 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 to 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 he is a member in good standing of The American Legion, Kansas Department. The delegates to the Department Convention shall be chosen by each Post in the manner hereinafter prescribed.

Sec. 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 by the Department Convention from each of the eight American Legion Districts, and in addition thereto, the following ex-officio members: One National Executive Committeeman and his Alternate; Department Commander; Department Adjutant; Past Department Adjutants; Department Vice Commander; Department Assistant Adjutant; Department Finance Officer; Department Service Officer; 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 Districts one (1) from the Western portion of the Department, made up of the Fifth, Sixth, Seventh, and Eighth Districts; and each Past Department Commander; *Provided*, That all members of the Executive Committee be members of The American Legion, Kansas Department, in good standing, and residents of the State of Kansas; and *provided further*, That no expenses of such Past Department Commanders shall be paid to meetings of the Department Executive Committee. The Department Adjutant, Past Department Adjutants, Department Assistant Adjutant, Department Finance Officer, Department Service Officer, Department Historian, Department Judge Advocate, Department Chaplain, and Past Department Commanders shall have no vote in the meetings of the Department Executive Committee.

Special Note:--The merit of the continued existence of Area Vice Commander positions shall be determined by a simple majority of the Post Delegates to the 2006 Department Convention and every three years thereafter.

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

Sec. 2. Each Post shall pay the Department Finance Officer for the 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 and 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.

Sec. 3. The annual dues shall be collected by each Post and be transmitted through the Department to the National Treasurer.

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

Sec. 5. The fiscal year shall begin July 1 and end June 30 of each year.

ARTICLE X

AUXILIARIES

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

Sec. 2. Membership in The American Legion Auxiliary shall be limited to the mothers, wives, daughters, granddaughters, and sisters of members of The American Legion, and to the mothers, wives, daughters, granddaughters and sisters of all men and women who were in the armed forces of the United States between April 6, 1917 and November 11, 1918; or between December 7, 1941 and December 31, 1946; or between June 25, 1950 and January 31, 1955; and between December 22, 1961 and May 7, 1975; all dates inclusive, or who, being citizens of the United States during either of said periods, and died in line of duty or after honorable discharge, and to those women who of their own right are eligible to membership in The American Legion.

Special note--Paragraph (1) provides for two bases of eligibility, one based on American Legion membership of the living veteran; two, based on deceased veteran's service which would have entitled the veteran to American Legion membership. Confusion will be avoided if paragraph one is read as though a semi-colon (;) were placed in line 3 after "Legion."

Sec. 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.

ARTICLE XI

AMENDMENT TO CONSTITUTION

Section 1. This Constitution, or any part thereof, may be amended at any 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 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.

BYLAWS

ARTICLE I

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

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

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 6. It shall be the duty of the Department Executive Committee to fill any vacancy occurring in its membership, except Vice and District 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 II

Section 1. The personnel of the Department organization shall be as follows: Commander; Vice Commander; two Area Vice Commanders, Adjutant; Assistant Adjutant; Finance Officer; Service Officer; Judge Advocate; Historian; two Master-at-Arms; Chaplain; and the Executive Committee as provided by Article VII of the Constitution.

ARTICLE III

Section 1. Department Officers of The American Legion, Kansas Department, 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 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 election or appointment is provided for in Article IV 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.

Sec. 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 IV

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.

Sec. 2. The Department Assistant Adjutant, Department Finance Officer, Department Service Officer and Department Historian shall be appointed by the Department Adjutant subject to the approval of the Department Executive Committee, and 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: *Provided*, That said officers may be removed by said Department Executive Committee upon thirty (30) days' notice.

Sec. 3. The Department Judge Advocate 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 during his pleasure.

ARTICLE V

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 orders drawn upon the Department Finance Officer by the Adjutant for sums necessary to defray expenses and for other appropriations.

Sec. 2. The Vice Commander shall, when called upon, assist the Commander and in his absence perform his duties, and shall succeed to his office in the event of his death, resignation or removal.

Sec. 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, rules and regulations of the Department, including a file of all Post, District and County Council Constitutions and Bylaws which file shall include a "Suggested Post, District and County Council Constitution and Bylaws" to be used as reference in complying with Article VIII Section 10 (3) of the Department Bylaws as well as Article IX District Organization Section 7 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 Kansas Department of The American Legion, together with a complete record of the votes cast for or against each measure voted upon at each meeting of such Executive Committee, and for and by whom voted, within fifteen days after the adjournment of each meeting.

(5) It shall be his 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.

