AMERICAN LEGION AUXILIARY

Department of South Dakota

CONSTITUTION AND BYLAWS

CONSTITUTION
OF THE
AMERICAN LEGION AUXILIARY
DEPARTMENT OF SOUTH DAKOTA

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 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 participate in and contribute to the accomplishment of the aims and purposes of The American Legion; to consecrate and sanctify our association by our devotion to mutual helpfulness.

Article I. Name

Section 1. The American Legion Auxiliary shall be "American Legion Auxiliary of South Dakota."

Article II. Nature

Section 1. The American Legion Auxiliary is a civilian organization, Patriotic service that supports the mission of the American Legion.

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

Article III. Eligibility

Section 1. Membership in the American Legion Auxiliary shall be limited to the grandparents, parents, siblings, spouses, and direct or adopted descendants within two degrees of consanguinity of all servicemembers who were in the Armed Forces of the United States during either of the following periods: April 6, 1917, to November 1 1, 1918; and any time after December 7, 1941, who served on active duty in the Armed Forces of the United States during either eligibility period 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 2. There shall be two classes of membership, senior and junior.
(a) Senior membership shall be composed of members aged eighteen (18) or older, provided, however, a member eligible under Section 1 Article Ill and who is under the age of eighteen (18) years and married shall be classified as a Senior member.
(b) Junior membership shall consist of that group under the age of eighteen (18) years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen (18) years, Junior members shall automatically be admitted into Senior membership with full privileges.
(c) Dues for both classes shall be paid annually or for life.

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Article IV. Charters

Section 1. Applications for charter must be approved by the Post to which the Unit wishes to become attached.

Article V. Executive Department

Section 1. The administrative and executive power shall be vested in the Department Executive Committee (DEC), which shall be composed of the President, National Executive Committeeperson, two Vice Presidents, Department Chaplain, Department Historian, Department Finance Chairman and one District President from each District. Between Department Conventions the DEC shall be able to make fiduciary and strategic changes with a two-thirds vote of the DEC.

Section 2. The Department Executive Committee shall meet as follows:

1. Immediately preceding the Department Convention
2. Within twenty-four hours after Department Convention
3. Within 45 days of the end of our fiscal year. (The Department President will set the date and time of meeting.)
4. Mid-Winter Conference
5. At the call of the Department President.
6. Upon the request of five or more members.

Section 3. Nine members shall constitute a quorum of the Department Executive Committee.

Section 4. All Past Department Presidents and Past Department Secretaries (with Department Secretaries having served no less than five years in the office) and in good standing in local units, shall be members for life of the Department Executive Committee with all rights, except the right to vote, without expenses allowed. The Department Secretary, Department Treasurer, Department Parliamentarian, and Department Poppy Chairman shall be members of the Executive Committee with all rights except the right to vote, with expenses as allowed.

Section 5. Written resignations and terminations must have final approval by the Department Executive Committee. Vacancies occurring in any office of the Department of South Dakota shall be appointed by the Department President with the approval of the Department Executive Committee. (R2024)

Article VI. Officers

Section 1. This Department shall elect annually a President, two Vice Presidents, a Chaplain, and a Historian.

Section 2. The National Executive Committee Person will be position, with elections to be held at the Department Convention in even numbered years. The elected position will be a two-year term with no member being able to hold this position for more than three, two-year terms in a lifetime. The Department President will be the Alternate National Executive Committeeperson.

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Section 3. The National Executive Committee Person's term of office shall commence immediately following the adjournment of the National Convention of the election year and shall end at the adjournment of the National Convention in the following even numbered year.

Article VII. Department Convention

Section 1. The Legislative body of this Department shall be a Department Convention to be held each year. This Convention shall be held at the same time and place as that of the South Dakota Department of the American Legion. In the event that the South Dakota American Legion should cancel their Convention, it will be the decision of the South Dakota American Legion Auxiliary Department Executive Committee whether or not they will be able to hold a convention either in person or virtually.

