

**THE AMERICAN LEGION  
DEPARTMENT OF NEW HAMPSHIRE**

**CONSTITUTION  
And  
BY-LAWS**

**July 2002**

Revised June 2005

Revised June 2012

Revised June 2018

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Preamble to the Constitution of The  
American Legion©

For **G**od and **C**ountry,

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

**The Constitution and By-Laws of The  
American Legion**

**Department Of New Hampshire THE CONSTITUTION ARTICLE I**

## **NAME**

**Section 1.** The name of this organization shall be **The American Legion, Department of New Hampshire.**

**Section 2.** The Department Headquarters shall be maintained in Concord, New Hampshire.

## **ARTICLE II**

### **OBJECT**

The objects of this organization shall be: 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 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 III**

### **ELIGIBILITY FOR MEMBERSHIP**

**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, Merchant Marine, or Air Force of The United States and assigned to active duty at some time during any of the periods established by The National Constitution and By-Laws of The American Legion (as revised) - all dates inclusive, or who being a citizen of The United States at 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 of 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, he or she may appeal to the Department Executive Committee of The American Legion, Department of New Hampshire, for permission to apply for membership in another Post, and shall be ineligible for membership until such permission is granted.

**Section 5.** In addition to the preceding, eligibility for membership shall be identical with those requirements contained in the National Constitution of The American Legion and amendments thereto.

**Section 6.** Any member who invokes the privileges granted in the Fifth Amendment known as Article 5 of the Bill of Rights of the Constitution of The United States of America or the fifteenth Article of The New Hampshire Bill of Rights, when called upon to testify in a court or law or before a duly constituted investigative body of the State or any political subdivision thereof in connection with subversive activities, shall be deemed to be guilty of conduct unbecoming a member of The American Legion, Department of New Hampshire, and shall be subject to disciplinary action under Article IV, Section 2, of the National By-Laws.

**Section 7.** Each Post shall be a judge of its own membership subject to the restrictions of the National Constitution and By-Laws and the Constitution and ByLaws of The American Legion, Department of New Hampshire, except that, no person who is a member of an organization which has for its aim to overthrow The United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, or who in any manner assists such groups, shall be eligible to become or remain a member of The American Legion.

## **ARTICLE IV RANK**

**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 and no member shall be addressed by his military or naval title in conversation or meeting of The American Legion, or any civilian title, except when invited to participate as a guest or speaker at such convention or meeting.

**Section 2.** The American Legion shall be absolutely non-political and shall not be used for the dissemination of partisan principles for the promotion of the candidacy of any person seeking public office or preferment. No distinction of class, nationality, or sect shall be recognized, or countenanced.

## **ARTICLE V LEGISLATIVE BODY**

**Section 1.** The legislative body of the organization shall be a Department Convention to be held annually at a place fixed by vote of the Department Executive Committee upon the recommendation of the Department Permanent Convention Committee. The approved locations of all upcoming conventions shall be announced at least two (2) years in advance.

**Section 2.** The annual Department Convention shall be composed of delegates and alternates from each post, to be chosen by the Post, each of which shall be entitled to two delegates and two alternates for the first fifteen members and one delegate and one alternate for the next eighty five members, and one delegate and one alternate for each one hundred members or major fraction thereof, additional thereto. For the purpose of this section the “members” shall mean those who’s National and Department dues are paid to the Department Adjutant thirty days prior to the Department Convention. All Past Department Commanders, all Past National Commanders, and Current Department and National Officers, while in good standing in their respective Post shall be delegates to the Department convention with vote, to be exercised with their respective Posts, such vote,

however, will be in addition to the number of delegates allowed said Posts as provided in this section.

**Section 3.** The Department Convention shall divide the state into Districts and define the limits of each District. The Department Convention may from time to time change the limits of such Districts as changing conditions in membership warrant. The method of redistricting shall be as the Convention may determine.

