

**Burlington County Executive Committee**

**American Legion**

**Constitution And By-Laws**

**CONSTITUTION  
BURLINGTON COUNTY EXECUTIVE COMMITTEE  
THE AMERICAN LEGION**

**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 association in the Great Wars; To inculcate a sense of individual obligation to the community, state, and nation; To combat the autocracy of both the classes and the masses; To make right the Master of Might; To promote peace and good will on earth; To safeguard and transmit to posterity, the principles of Justice, Freedom, and Democracy; To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

## **ARTICLE I**

### **Name**

**Section 1** The name of this organization shall be known as The Burlington County Executive Committee of The American Legion, Department of New Jersey (hereinafter referred to as the B. C. E. C.) located in Burlington County, New Jersey.

## **ARTICLE II**

### **Status**

**Section 1** The status of the B. C. E. C. as a corporation shall be maintained by filing a yearly certificate as required by law, setting forth the name of the Trustees elected for the current year. The Department Executive Chairperson (hereinafter referred to as the DEC) shall act as agent for the B. C. E. C.

## **ARTICLE III**

### **Trustees**

**Section 1** The Burlington County Commander, County Senior Vice Commander, County Junior Vice Commander, County Finance Officer, County Chaplain, County Historian, and D. E. C. duly elected, installed, and during their term of office shall be the Trustees of the B. C. E. C.

## **ARTICLE IV**

**Section 1** To coordinate and unify the work and activities of the Posts within its jurisdiction and exercise a general supervision over such Posts. The B. C. E. C. shall be responsible to the Department Executive Committee of the American Legion.

## **ARTICLE 5**

### **Nature**

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

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

## **ARTICLE 6**

### **Membership**

**Section 1** The membership of the B. C. E. C. shall be composed of the duly elected delegates and alternates of the Posts of The American Legion within the geographical confines of Burlington County, New Jersey and those Past County Commanders who are members of a Burlington County Post .

**Section 2** Any Post which is a duly chartered Post of The American Legion in Burlington County shall be eligible to elect delegates and alternates to membership To the B. C. E. C.

**Section 3** Any eligible Post may have its delegates and alternates seated as members of the B. C. E. C. by filing with the B. C. E. C. through the County Adjutant, a certification of paid up membership as of the end of the previous calendar year.

**Section 4** Posts shall have the right to elect members to the B. C. E. C. on the following basis: one delegate and one alternate for each fifty (50) paid up members or fraction thereof, based on membership for the previous calendar year established by records of the Department Adjutant, as provided in ARTICLE 4, Section 2 in the Constitution of the Department of New Jersey, The American Legion.

## **ARTICLE 7**

### **Officers**

**Section 1** The Officers of the B. C. E. C. of The American Legion shall be duly elected members thereof and shall consist of Burlington County Commander, County Senior Vice Commander, Junior Vice Commander, County Finance Officer, County Chaplain, County Historian, and D. E. C. An Adjutant, Service Officer, Sergeant-at-Arms, and Judge Advocate shall be appointed by the newly elected County Commander at the time of his/her election. If, in the judgment of the County Commander, the services of an Assistant Adjutant are required , the County Commander shall have the power of making such appointment. The County Commander shall also appoint such Committees as may be necessary in accordance with Department and National By – Laws of The American Legion.

## **ARTICLE 8**

### **Taxes**

**Section 1** The Annual perCapita Tax upon the Burlington County Posts for the maintenance of the B. C. E. C. shall be levied as prescribed in ARTICLE 3, Section 1 of the By – Laws of the American Legion, Department of New Jersey.



**Section 2** Any Post which shall fail to pay the County per Capita Tax as provided in section 1 of ARTICLE, by February 28<sup>th</sup> shall be subject to suspension in accordance with the provisions of ARTICLE 9, SECTION 5 AND ARTICLE 10, section 3 of the Constitution of The Department of New Jersey, The American Legion . In any case, no Post which has failed to pay per Capita Tax shall have either voice or vote at any Meeting of the B. C.E.C.