Section 2. Each unit shall be entitled to one delegate and one alternate, and to one additional delegate and alternate for each 30 members or major fraction thereof, whose current Department and National dues have been paid and received by the Department Secretary 15 days prior to the Department Convention. Each unit shall have as many votes as it is entitled to delegates and shall pay a registration fee of five dollars ($5.00) for each delegate to which the unit is entitled whether the full quota of delegates attends the Department Convention or not. Each unit is required to pay their registration fee even though not in attendance at the Department Convention. The first $1 ,000.00 of all registration fees received for delegates and alternates and visitors shall be paid to the unit of the city entertaining the Convention. All such registration fees in excess of $1,000.00 shall be retained by the Department general fund to defray expenses incident to the Department Convention.

Section 3. All Past Department Presidents in good standing and acting Department Vice Presidents, District Presidents, and National Committee Person shall be entitled to a vote at the Department Convention.

Section 4. A quorum of the Department Convention shall consist of the duly elected delegates and alternates of ten percent (10%) of the units of the Department.

Section 5. The official year shall be from Department Convention to Department Convention

Article VIII. National Convention

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

Section 2. The following officers: President, Secretary and Immediate Past Department President shall be sent to the National Convention of the American Legion Auxiliary and will receive round trip mileage to the airport and round-trip airfare or mileage whichever is less, and room allowance. District Presidents shall attend one National Convention with expenses as authorized during each 2-year term of office. The National Executive Committeeperson who is newly elected shall have expenses paid as authorized.

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Section 3. District Presidents from even numbered districts will attend the National Convention in an even number year. District Presidents from odd numbered districts will attend the National Convention in an odd number year.

Section 4. In case of inability of any District President to attend the National Convention in the year assigned, only the First Vice President or the Second Vice President of that District, shall be the delegate from such District, with expenses paid. If no officers from the said District can attend, no expenses will be paid out to the delegate serving in that capacity.

Section 5. The Immediate Past Department President shall act as chairperson of the delegation and have charge of the organizational work of the National Convention. The Department Secretary shall act as secretary of the delegation.

Section 6. In case of the inability of the Department President to attend the National Convention, the First Vice President, or the Second Vice President, in succession, shall be the alternate with expenses paid as authorized. In case of the inability of the Department Secretary to attend the National Convention, the Department Treasurer shall be the alternate with expenses paid as authorized.

Section 7. Automatic Delegates to the National Convention will be:

1. National Executive Committeeperson (Expenses paid by Nationals) With expenses paid as authorized.
2. Immediate Past Department President (as Convention Chairman)
3. Department Secretary (as Convention Secretary)
4. Newly elected Department President
5. Four District Presidents as designated in Article 8 Section 3
6. National Chairman (Expenses paid by National)

Automatic Alternates to the National Convention will be: With no expenses paid.

1. Department Treasurer
2. Newly elected 1st Vice President,

Article IX. District Organization

Section 1. The Department shall be divided into Districts coinciding with the designated Districts of the South Dakota Department of The American Legion. Districts will hold annual District meetings at the same time and place as annual District meetings of The South Dakota Department of the American Legion. There may be other District meetings at the call of the District President, with the approval of the Department President.

Section 2. Unit representation at District meetings shall be on the same basis as provided for Unit representation at a Department Convention.

Section 3. District Presidents shall be elected for a term of two years; even numbered Districts will be elected at spring meetings for a term beginning in even numbered years; odd numbered districts will be elected at spring meetings in odd numbered years. One District president and two alternates

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shall be elected at each spring District convention. Their election shall be ratified at the close of District meeting and they shall assume their duties following installation at the Department Convention. District Presidents shall be elected to not more than two consecutive terms. If, in the event there is a change in the number of districts by the South Dakota Department of the American Legion, an election will be held at the fall meeting of the affected District(s). One District President and two alternates will be elected to fulfill the term until the rotation of spring elections are held. (odd number districts in odd years, even number districts in even years).