**Section 4.** The financial year of the Department shall be from July 1st. to June 30th inclusive.

## **ARTICLE VI OFFICERS**

**Section 1.** The officers of this Department shall be a Department Commander, four Vice Commanders who shall serve without seniority, an Adjutant, a Treasurer, a Service Officer, a Judge Advocate, a Chaplain, a Historian, an Auditor, a Sergeant-At-Arms, a Parliamentarian, a National Executive Committeeman, an Alternate National Executive Committeeman, an Assistant Service Officer, an Assistant Chaplain, eight District Commanders, and eight District Senior Vice Commanders. All of the above officers shall wear Legion Caps designed for their particular office and no other shall have this right or privilege.

**Section 2.** No person shall hold, at any one time, more than one of the offices delineated in Section 1 of the article.

**Section 3.** Department Officers shall be selected in the following manner with all elections being by plurality vote of those present and voting, and by ballot;

- a. The Department Convention shall:
  1. Elect annually a Department Commander, four Vice Commanders, a Judge Advocate, a Historian, and an Auditor.
  2. Elect biennially on the odd numbered years, a National Executive Committeeman and an Alternate National Executive Committeeman.
  3. Elect biennially on the even number years, a Department Treasurer.

(a.) In case of a close vote (1 or 2 votes) for any candidate for Department Officer (delegates to the National Convention not included) the top two (2) candidates may request a recount of the ballots for that office. The Commander shall select two members plus the head teller to immediately recount the ballots for that office and announce the results.

b. The Department Executive Committee shall:

1. Elect annually at its first meeting following the Department Convention, each year, an Assistant Department Service Officer, a Department Chaplain, and an Assistant Department Chaplain.

c. The Department Commander shall:

1. Appoint annually at the first meeting of The Department Executive Committee following the Department Convention, the Department Sergeant-At-Arms and the Department Parliamentarian.

**Section 4.** Annually, each District (delegation) at its Spring Meeting shall elect a District Commander and a District Senior Vice Commander, also a District Delegate and a District Alternate Delegate to the National Convention. Each Post shall choose their Conference delegation the strength of which shall be that of their elected delegation at the previous Department Convention. All Past Department and Past National Commanders and current Department officers while in good standing in their respective Posts shall be voting delegates to be exercised with their respective Posts in addition to the number of delegates allowed said Posts, at their respective Spring Meeting as provided in this section. The Department Executive Committee at a meeting prior to the Department Convention shall confirm the newly elected District officers and delegates to the National Convention.

**Section 5.** All elected officers, confirmed District Commanders and Senior Vice Commanders are to take their oaths of office and assume their duties at the closing of the Convention at which they are elected, except for the Department Adjutant, and the Department Service Officer and shall serve until the adjournment of the succeeding Department Convention.

**Section 6a.** Those officers elected or appointed at the Department Executive Committee meeting shall take their oaths of office and assume their duties at the close of such meeting and shall remain in said office until the close of the Department Executive Committee meeting following the next Department Convention.

**Section 6b. (1)** The National Executive Committeeman shall not serve more than two (2) consecutive terms (4 years) in office. (June 2004)

**Section 6b. (2)** The Alternate National Executive Committeeman shall not serve more than two (2) consecutive terms in office and shall be eligible for election as National Executive Committeeman after his\her two (2) consecutive terms as Alternate National Executive Committeeman. (June 2004)

**Section 7.** Vacancies in any Department office shall be filled by the Department Executive Committee, provided, however, that in filling the office of Department Commander, the selection shall be made from among the four Department Vice Commanders. Provided further that shall a vacancy occur in the office of District Commander or District Senior Vice Commander, it shall be filled by the District concerned and confirmed by the Department Executive Committee. Pending confirmation, the new District Commander or Senior Vice Commander shall assume his respective duties with all rights and privileges. All vacancies pertinent to this section shall be filled for the remainder of the unexpired term of office.

**Section 8.** All Department Officers having custody of funds shall give adequate bonds which shall be approved by the Department Executive Committee.