Sec. 4. It shall be the duty of the Department Finance Officer to collect all money belonging to the Department, receipt therefore and account for same. He shall give 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 Department Finance Officer shall pay all orders countersigned by the Commander and signed by the Adjutant, and none other, and shall retain these orders as his vouchers. He shall keep account of his receipts and expenditures, making quarterly reports thereof to the Department Executive Committee. His accounts shall be audited by a credited accountant.

Sec. 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 in person.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 9.

A. The Department Commander shall recommend to the Executive Committee, for their approval, 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.

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

1. The Department Executive Committee is empowered to assign duties and responsibilities to all Department Standing Committees.

C. The Department Executive Committee and/or the Department Commander is empowered to name special committees to perform specific duties, however such special committees shall be disbanded when their duties are fulfilled, and shall automatically be terminated at the succeeding Department Convention.

Sec. 10. The Department Commander and Department Finance Officer shall be ex-officio members of the Finance Committee and the Department Adjutant shall be ex-officio secretary of the Finance Committee. The Department Finance Committee shall be charged with the preparation of the yearly budget and the expenditure and general handling of all Department funds as well as such other duties as shall be prescribed and approved by the Department Executive Committee.

Sec. 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.

Sec. 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, Department Finance Officer 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.

ARTICLE VI

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 VII

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

ARTICLE VIII

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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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 selected 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 control. No bond is to be less than \$200.

Sec. 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.

Sec. 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 his defense to said accusation.

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

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

Sec. 10. Each Post shall adopt a Constitution and Bylaws which are not inconsistent with the National and Department Constitution and Bylaws.

(A). Said Post Constitution and Bylaws must be filed with the Department Adjutant at Department Headquarters.

(B) Any amendments made by a Post to their Constitution and Bylaws must be forwarded to the Department Adjutant at Department Headquarters within ten (10) days following the effective date of such amendments.

(C) Any Post not filing a copy of their 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.

(D) The resolution of any question, problem or other matter referred to the Department concerning a Posts Constitution or Bylaws will be determined by reference to the copy of said Posts Constitution and Bylaws together with any subsequent amendments filed at Department Headquarters.

ARTICLE IX

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.

Sec. 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 either in the Post or Department or National organization.

Sec. 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.

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

Sec. 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 of the remainder

of such unexpired term.

Sec. 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.

Sec. 7. Each District and all County Councils of said District shall adopt a Constitution and Bylaws which are not inconsistent with the National and Department Constitution and Bylaws.

(A). Said District and County Council Constitution and Bylaws must be filed with the Department Adjutant at Department Headquarters.

(B) Any amendments made by a District or County Council to their Constitution and Bylaws must be forwarded to the Department Adjutant at Department Headquarters within ten (10) days following the effective date of such amendments.

(C) Any District or County Council not filing a copy of their 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.

(D) 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 is filed at Department Headquarters.

ARTICLE X

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 XI

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) Election of District officers.
- (5) Election of delegates.
- (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 XII

TRANSFERS

Section 1. Transfer of members in good standing from one Post in The American Legion, Kansas Department, 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 XIII

Section 1. The Department Commander of the Kansas Department, The American Legion, shall be a delegate at large to each Department Convention occurring during his term of office.

Sec. 2. The retiring and the incoming Department Commanders 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 either 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 respective alternate.

Sec. 3. Representation of the Kansas department to the National Convention shall consist of delegates-at-large, and delegates nominated at the annual District Convention 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 3 does not alter, change or amend Section 2 of Article XIII.

Sec. 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 chairman 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 chairman 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 chairman of the delegation.

ARTICLE XIV

Section 1. The Bylaws of the Kansas Department, 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.

(Note:-- *The following provisions are taken from the National Bylaws*):

Art. III, Sec. 2. B 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.

Art. III, Sec. 3 - Upon revocation, cancellation or suspension of the charter of a Post in any Department of The American Legion, said Post shall immediately cease operations and upon revocation or cancellation shall turn over its charter to its 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 any Department to take over or assume and financial responsibility as to such property. Said Department Executive Committee may provide for the transfer of the member in said Post to other Posts of their choice, subject to the approval of such other Post.

Art. IV, Sec. 4. B A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If his dues are paid on or before February first, he shall be automatically reinstated. If he is still delinquent after February first, he shall be suspended from all privileges. If he is still under such suspension on June thirtieth of such year, his 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.

Art. X, Sec. 4. B Annual dues shall be payable October 20 of each year, for the succeeding calendar year.

As of May 20, 2012