Section 4. If a District President, during their term of office, shall resign or relocate from the state or in any way become unable to serve, the first alternate District President shall automatically assume the position of District President, to complete the remainder of the term. Should the first alternate District President be unable to accept the office and the second alternate District President be unable to accept the office, a successor to the District President shall be chosen by the Department President from the District in which the vacancy occurs, subject to the subsequent approval of the Department Executive Committee, the appointee will serve out the term of the District President.

Article X. Unit Organization

Section 1. The smallest administrative Unit of the American Legion Auxiliary of this Department shall be termed the "Unit" which shall have a minimum membership of ten (10) senior members who are eligible according to the eligibility clause. No Unit shall be received into this organization until it shall have received a charter. A Unit desiring a charter shall apply to the Department headquarters and the charter shall be issued by the National President and Secretary, whenever recommended by the Department President or Department Executive Committee. All Unit charters shall be countersigned by the Department President and Secretary.

Section 2. The officers of the Unit shall be in accordance with their Unit Bylaws.

Section 3. Unit officers shall be elected in the Spring and shall be installed as stated in their Bylaws, prior to Department Convention."

Section 4. All units shall adopt a constitution conforming to the Department and National Constitutions of the American Legion Auxiliary. All units shall pay the following obligations: National Convention Assessment; Registration Fee – Unit fee and delegate fee for the Department Convention; Quarters for Veterans ($0.25 per member of unit) and Bonding Fee.

Section 5. 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 subscribed 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 6. Each unit shall make a report on their activities for the Spring District meeting.

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

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Section 8. A member who is not subject to suspension or membership revocation under due process is eligible to transfer their membership to another unit if the member has paid their membership dues to their current unit for either the current year or immediate past membership year. A member transferring to a new unit must pay for the current year dues to either their current unit or to the unit into which they wish to transfer. Evidence of paid membership includes:

a. American Legion Auxiliary Membership card.
b. Verification of membership by American Legion Auxiliary Department or National Headquarters membership records
c. Other documentation verifying payment of current or immediate past year membership dues such as a canceled check or receipt; or
d. When verifying documentation is not available, a sworn statement that the member's membership dues payment was tendered.

Article XI. Amendments

Section 1. This Constitution may be amended at any Department Convention by a two-thirds vote of the total authorized delegates in attendance at the meeting of said Convention, provided the proposed amendments shall have been sent via email to the Department Office or postmarked by April 1st. All proposed amendments shall be read at a regular session of the Department convention at least twenty-four hours before the vote is taken.

Section 2. An amendment not having been previously read or distributed as required in Article XI Section 1 may be adopted by the unanimous vote of the total authorized delegates in attendance at the meeting of said Department Convention.

Section 3. Any amendment changed by the National organization that affects the Department Constitution will go into effect as set by the National organization. The Amendment or Resolution will be changed or added by the Department Secretary, and notice will be sent out to all Units for changes that may need to be made to their Unit Constitution and Bylaws.

Susan Searing
2025-2026 President

2025-2026 Constitution & Bylaws Chairperson

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BYLAWS
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Article I. Duties of Officers

Section 1. President: It shall be the duty of the President to preside at all meetings of the Department in Convention assembled and of the Department Executive Committee; to enforce strict observance of the Constitution and Bylaws; to appoint members of constituted committees and create such other committees and appoint members thereof as deems advisable, subject to the approval of the Executive Committee, and perform such other duties as custom and parliamentary usage require.

Section 2. Vice Presidents: It shall be the duty of the Vice Presidents, in their order, to act for the President in the disability or absence. It shall also be the duty of the Vice Presidents to assist the President, when requested to do so, in keeping in touch with the units and Districts, and to perform other duties as required by the Department President.