**Section 9.** Between the Department Conventions, the Administrative and Executive power of the Department shall be vested in the Department Executive Committee, which shall be composed of the Department Commander, the four Department Vice Commanders, the Department Treasurer, the National Executive Committeeman, the Department Auditor, the Department Historian, the Department Judge Advocate, the Department Chaplain, the Assistant Department Chaplain, the Department Sergeant-At-Arms, the eight District Commanders, the eight District Senior Vice Commanders, all Past Department Commanders, all Past National Commanders, the Alternate National Executive Committeeman, the

Department Parliamentarian, the Department Adjutant, the Department Service Officer, all Past Department Adjutants, and the Chairpersons of standing committees as outlined in Section 11, all of whom shall be entitled to a vote in all meetings of the Department Executive Committee.

**Section 10.** Whenever an appointed voting member of the Department Executive Committee shall be absent at three consecutive meetings of the Committee, the office of the person so absent will be vacant, and if due cause has not been shown by the absent member within thirty days to excuse this absence, and if the excuse is not accepted by the Department Executive Committee at its next meeting, the office shall be filled in accordance with Article 11, Section 1 of the Department By-Laws.

**Section 11.** The Chairpersons of all standing Departmental Committees, which have been established by Department Convention and have been in existence for a period of three consecutive years, shall be members of the Department Executive Committee with power to vote. The Standing Committees of the Department are as follows: Children and Youth, Americanism, Community Service, Finance, Internal Affairs, Membership, Resolution, Legislation, Veterans Affairs and Rehabilitation, Permanent Department Convention, Public Relations, Boys State, Baseball, Oratorical, Blood Donor, Boys Scouts, Constitution and By-Laws, Education and Scholarships, Flag Education, Inter-post Activities, Fall Conference, ROTC, Sons of The American Legion, Trophies and Awards, Trustees of Trust Funds, Veterans Preference and Economics, Naturalization, Civil Air Patrol Cadet Program, Uniformed & Musical Groups, P.O.W. M.I.A., Firearms Safety, Drug Abuse and Education. All other committees shall be special committees, the chairperson of which shall have a voice but not vote.

## **ARTICLE VII THE LOCAL UNIT**

**Section 1.** The local unit shall be termed the Post. 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 Adjutant who shall refer the application to the Department Executive Committee at its next meeting, for approval or disapproval and then forward it to the National Organization with the endorsement of the

Department Executive Committee. The Department Executive Committee, on geographical lines, shall determine all cases of conflict or jurisdiction.

**Section 2.** The local Post shall adopt a Constitution and By-Laws including provisions for the suspension or expulsion of members as are not in conflict with the Department and National Constitution and By-Laws. Provided, however, that no member shall be expelled without the right of appeal to the Department Executive Committee. Nothing herein contained shall prevent the local Post from dropping members for non-payment of dues.

**Section 3.** Any member in good standing in the Department, and in his Post, who wishes to transfer to another Post within this Department or to a Post within another Department, shall be entitled to do so by means of a formal transfer initiated by the Post to which transfer is desired. The right to transfer does not carry the right to be accepted by any Post. When a member is so transferred, it shall be the duty of the Post initiating the transfer, to first approve the transfer at a regular Post Meeting, then notify the Department Adjutant(s) for appropriate action.

**Section 4.** It is recommended that the fiscal year of each Post be from July 1<sup>st</sup> to June 30<sup>th</sup> inclusive.

**Section 5.** All Post officers having custody of Post funds that shall accrue to National or Department Headquarters, shall give adequate bonds which shall be reported to the Department Adjutant.

**Section 6.** All Posts shall have their officers elected and installed for the ensuing year prior to June 1st. Those officers shall assume their respective offices upon completion of their installation.

**Section 7.** All Posts, as requisite to retaining their charters, must maintain an annual membership of not less than fifteen.

**Section 8.** The revocation, cancellation, or suspension, of any Post Charter, shall be in accordance with the "Uniform Code of Procedure for the Revocation, Cancellation or Suspension of Post Charters," as adopted by the National Executive Committee of The American Legion, May 1-2, 1941, Indianapolis, Indiana as amended by that body November 6-7, 1941.

