

# BY LAWS

Suffolk County Organization

The American Legion  
Department of New York

Amended June 9, 2007

## ARTICLE I – NAME & OBJECTIVES

Section 1. The name of this organization shall be Suffolk County Organization, Department of New York, The American Legion.

Section 2. The objectives of this organization are as set forth in the Constitution of the Suffolk County Organization, Department of New York, The American Legion.

## ARTICLE II – MEMBERSHIP

Section 1. The membership shall be divided into Posts. A Post may restrict its membership as it desires subject to the approval of the County Committee. Only persons eligible for membership in the American Legion shall be members of the Post. Applicants for membership must enroll in the American Legion and pay their dues to the Post before becoming members.

Section 2. No person shall be enrolled as a member of any Post unless, in addition to other requirements contained in the Constitution & By-Laws, he/she shall have signed an application for membership in such Post, which application shall state the full name and address of the applicant, the date of his/her enlistment, the date and place of his/her honorable separation from the service together with the name of the organization issuing same, and such other facts with regard to his/her military service as may be prescribed by said Post.

Section 3. Each Post shall be the judge of its own membership, subject to the restrictions of the National, Department and County Constitution & By-Laws; but a member may be suspended or expelled from the American Legion only upon due conviction of disloyalty, neglect of duty, dishonesty or other conduct unbecoming a member of the American Legion. All charges must be made under oath in writing by the accuser and no member in good standing may be expelled unless and except upon a fair trial in such manner and form as the Department Executive Committee shall prescribe.

## ARTICLE III – POSTS

Section 1. Each Post shall have a headquarters with a Post Office address to which all notices and documents may be sent. It shall be the duty of the Post, at the time of changing headquarters, to notify the County Adjutant of such new address and all notices and documents shall be held to have been duly sent to or served upon such Post when mailed to it at the latest address furnished. In default of a Post having furnished a new address, any notice or document shall be held to have been duly served upon the Post if the same is mailed to it at the address of its Commander or Adjutant or other members signing the application for charter.

Section 2. Each Post shall have a Constitution & By-Laws to govern its affairs, shall have officers to be known as Commander, three Vice Commanders, Adjutant, Finance Officer, Chaplain, Historian, Service Officer and Sergeant-at-Arms and shall have an Executive Committee. The Finance Officer shall be bonded. The Post shall subscribe to the Constitution & By Laws of the Suffolk County Organization and shall not incur any obligation in the name of any other Post, subdivision, organization, branch committee or group of members in the American Legion.

Section 3. Posts shall submit copies of their Constitution & By Laws and all amendments thereto through their respective County Organization (Suffolk) for approval by it and the State Organization (Department of New York).

Section 4. Each Post shall provide for election and appointment of standing committees on Americanism, Athletics, Child Welfare, Constitution & By Laws, Conventions, Finance, Gold Star Mothers, Graves Registration, Hospital Welfare, Legal and Legislative, Membership, Military Affairs, Post Activities, Publicity, Sons of the American Legion and such other subjects as may be prescribed by the County Committee or as may seem desirable. Immediately upon election or appointment of a chairman of any such Post Committee, the Adjutant shall certify his election or appointment to the County Committee in duplicate in order that a copy of same may be sent to Department Headquarters.

#### ARTICLE IV – COUNTY ORGANIZATION

Section 1. On organization and at its annual meeting each Post shall elect its member or members of the County Committee, together with an Alternate or Alternates, which Alternate or Alternates shall act in the absence of the member or members at the County Committee meetings and thereafter, shall elect such additional member or members as and when is entitled thereto under the provisions of the County Constitution and shall certify to the County Adjutant the number of its paid-up members which entitle it to such additional representation.

Section 2. The County Committee shall pass upon every application for a Post Charter and upon the proposed Constitution & By Laws of each Post.

Section 3. At the County Convention, the County Commander Elect shall appoint, subject to the ratification by the County Committee within ten(10) days after the close of the Convention, Chairman of all Standing Committees upon each of the following subjects: Americanism, Blood Program, Bowling, Boys State, Budget and Finance, Children and Youth/Child Welfare, Constitution and By-Laws, Color Guard, County Convention, Credentials, Department Commanders Visit, Department Convention Housing, Directory, Distinguished Guest, DMS, Education and Scholarships, Employment, Gold Star Parents, Hospital Welfare, Judge Advocate, Law and Order, Legionnaire of the Year, Legislative, Liaison to the Auxiliary, Long Island State Veterans Home Stony Brook, Membership, Military Ball, National Cemetery – Calverton, National Cemetery – Pinelawn, National Commanders Dinner, Nominations, Oratorical, Protocol, MIA/POW, Parliamentarian, Past Commanders Dinner, Post Activities, Post Charters, Public Relations, Resolutions, Scouting, Sons of the American Legion (Advisor), Special Olympics, Veterans Advisory, V.A. Volunteer Services, Ways and Means, Women in The American Legion and upon such other matters as the National, Department or County Committee shall direct.