## **ARTICLE 9**

### **Charges**

**Section 1** Charges may be made against a member of the B. C. E. C. based on disloyalty , neglect of duty, dishonesty , and / or conduct unbecoming a member of The American Legion. All charges must be made under oath, in writing, by the accuser(s) and must be filed through a member of the B. C. E. C. with the B. C. E. C. Adjutant. Both accuser(s) and B. C. E. C. member shall be considered responsible for the accuracy and legality of such charge(s). The B. C. E. C. shall conduct a full hearing and investigation after written notice stating the charge(s) has been sent to the defendant member at least fifteen (15) days prior thereto. A two – thirds (2/3) vote of the members in good standing shall govern. If the vote does not sustain the charge(s) the same shall be dropped and the matter closed. If the vote shall sustain the charge(s), the B. C. E. C. shall report its findings, in writing, at the next regular meeting of the B. C. E. C. which shall take immediate action thereon. In case the member be ordered expelled , the County Adjutant shall immediately notify the Post which the accused member represents. In no case shall the person(s) preferring the charge(s) or the accused have any vote in the proceedings. The accused has the right of appeal to The American Legion, Department of New Jersey/

**Section 2** The B. C. E. C. at its next regular meeting may remove from office by a two – thirds (2/3) vote any elected or appointed Officer who has three (3) consecutive unexcused absences from the B. C. E. C. meeting.

**Section 3** Charges may be made under oath, in writing, against a Post of the American Legion under the jurisdiction of the B. C. E. C., by resolution, by any Post of the American Legion for conduct or action prejudicial to The American Legion with the B. C. E. C. Adjutant . The B. C. E. C. shall inform the accused Post of the resolution charges in writing . The B. C. E. C. shall call a Special Meeting for the purpose of hearing the charges no earlier than fifteen (15) days after the notice has been given to the accused Post and B. C. E. C. delegates through their respective Post Commanders. A full hearing and investigation shall be conducted and a two – thirds (2/3) vote of all members present in good standing shall govern. The delegates of the Post making the charges and the delegates of the accuse Post shall have voice in the proceedings, but shall not vote

If the charge(s) are not sustained, the same shall be dismissed and the matter closed. If the charge(s) are sustained, the B. C. E. C. shall immediately, by resolution, apply to The American Legion, Department of New Jersey for the revocation of the Post charter or

such other action as the circumstances warrant. The accused has the right of appeal to The American Legion, Department of New Jersey

## **ARTICLE 10 –**

### **Woman's Auxiliary**

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

**Section 2** The B. C. E. C. recognizes the Auxiliary known as the American Legion Auxiliary of Burlington County, Department of New Jersey.

## **ARTICLE 11 – ALTERATIONS, AMENDMENTS**

**Section 1** Any or all parts of this constitution may be altered, amended, or repealed at any regular or special meeting of the B. C. E. C. by a two – thirds (2/3) vote of the delegates in good standing present; provided that such alterations, amendments, or repeals shall have been submitted in writing at a preceding meeting of the B. C. E. C.

**Section 2** A copy of the proposed alteration, amendment, or repeal shall be read under the appropriate Order of Business at three (3) successive meetings and be voted on at the third regular meeting. Such notice shall be mailed to each Post Commander fourteen (14) days prior to the date of the meeting at which it is to be acted upon. It shall be the duty of the Post Commander to inform the delegates thereof.

## **BY – LAWS – B. C. E. C.**

### **ARTICLE 1**

**Section 1** Regular meetings of the B. C. E. C. shall be held on the second Monday of each month at such time and place as the County Commander may designate.

**Section 2** The Initial Meeting of the newly elected County Officers of the B. C. E. C. shall be the first regular meeting following the New Jersey Department Convention.

**Section 3** Each year, a Nominating Committee shall meet after the regular February meeting and before the regular March meeting of the B. C. E. C. for the purpose of proposing a B. C. E. C. Officers slate for the next term. This committee shall be called the Burlington County Steering Committee and consist of Burlington County Post Commanders or the Post's duly authorized delegates and Past County Commanders in good standing. The D. E. C. shall announce at the regular January and February B. C. E. C. meetings the time, place, date, and purpose of the Burlington County Steering

Committee meeting and this information shall be placed in the recorded minutes of each of the January and February meetings.

**Section 4** A quorum at any regular or special B. C. E. C. meeting shall consist of the County Commander Acting County Commander and at least one (1) delegate each from five (5) Posts affiliated with the B. C. E. C.

**Section 5** Voting power at regular or special meetings shall be vested in the duly elected Post delegates in good standing. Post alternates may vote only when acting for an absent delegate from that respective Post. A list of Post delegates and alternates must be provided to the County Adjutant by each Post on or before the second regular meeting after the New Jersey Department Convention.