**Section 9.** Any Post failing to meet the obligations imposed upon it by the National and Department Constitution and By-Laws, or ceasing to function for six months as an American Legion Post, or refusing to pay the per capita tax due State and National Departments, shall upon order of the Department Executive Committee through the Department Commander, surrender its charter; upon failing to surrender such charter, immediate steps may be taken for its revocation.

**Section 10.** American Legion Posts suffering the revocation of their charter may appeal the decision of the Department Executive Committee to the National Executive Committee as prescribed in Article 3, Section 1, of the National ByLaws.

**Section 11.** In case of revocation of the charter, the Post of The American Legion organized under the charter shall cease operations and turn over to the Department Headquarters, not only its charter, but all its records, property and assets in the possession of the Post or its officers within twenty (20) days thereafter. Such assets, records and property shall be returned to the Post at the time its charter is restored to it. However, if the charter is not restored within five years from date of revocation, the records, assets and property shall become the property of the Department.

**Section 12.** The minimum uniform accounting system of each Post should be in accordance with the procedures outlined in the “Post Operations Manual and Post Building Guide” available from The American Legion or an accounting system approved by the Department Executive Committee.

**Section 13.** The books, records, check books and an accounts of each Post and District within the Department of New Hampshire shall be made available to the Department Commander, Department Adjutant, and Department Treasurer or their authorized representatives upon demand by registered mail, within ten days, by the custodian of said records.

**Section 14.** All Posts of The American Legion within The American Legion, Department of New Hampshire, now in existence or hereafter chartered shall be incorporated under the provisions of Chapter 292, the revised Laws of the State of New Hampshire.

**ARTICLE VIII  
DUES**

Each Post shall pay annually to the Department Treasurer such dues as shall be determined by the Department and National Conventions.

**ARTICLE IX  
QUORUM**

A quorum shall exist at a Department Convention when duly elected delegates or alternates partially or wholly represent a majority of Posts organized and existing in the Department.

**ARTICLE X  
RULES OF ORDER AND PROCEDURE**

Unless otherwise provided by this Constitution and By-Laws, or by a respective District or Post Constitution and By-Laws, or by the rules adopted for a meeting or Convention, all questions of order, procedure with respect to any meeting, Convention or action of this Department, its Department Executive Committee, any committee appointed thereunder, and any American Legion Post or Organization or committee operating thereunder, shall be determined in accordance with Roberts' Rules of Order Newly Revised, as revised from time to time.

**ARTICLE XI  
AUXILIARY**

**Section 1.** The American Legion, Department of New Hampshire, recognizes an organization known as the American Legion Auxiliary, Department of New Hampshire.

**Section 2.** The American Legion Auxiliary shall be governed in this Department by such rules and regulations as may be prescribed by the National Executive Committee of The American Legion, and thereafter, approved by The American Legion, Department of New Hampshire.

**ARTICLE XII**  
**SONS OF THE AMERICAN LEGION**

**Section 1.** The American Legion, Department of New Hampshire, recognizes an organization known as The Sons of The American Legion, Detachment of New Hampshire.

**Section 2.** The Sons of The American Legion shall be governed in this Department by such rules and regulations as may be prescribed by the National Organization of The American Legion, and thereafter approved by The American Legion, Department of New Hampshire.

**ARTICLE XIII**  
**The American Legion Riders**

**Section 1.** The American Legion, Department of New Hampshire, recognizes a Post-sponsored organization known as The American Legion Riders, Department of New Hampshire.

**Section 2.** That the numerical number of each American Legion Rider Chapter in the Department of New Hampshire shall correspond to the number of the sponsoring Post.

**Section 3.** The New Hampshire, American Legion Riders shall be governed in this Department by such rules and regulations as many be prescribed by the National Organization of The American Legion, and thereafter approved by The American Legion Department of New Hampshire.

**ARTICLE XIV**  
**TWENTY AND FOUR**

**Section 1.** The American Legion, Department of New Hampshire recognizes a subsidiary organization known as The Twenty and Four.