Section 4. The County Commander, subject to the confirmation of the County Organization, shall appoint and may at pleasure remove the Adjutant and Service Officer, each of whom shall perform such duties as may be assigned by the Commander.

## ARTICLE V – NOMINATIONS AND ELECTIONS

Section 1. There shall be a County Committee on Nominations which shall consist of the Junior Past County Commander as Chairman and the Post Commanders of all the Post in the Suffolk County Organization.

Section 2. It shall be the duty of the Committee on Nominations to report to the last meeting of the County Committee and to the County Convention a complete list of candidates for County Officers.

Section 3. A candidate for office must have the endorsement of a Post in Suffolk County, not necessarily his/her own, in order to be accepted as a nominee. In the event that there is more than one (1) properly endorsed candidate for any County office, the Committee on Nominations shall include all such candidates in their reports and all such candidates shall be considered nominated for office except in the case for the office of County Vice Commander where only one (1) nominee from each Area will be recognized and he/she must be:

- 1) A member of a Post in the Area in which he/she seeks office.
- 2) Nominated by a Post in the Area in which he/she seeks office.
- 3) Elected by the Area prior to the report to the County Convention by the County Committee on Nominations.

Section 4. In the event that there be no one nominated for a particular position on the County Organization or no nominations for any of the County Officers in the manner as set forth above, then and only then, the County Committee on Nominations shall have the power to select a candidate or candidates, and the candidate or candidates so selected must meet the same requirements as set forth above in this ARTICLE and by the Constitution & by Laws of the Suffolk County Organization.

Section 5. The election of the County Officers at the County Convention shall be in inverse order as to the position the officer would fulfill on the County Staff, i.e. Sergeant-at-Arms shall be voted upon followed by the Historian and so on until the County Commander which shall be voted upon last.

Section 6. To be elected to officer, a candidate must receive a majority of the persons registered and voting.

## ARTICLE VI – DUTIES OF THE COUNTY OFFICERS

Section 1. The Commander, five (5) Vice Commanders, Adjutant, Treasurer, Chaplain, Historian, Sergeant-at-Arms and Service Officer shall hold office for one (1) year and assume the duties of said office from the date of adjournment of the County Convention or until their successors are elected except for the Adjutant and Service Officer. They shall be members of the County Committee and the County Executive Committee.

Section 2. It shall be the duty of the County Commander to preside at all meetings and to have general supervision over all business and affairs of the County Committee and

he/she shall act as Chief Executive Officer of the County Committee. He shall approve all orders directing disbursements of funds and shall make an annual report covering the business of the County Committee for the year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. He shall perform such other duties as may be necessary for the proper administration of the Suffolk County Organization.

Section 3. The County Vice-Commanders shall assume and discharge the duties of the County Commander during his absence or disability. They shall also assist the County Commander in every way in conducting the affairs of the County Organization, accepting such duties as he/she may charge them with and carrying them out to the best of their ability. In addition thereto, the Vice-Commanders shall act as Area Commander and may appoint a Sergeant-at-Arms for his/her Area. The Vice-Commander in each Area shall hold a caucus of Post representatives in his/her Area prior to the last meeting of the County Committee on Nominations in order to select and elect a candidate to succeed him/her, and whose title of office shall be County Vice Commander.

Section 4. The County Commander shall be succeeded in office by a County Vice-Commander in all matters he may refer to a Vice-Commander who shall, upon request, preside over meetings of the County Committee or County Convention, and shall perform such other duties as are usually incident to the office.

Section 5. The County Adjutant shall give notice of all County Conventions, of all meetings of the County Committee and Executive Committee and shall conduct the correspondence and keep the records of the County Organization, including names, serial numbers and addresses of all Posts in the County, a list of members and Officers of all Posts in the County, a list of the members and Officers of the County Committee and shall keep the minutes of such conventions and meetings. He shall also be authorized, in the event of the death or resignation of the County Commander, to summon the County Executive Committee for the election of a successor.