Section 3. The Department Secretary: It shall be the duty of the Secretary to manage the department headquarters for the South Dakota American Legion Auxiliary while supporting the mission of the organization. The Secretary shall oversee the execution of the policies and procedures that address and fulfill the fiduciary responsibilities of its officers. It will be the responsibility of the Secretary to ensure that all appropriate state tax or and regulatory taxes are filed. The Secretary will receive all monies belonging to the department and provide the Treasurer with details of deposits and their designations. The Secretary shall maintain a record of all money received from Units for per capita assessments or other purposes and care for the archives of the Department. The Secretary will record all proceedings of the department, keep all books that are needed to carry out the work of the office, receive and answer all official mail under the direction of the Department President, send and give notice of all meetings and act as Secretary of the Executive Committee. The Secretary shall conduct all Auxiliary business in a professional manner at all times. The hiring of the Department Secretary is covered in the Standing Rules.

Section 4. The Department Treasurer: It shall be the duty of the Treasurer to be responsible for documenting the finances of the South Dakota American Legion Auxiliary via a software system. The Treasurer shall follow the adopted policy for the Audit/Finance. The Treasurer is to give a bond in such an amount as the Department Executive Committee may direct the premium of the aforesaid bond to be paid by the Department. The Treasurer shall pay all warrants signed by the Secretary and Department President or designated officers. The Treasurer shall retain the warrants as vouchers. The Treasurer will account for the receipts reported by the Secretary and keep account of the expenditures, making an annual report or other reports deemed necessary by the Executive Committee. The Treasurer's accounts shall be reconciled by a qualified individual and a comparative statement of receipts and expenditures to be issued one week before the annual Convention. The hiring of the Department Treasurer is covered in the Standing Rules.

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Section 5. Chaplain: It shall be the duty of the Chaplain to offer prayer at the opening of each day's business and such other duties as the President may direct.

Section 6. Historian: It shall be the duty of the Historian to prepare for posterity the records of the Department and to make a report to date at the Department Convention and file a complete annual report no later than September 1st.

Section 7. Parliamentarian: It shall be the duty of the Parliamentarian to decide all questions pertaining to law, order, and rules governing the organization. Questions for a higher decision shall be forwarded by the units to the Department Secretary, via the Department President and Department Parliamentarian. The Department Secretary shall forward the question to the National Department for the Judge Advocate's final decision.

Section 8. Executive Committee: The Executive Committee is the Board of Administration between Conventions.

Section 9. The Finance committee shall consist of four (4) members at large selected by a selection committee and approved by DEC. Each member is eligible to serve a three (3) year term and no more than two (2) consecutive terms. The other members will be the Immediate Past Department President, Department President, and First Vice President. All the aforementioned members will have full voice and vote. The Department Secretary, Treasurer and the Second Vice President will serve on the Finance committee with a voice and no vote.

Section 10. It shall be the duty of each District President to represent their District on the Department Executive Committee. A District President shall complete all unit visitations once each term, allowing them to utilize two years instead of one year to carry out the Department mandates as prescribed by the Department President.

At the close of each National Convention, the District Presidents in attendance shall transmit a written report of said Convention to the President of the alternate District and to the Presidents of the units in their District, within thirty days after the close of the National Convention. Each District President and/or district treasurer shall make a financial report to their District each year at the District Spring Meeting. Each District President shall also submit to the Department President, Department Historian, and Department Secretary a report of the district to be placed on file at Department headquarters, which will be placed in the Convention Proceedings Book. Each District President will provide a verbal report on the Convention floor.

Article II. Committees

Section 1. The Department President may appoint committees as deemed advisable to further the mission of the organization, subject to ratification by the Department Executive Committee. All expenditures shall be authorized by the DEC via the Finance Committee

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Section 2. There shall be the following Standing Committees:

1. Americanism
2. Auxiliary Emergency Fund
3. Children and Youth
4. Community Service
5. Constitution and Bylaws
6. Education
7. Finance
8. Girls State
9. Junior Activities
10. Leadership
11. Legionette
12. Legislative
13. Membership
14. National Security
15. Past Presidents Parley
16. Poppy
17. Public Relations
18. Veterans Affairs and Rehabilitation

Section 3. The newly elected Department President may appoint a Music Chairman and a Scrapbook Chairman if so desired.

Section 4. Committee Chairmen shall select two members to serve on their committee. No expenses will be paid to these committee members.