**Section 2.** Membership in The Twenty and Four shall be limited to female members of The American Legion in good standing.

## **ARTICLE XV AMENDMENTS**

This Constitution may be amended at any Annual Convention of The American Legion, Department of New Hampshire, by a vote of two-thirds of the total authorized representation present and voting thereat, provided that the proposed amendments shall have been submitted to the Department Adjutant at least sixty (60) day prior to the convening of the next Department Convention, and provided further that the Department Adjutant shall mail a copy of the proposed amendments to each member of the Standing Committee on Constitution and ByLaws and to each Post Adjutant at least forty (40) days prior to aforesaid Convention; any such proposed amendment may be amended without further notice by a two-thirds vote of the total authorized representation present and voting thereat, provided it does not increase the modification proposed by the amendment and it has received the approval of the Convention Committee on Constitution and By-Laws Amendments, and provided further it may be amended by unanimous vote at any Convention without notice.

## **ARTICLE XVI CONTRACTS**

The Department Commander, Department Adjutant, and the Department Judge Advocate, shall sign all contracts pertaining to The American Legion, Department of New Hampshire.

## **BY-LAWS**

### **ARTICLE I DEPARTMENT EXECUTIVE COMMITTEE**

**Section 1.** The Department Executive Committee shall have charge and management of the business property and affairs of the organization. It shall grant authority to fix the compensation of all officers and agents of the organization. It may approve and grant authority for any committee projects or Department programs involving expenditure of such sums as are not included in the annual budget, no solicitation of funds from any source shall be made without the authority of the Department Executive Committee or action Annual Convention. The Department Executive Committee shall submit to the Annual Convention a detailed budget covering estimated income and expense of the Department for the ensuing year. The Department Executive Committee for due cause, by a two-thirds vote of the members, present and voting; and after due notice and full hearing, may remove from office any such officer, employee or agent of the organization. For just cause, any members of a standing rotating committee may be removed on the recommendation of the Department Commander with the approval of the Department Executive Committee. The remaining members shall move up and the new member with the approval Department Executive Committee shall fill the remaining position on said committee. Twenty -five members shall constitute a quorum at any meeting of the Department Executive Committee meeting.

### **ARTICLE II DUTIES OF OFFICERS**

**Section 1.** DEPARTMENT COMMANDER: The Department Commander shall be the executive head of The American Legion, Department of New Hampshire, with full power to enforce the provisions of the Department Constitution and ByLaws, and the expressed will of the Department Convention. He, or she, shall be the Chairperson of the Department Executive Committee. He, or she, shall appoint all necessary committees, subject to the ratification of the Department Executive Committee, and shall perform such other duties as are usually incident to the office.

**Section 2. DEPARTMENT VICE COMMANDERS:** The Department Vice Commanders shall act as representatives of the Department Commander on all matters referred to them by the Commander, and shall, upon the request of the Department Commander, preside over the meetings of the Department Convention or Department Executive Committee, and perform such other duties as are usually incident to the office.

**Section 3. DEPARTMENT ADJUTANT:** The Department Adjutant shall give notice of all Department Conventions and of all meetings of the Department Executive Committee; shall conduct the correspondence and keep file copies thereof and keep the records of the Department organization including lists of names, serial numbers and address of all members of Posts in the Department of New Hampshire, and list of members, officers and committeemen of the Department and of each District; shall keep the minutes of all Department Conventions and meetings; shall furnish to the Treasurer the names and addresses of the officers and the addresses of the headquarters of each District organization; shall notify the Department officers and committeemen of their election and subject to the direction and control of the Department Internal Affairs Committee and the Department Commander shall have general charge of and supervision over Department Headquarters and all paid personnel of the Department; shall employ such clerical assistance as he requires subject to the satisfaction of the Department Internal Affairs Committee; and shall perform such other duties as are usually incident to this office. He shall be authorized in the event of the death or resignation of the Department Commander to summon the Department Executive Committee for the election of a successor. **He shall sign checks together with the Department Commander, the Department Treasurer or other Legionnaire duly authorized by the Department standing Committee on Internal Affairs. Any two of these signatures being necessary to validate checks.**