Section 6. The County Treasurer shall be subject to the control of the County Committee, be charged with the collection and custody of the funds of the County Organization and shall keep the accounts thereof and present the records thereof at each regular meeting of the County Committee. His/her accounts shall be audited annually by the County Finance Committee. He/she shall pay all bills audited and approved in such a manner as the County Committee shall prescribe. He/she shall give bond with sufficient surety to be approved by the County Committee and the Department Executive Committee for the faithful performance of his/he duties.

Section 7. The County Judge Advocate shall advise the County Officers, and the County Executive Committee on all matters, including the construction and interpretation of the County Constitution & By Laws, and perform such others duties as are usually incident to this office.

Section 8. The County Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National and or Department Headquarters and the Suffolk County Organization from time to time, and shall perform such other duties as are usually incident to the office.

Section 9. The County Historian shall collect all records and data of value and interest to the Suffolk County American Legion, and shall compile during his/her term in office a complete history of the year's activities, for presentation to the Commander. He/she shall also assist Post Historians so as to coordinate and unify their work in compiling Post History Books.

#### ARTICLE VII – VACANCIES

Section 1. Vacancies in the elective County Officers shall be filled by the Executive Committee for the un-expired term provided, however, that a vacancy in the office of County Commander shall be filled by the election thereto of a County Vice-Commander.

Section 2. Any elective County Office shall be considered vacant upon the acceptance by majority vote by the County Committee of the written resignation of the incumbent.

Section 3. Any elected County Officer who is absent from two (2) consecutive County Committee meetings will be notified by certified mail that he/she must give just cause of such absences to the County Committee at the next regularly convened meeting of the committee or he/she shall be removed from office and such office shall be declared vacant by a two-thirds (2/3) vote of the County Committee following such two (2) consecutive absences, and an election will be held at the next regularly convened meeting of the County Committee to fill the vacancy.

#### ARTICLE VIII – COUNTY CONVENTIONS

Section 1. The annual meeting of the Suffolk County Organization shall be a County Convention called pursuant to the provisions of the County Constitution.

Section 2. Fifteen (15) days previous notice of the time and place of such convention shall be given in writing to each Post and to each Past County Commander who is a member in good standing in a Post under the jurisdiction of the Suffolk County Organization.

Section 3. Alternates will have the privilege of voting on the floor of the Convention only in the absence or inability of the regular delegates, but they shall have all other privileges of Delegates including the right of serving on committees.

Section 4. Each Post shall be assessed the sum of one dollar and fifty cents (\$1.50) for each Committee and Alternate Committee which shall be deposited in the Convention Saving Account. This sum shall be paid by the Post regardless of the number actually attending said Convention.

Section 5. County Convention Operating Procedures shall be in accordance with the June 1969 Appendix to the Suffolk County Organization Constitution & By Laws.

#### ARTICLE IX – REPRESENTATION AT DEPARTMENT CONVENTIONS

Section 1. At each County Convention or no later than thirty (30) days prior to the date of the Department Convention, there shall be elected four (4) Delegates and

Alternates, two (2) of whom shall be the County Commander and the County Commander-Elect, and one additional Delegate and Alternate for each two-hundred fifty (250) paid-up members, or major fraction thereof.

#### ARTICLE X – PAYMENT OF EXPENSES

Section 1. From the funds remaining in his/her hands after payment of the annual dues as provided in the Department and County Constitutions, the Treasurer shall pay the current expenses at the County Organization as may be directed by the County Committee. He/she shall also pay such sums to the Delegates from the County to the Department Convention who are actually in attendance and as may be approved by the County Committee and the County Convention.

#### ARTICLE XI – REGULATIONS

Section 1. In the carrying out of their duties, the County Commander or the Commander of the Division to which the Post belongs, or their duly elected representatives, shall have the right to attend any regular or special meeting of a Post, or a Post Committee, and at such meeting, shall be accorded the courtesies and prerequisites of their office.

Section 2. The County Committee is authorized to make and propose regulations for the organization, management and conduct of the County Organization and the Post thereof provided, however, that such regulations are not inconsistent with National, Department and County Constitution and By Laws.

#### ARTICLE XII – AMENDMENTS

Section 1. These By Laws may be amended by a two-thirds (2/3) vote of the members of the County Committee present at any meeting thereof, provided that the said Proposed Amendment is read at the last preceding meeting of the County Committee and that fifteen (15) days written notice of the Proposed Amendment has been given to each County Committeeman and Post in the County Organization by the County Adjutant.