Article III. Special Executive Committee Meeting

Section 1. Mileage and room allowance as authorized, shall be paid by the Department to members of the Department Executive Committee in attendance at any special Executive Committee meeting.

Article IV. Bonding Officers

Section 1. All members of this Department handling funds of the organization shall be bonded by the Department.

Article V. Poppy Proceeds

Section 1. Each unit shall remit 25 percent of the net proceeds of the distribution of Poppies to the Department Headquarters immediately after the distribution. The Department Secretary shall distribute this money as follows: 75 percent to Department Veterans and Affairs and Rehabilitation and 25 percent to the Children and Youth Fund.

Article VI. Elections

Section 1. A nominating committee will be comprised of the three (3) immediate Past Department Presidents. The Immediate Past President will serve as committee chairperson. They may have more than one (l) candidate for each office. The committee will present all announced candidates to the voting body at the convention.

Section 2. The term of office for Department President of the South Dakota American Legion Auxiliary shall be one (1) year. No person shall be eligible to serve as Department President for more than one (1) term.

Article VII. Finances

Section 1. The revenue of this Department shall be derived from annual dues of members and by such means as may be determined by the Department Executive Committee. Permanent

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membership may be obtained through the National American Legion Auxiliary Paid Up For Life (PUFL) program with rates as established by the National program. (Here again, reference to dues is now collectively included in the Standing Rules)

Section 2. The annual National dues as determined by the National Convention each year shall be collected by the units and paid through Department Headquarters to the National Treasurer, whenever the same becomes due and payable.

Section 3. Annual dues shall be payable following the close of the national convention.

Section 4. All Department bills, statements, vouchers, or warrants shall be presented to the Department President for approval before checks of said bills are issued. Checks shall be signed by the Department Treasurer. In the absences of the Department Treasurer, checks may be signed by the Department Finance Chairman.

Section 5. The fiduciary responsibility of the Department Executive Committee shall include adoption of the Department budget, and review and acceptance of financial reports and the annual audit.

Article VIII. Parliamentary Rules

Section 1. The rules of procedure of a Department convention shall be those set forth in Roberts' Rules of Order, Newly Revised, in all points not covered by the Department Constitution and Bylaws and Standing Rules.

Article IX. Discipline

Section 1. The power to discipline units or members and to cancel or revoke a unit charter shall be in accordance with procedure specifically set forth in the National Constitution and Bylaws.

Section 2. Member disciplinary procedures. See Chapter X of the American Legion Auxiliary Unit handbook,

Article X. Charters

Section 1. All charters granted by the American Legion Auxiliary are hereby ratified and confirmed.

Article XI. Amendments

Section 1. These Bylaws may be amended at a Department Convention by two-thirds vote of the total authorized delegates in attendance at meeting of said convention and become operative upon adoption provided that proposed amendment shall have been read at a regular session of the Convention at least twenty-four hours before the vote is taken thereon.

Section 2. Any amendment changed by the National organization that affects these Bylaws will go into effect as set by the National organization; the Amendment or Resolution will be changed or added by the Department Secretary, and notice will be sent out to all Units for changes that may need to be made to their Unit Bylaws.

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Section 3. An amendment not having been previously read or distributed as required in Article XI Section I may be adopted by the unanimous vote of the Department Convention delegates.

Article XII. Virtually Conducting Department Governing Body Business

Section 1. Electronic (email) voting was approved by the National Executive Committee (NEC) in February 2009. 75% of the DEC must vote (to establish a quorum), and the majority of those voting must approve of the motion for it to pass. Every voting member of the Department Executive Committee, each year at the post Executive Board meeting will sign a consent agreement to vote by e-mail, virtual (such as zoom), or by mail, in the event of a vote being necessary outside of the Department Executive Board meeting during the current year.

Section 2. Specific guidelines on the administration of conducting business electronically can be found in the Standing Rules.

Susan Learing
2025-2026 President

2025-2026 Constitution & Bylaws Chairperson

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