**a.** No Department Officer or Committee Chairperson shall exceed their allotted budget as set by the Department Convention without prior recommendation of the Finance Committee and approved by the Department Executive Committee

**Section 4. DEPARTMENT TREASURER:** The Department Treasurer shall be the Custodian of the funds of the Department. The Treasurer, together with the Adjutant or other authorized Legionnaire, sign all checks disbursing the funds of the Department, and shall make reports upon the condition of the Department

treasury when called for by the Department Commander and Department Executive Committee. The Department Treasurer shall perform such other duties as are usually incident to the office.

**Section 5. DEPARTMENT JUDGE ADVOCATE:** The Department Judge Advocate shall advise the Department Officers and the Department Executive Committee on all legal matters including the construction and interpretation of the Department Constitution and By-Laws, and shall perform such other duties as are usually incident to the office. His rulings to District and Post inquiries formally and officially made, shall be binding until and unless over ruled by the Department Executive Committee.

**Section 6. DEPARTMENT CHAPLAIN AND ASSISTANT DEPARTMENT CHAPLAIN:** The Department Chaplain, or in his absence, The Assistant Department 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 Department Headquarters from time to time, and perform such other duties as may relate to religious emphasis within the Department.

**Section 7. DEPARTMENT HISTORIAN:** The Department Historian shall collect from year to year all records and data of value and interest for the Department Headquarters no later than sixty days following the Convention, for posterity. He shall also assist Post Historians to coordinate and unify the work of these officials and shall have such other duties, as the Department Executive Committee shall prescribe.

**Section 8. DEPARTMENT AUDITOR:** The Department Auditor shall annually, and more frequently if directed by the Department Finance Committee, audit the books and accounts of the Department. He shall recommend to the Finance Committee the firm of Certified Public Accountants to be engaged to do the annual independent audit of the Department, which firm will report directly to the committee.

**Section 9. DEPARTMENT SERVICE OFFICER:** The Department Service Officer shall be in charge of administration of all matters pertaining to the relation of veterans the Veterans Administration, and such matters that pertain to rights and benefits for Veterans and their families as are provided for under the Laws of the State of New Hampshire.

**Section 10. ASSISTANT DEPARTMENT SERVICE OFFICER:** The Assistant Department Service Officer shall have the same duties as the Department Service Officer, but his principal duties shall be at the White River Junction (VT) Veterans' Hospital.

**Section 11. DEPARTMENT SERGEANT-AT-ARMS:** The Department Sergeant-At-Arms shall act as Sergeant-at-Arms at all meetings of the Department and of the Department Executive Committee, he shall have charge of the Department Section of all parades in which the Department shall participate as a unit, and perform such other duties as the Department Commander may direct.

**Section 12. DEPARTMENT PARLIAMENTARIAN:** The Department Parliamentarian shall be present at all Conventions and meetings of the Department Executive Committee. His duties include arranging parliamentary courses throughout the Department; serving as principal advisor to the Department and Department Officers and the Convention Committees on Rules, Resolutions, Credentials, Election and Programs on matters pertaining to Parliamentary Procedures.

**Section 13. Finance Committee:** The Commander shall appoint at least three members, striving to ensure that one member be a Certified Public Account or a person with a background in accounting or finance, to a Finance Committee whose duties shall be:

- a.** To receive all request for funds not covered in the budget, adopted by the Department in the preceding Convention, in writing, for the approval or disapproval, and the Finance Committee shall then submit the same to the Department Executive Committee with its recommendation. Any unbudgeted expenditure in excess of 100 hundred (\$100.00) dollars which has not been submitted, in writing, to the Finance Committee at least ten (10) days prior to any meeting of the Department Executive Committee may not receive consideration at such meeting except by consent of two thirds (2/3) vote of those present and voting.
- b.** To, in conjunction with the Department Auditor, from time to time make recommendations to the Department Adjutant and Department Treasurer on ways to improve the financial record keeping of the Department.