Section 2. These By Laws may be amended by a majority vote of the qualified representatives registered and voting at any County Convention without prior notice, subject to the following regulations:

- 1) The Proposed Amendment must be submitted by a Delegate or the Chairman of a Standing Committee.
- 2) The Proposed Amendment must be in writing and delivered to the County Adjutant prior to the close of the first session of the County Convention.
- 3) The Proposed Amendment will be voted upon at the second session of the County Convention, immediately after the final report of the Resolution Committee.

## AMENDMENTS

February 1982 – General meeting

AMENDED WORDING – ARTICLE VII; Section 3.

DELETED – ARTICLE VIII; Section 4.

Section 4. The Post may vote under the Unit Rule at a County Convention.

RENUMBERED – Section 5. To be Section 4.

February 1991 – Updated Copy of Constitution & By Laws mailed with County Minutes, as part of general mailing.

December 1998 – General Membership Meeting

ADDED – To ARTICLE VI; Sections 7. 8. 9.

Section 7. The County Judge Advocate shall advise the County Officers, and the County Executive Committee on all matters, including the construction and interpretation of the County Constitution & By Laws, and perform such others duties as are usually incident to this office.

Section 8. The County Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National and or Department Headquarters and the Suffolk County Organization from time to time, and shall perform such other duties as are usually incident to the office.

Section 9. The County Historian shall collect all records and data of value and interest to the Suffolk County American Legion, and shall compile during his/her term in office a complete history of the year's activities, for presentation to the Commander. He/she shall also assist Post Historians so as to coordinate and unify their work in compiling Post History Books.

June 15, 2002 – County Convention – Resolution #3

DELETED - Article IV, Section 3:

Immediately following his election and installation, the County Commander shall appoint, subject to the approval of the County Committee, a Chairman of Standing Committees upon each of the following subjects: Americanism, Athletics, Child Welfare, Constitution & By Laws, Conventions, Finance, Gold Star Mothers, Graves Registration, Hospital Welfare, Legal and Legislative, Membership, Military Affairs, Post Activities, Publicity, Sons of the American Legion, Post Applications for Charter and upon such other matters as the National, Department or County Committee shall Direct. The Standing Committees for County Administration upon such subjects shall consist of the Chairman of the corresponding Post Committees.

INSERTED - New Article IV, Section 3

At the County Convention, the County Commander Elect shall appoint, subject to the ratification by the County Committee within ten(10) days after the close of the Convention, Chairman of all Standing Committees upon each of the following subjects: Americanism, Blood Program, Bowling, Boys State, Budget and Finance, Children and Youth/Child Welfare, Constitution and By-Laws, Color Guard, County Convention, Credentials, Department Commanders Visit, Department Convention Housing, Directory, Distinguished Guest, DMS, Education and Scholarships, Employment, Gold Star Parents, Hospital Welfare, Judge Advocate, Law and Order, Legionnaire of the Year, Legislative, Liaison to the Auxiliary, Long Island State Veterans Home Stony Brook, Membership, Military Ball, National Cemetery – Calverton, National Cemetery – Pinelawn, National Commanders Dinner, Nominations, Oratorical, Protocol, MIA/POW,



Parliamentarian, Past Commanders Dinner, Post Activities, Post Charters, Public Relations, Resolutions, Scouting, Sons of the American Legion (Advisor), Special Olympics, Veterans Advisory, V.A. Volunteer Services, Ways and Means, Women in The American Legion and upon such other matters as the National, Department or County Committee shall direct.

June 9, 2007 – County Convention – Resolution #3

AMENDED ARTICLE V SECTION 3

FROM:

Section 3. A candidate for office must have the endorsement of a Post in Suffolk County, not necessarily his/her own, in order to be accepted as a nominee. In the event that there is more than one (1) properly endorsed candidate for any County office, the Committee on Nominations shall include all such candidates in their reports and all such candidates shall be considered nominated for office except in the case for the office of County Vice Commander where only one (1) nominee from each Division will be recognized and he/she must be:

- 1) A member of a Post in the Division in which he/she seeks office.
- 2) Nominated by a Post in the Division in which he/she seeks office.
- 3) Elected by the Division prior to the report to the County Convention by the County Committee on Nominations.

TO:

Section 3. A candidate for office must have the endorsement of a Post in Suffolk County, not necessarily his/her own, in order to be accepted as a nominee. In the event that there is more than one (1) properly endorsed candidate for any County office, the Committee on Nominations shall include all such candidates in their reports and all such candidates shall be considered nominated for office except in the case for the office of County Vice Commander where only one (1) nominee from each Area will be recognized and he/she must be:

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AMENDED ARTICLE VI SECTION 3

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