- c. To in conjunction with the Department Adjutant and Department Treasurer ensure that an annual financial audit of the Departments books is conducted and that the appropriate tax returns are prepared and submitted.
- d. To prepare a budget for the coming year for submission for approval to the Department Executive Committee at a meeting of the Department Executive Committee prior to the Department Convention. The budget approved by the Department Executive Committee shall be presented by a member of the Finance Committee to the Department Convention for Final approval.

### III

#### ARTICLE

##### DISTRICT COMMANDERS AND DISTRICT VICE-COMMANDERS

**Section 1.** The District Commander shall be the installing officer in his District. In the event that the District Commander is unable to perform any of his duties, The District Vice Commander shall act in his stead.

**Section 2.** Each District Commander or the District Vice Commander shall visit each Post in his District at least twice during his term of office and shall inspect the financial membership records of each Post in his District and render a report to the Department Adjutant, said report shall include the amount of the Bond covering the office of the Post Finance Officer and Adjutant, the date of said bond, the name and address of the Surety Company issuing said bond, and the amount of the annual premium thereon.

**Section 3.** Within sixty, (60), days following the Department Convention, unless otherwise provided for in their District By-Laws, each District Commander shall call a Convention of delegates from each Post in his District. The representation of Posts at the District Convention shall be on the same basis as representation to the Department Convention. The District Convention shall elect or appoint a District Adjutant and a District Finance Officer, and the District Commander may appoint such other officers, as he deems necessary for the conduct of business of the District. The expenses of the District shall be borne by the Post within the District.

#### ARTICLE IV

## **DELEGATES TO NATIONAL CONVENTION**

**Section 1.** The Department Commander, the Immediate Past Commander, the Department Adjutant and any National Commission Chairman shall be delegates to the National Convention. The Immediate Past Commander shall be Chairperson of the delegation and the Department Commander shall be Vice Chairperson.

## **ARTICLE V VACANCIES**

Unless other wise provided for, vacancies in any elective office will be filled by the Department Executive Committee. In the event of a vacancy in any appointive office or chairmanship, the Commander with the advice and consent of the Department Executive Committee will fill the vacancy. All persons so elected or appointed are to hold office until their successors are elected or appointed and qualified.

## **ARTICLE VI SPECIAL D.E.C. MEETINGS**

The Department Executive Committee may, and upon application of not less than ten Posts in writing, stating the objects therefor, call a special meeting of the Department designating the time and place of such meeting. No business shall be transacted at such meeting involving an expenditure of money or an amendment of these laws unless there shall be represented at such meeting at least one-half of the Posts organized and existing in the State. The Department Adjutant shall give notice of such meeting by mailing to each Post a written or printed notice thereof at least fifteen days before such meeting, which notice shall state the substance of the amendment or business proposed to be adopted or accomplished, and no other business shall be accomplished than as stated in the notice.

## **ARTICLE VII CALLED D.E.C. MEETINGS**

Meetings of the Department Executive Committee may be called by the Commander upon five days notice in writing, and shall be called on same notice upon application in writing of eight voting members of the committee.

## **ARTICLE VIII ELECTIONS**

All elections at the Department Convention shall be by ballot and a plurality of all votes cast for any office will be required to elect. The Department Committee of Credentials shall not be discharged from duty until the results of the balloting have been announced by the Department Commander.

## **ARTICLE IX CONVENTION UNIFORM**

**Section 1.** Each delegate and alternate of the Department Convention shall wear during the Convention such uniform as may be adopted by the National Organization.

**Section 2.** All resolutions, except those relating to the Constitution and/or ByLaws, presented to the Annual Department Convention must be first considered by the Standing Committee of the Convention before being brought on the floor; except that, a Resolution may be presented in writing, if two-thirds consent of those present and voting allows the Resolution to be considered on the floor, without prior Committee approval.

## **ARTICLE X CONFERENCES**

The Department shall have one Fall Conference, said conference to be a one (1) day affair (June 2004) and including but not limited to, Report of Committee Chairpersons, Leadership School, and subjects deemed necessary by the Department Commander. This is, if possible to be a joint meeting with the Legion, Auxiliary and The Sons of The Legion and to be held in a central location, Concord North. It is to be a social as well as a learning conference.

All Department and District Officers as well as all Department and District Committee Chairpersons will be expected to attend.

## **ARTICLE XI**

## **TELEMARKETING**

No District or Post or affiliate of the American Legion shall be allowed to use a telemarketing firm for the purpose of raising funds without submitting the contract to the Department Adjutant's office for review by the Department Commander, Adjutant and the Judge Advocate. The approval or disapproval will be by vote of the Department Executive Committee at their next meeting.

## **ARTICLE XII AMENDMENTS**

These By-Laws may be amended at any Department of New Hampshire Convention by a vote of two-thirds of the total authorized representation present and voting thereat, provided that the proposed amendments shall have been submitted to the Department Adjutant at least sixty (60) days prior to the convening of the next Department Convention, and provided further than the Department Adjutant shall mail a copy of the proposed amendments to each member of the Standing Department Committee on Constitution and By-Laws and to each Post Adjutant at least (40) days prior to aforesaid Convention; any such proposed amendment may be amended without further notice by a two-thirds vote of the total authorized representation present and voting thereat, provided it does not increase the notification proposed by the amendment and it has received the approval of the Convention Committee on Constitution and By-Laws Amendments, and provided further it may be amended by unanimous vote at any Convention without notice.

The Constitution and By-Laws dated July 2002 were adopted at the Department Convention in Nashua, NH on 19 through 21, June 2004.  
Article VI Officers terms of the National Executive Committeeman and the Alternate National Executive Committeeman were approved and adopted at the Department Convention held in Nashua, NH on 19 through 21 June 2004.  
Article X Conferences, change was approved and adopted at the Department Convention in Nashua, NH 19 through 21 June 2004.

Changes made by action of the Department Convention in Nashua, NH on June 18-20, 2005  
Article VI of the Constitution Officers section 3.a.2 deleted the words a Department Adjutant  
Article VI of the Constitution, Officers deleted Section 3 b.1 and renumbered Section 3 b.2 to Section 3 b.1  
Article VI of the Constitution, Officers, Section 11 added Junior Oratorical as a standing committee of the Department Executive Committee  
Article II of the By-Laws Duties of The Officers, Section 3 Adjutant changed Department Executive Committee to Department Internal Affairs Committee.  
Article IV of the By-Laws added "any National Commission Chairman" as automatic delegate to the National Convention.

Changes made by action of the Department Convention in Manchester, NH June 23, 2012  
Article VIII The American Legion Riders  
Delete section 1 & 2 concerning the 40&8

Changes made by action of the Department Convention in Manchester NH June 23, 2018

Article VI, Section 11, eliminating the National Security & Emergency Management, Foreign Relations, Hospital, Counter-subversive Committees and Junior Oratorical Committees.  
Article VII Section 12, updated requirements for accounting systems used by Posts within the Department.

Changes made by action of the Department Convention in Lincoln, NH May 13, 2022

Article V, Section 1, Approval of Department Convention Site  
Article III, Section 3, District Conventions  
Article II, Section 3, Signatures on Department Checks  
Article I, Section 1, Status of Department Employees  
Article VI, Section 5, Department Service Officer  
Article II, Section 4, Clarifying the duties of the Department Treasurer  
Article II, Section 13, Modifying the duties of the Finance Committee

Updated as of Department Convention 20 June 2005 Attest:  
John Zachodny Jr.  
Department Adjutant

Updated as of Department Convention 23 June 2012 ATTEST:  
David Meaney Sr.  
Department Adjutant

Updated as of Department Convention 23 June 2018 ATTEST:  
Daniel Yoder  
Department Adjutant

Updated as of Department Convention 13 May 2022 ATTEST:  
Wayne Perra  
Department Adjutant