**Section 6** A vote shall be by Voice vote unless a delegate calls for a Hand vote, which shall then be taken. A Ballot vote must be taken if called for, provided a call for a Ballot vote is passed. (no second needed, not debatable, majority to pass.

**Section 7** None but duly elected delegates or alternates whose Posts have paid the current County per Capita Tax by February 28<sup>th</sup> of the Legion year (July 1 thru June 30) shall have a Voice or vote at any meeting.

**Section 8** Special meetings of the B. C. E. C. may be called by the County Commander provided a minimum notice of fourteen (14) days be given to all delegates and alternates through their Post Commanders and that such shall state the purpose for which the meeting is called and no other business shall be transacted

**Section 9** The Order of Business at regular meetings of the B.C.E.C. after The Opening Ceremonies shall be

1. **called to order**
2. **roll call of Officers and Posts**
3. **approval of minutes of last regular & / or special meeting**
4. **recognition of guests**
5. **financial report**
6. **committee reports and D. E. C. report**
7. **sick call**
8. **unfinished business**
9. **correspondence**
10. **new business**
11. **good of the legion**
12. **closing**

**Section 10** Robert's Rules of Order shall be the authority in all questions of Parliamentary Procedure.

## **ARTICLE 2**

## **Elections**

**Section 1** Nomination of Officers shall be made no later than the regular B. C. E. C. meeting in February. It is desired that the nominee be nominated by his/her post by resolution. However all elected offices are open to floor nomination during the April meeting prior to the time of election. Election will be by a majority vote of delegates present and in good standing

**Section 2** Should a vacancy occur in any elected office, the same shall be filled at a regular meeting or as soon thereafter as possible. The County Adjutant shall notify the delegates through their Post Commander by a special mailing or through the County regular minutes that such election is to be held and which is to be no later than two (2) regular meetings after the vacancy.

**Section 3** An elective Officer shall hold office for one (1) year except the D. E. C. who shall hold office for three (3) years.

**Section 4** At the Burlington County Steering Committee meeting, the Past County Commanders shall act in an advisory capacity and have no vote. Only Post Commanders or their duly appointed representatives shall have the right to nominate a candidate for office and have the right to vote for candidates. If the candidate is a Post Commander, the Post delegate shall have the right to nominate him / her and vote in his / her stead. All must be in good standing. Nominations shall be by resolution either at the regular B. C. E. C. regular meeting on or prior to the February meeting or at the Burlington County Steering Committee meeting. Those nominees at the regular B. C. E. C. meeting do not have to be nominated at the Steering Committee meeting but will be considered along with those nominated at the Steering Committee meeting. It shall be the duty of the B. C. E. C. D. E. C. to conduct this meeting except when the office of D. E. C. is contested, at which time the County Commander will conduct the meeting. All voting shall be by Roll Call vote unless a Secret Ballot is requested by a voting member. It is required that the candidates be at this meeting. The proposed B. C. E. C. Officers slate shall be announced at the regular March meeting by the D. E. C. or County Commander if the D. E. C. position is contested.

## **ARTICLE 3**

### **Officers Duties**

**Section 1** It shall be the duty of the County Commander, to preside at the B. C. E. C. meetings,, manage its affairs, and to otherwise exercise the duties, incident to the office, He / she shall also act as the alternate to the Department Executive Committee as prescribed in ARTICLE 7, Section 4 and 5 of the Constitution of the Department of New Jersey, The American Legion. He / she shall be an ex – officio member of all Committees

**Section 2** It shall be the duty of the County Senior Vice Commander to perform the duties of the County Commander during his / her absence or in capacitance and to be Membership Chairperson. In the event of death or resignation of the County Commander he / she shall act as County Commander until such time as a new County Commander is elected.

**Section 3** It shall be the duty of the County Junior Vice Commandeering the absence of the County Commander and Senior Vice Commander to perform the duties of the County Commander and be Chairperson of Ways and Means, and the Veterans Banquet

**Section 4** It shall be the duty of the County Finance Officer to keep a full and accurate record of all moneys received as County Finance Officer and to pay all bills so authorized by the B. C. E. C. A bank account shall be maintained in a Burlington County bank, withdrawals from which shall be subject to his / her signature together with the signature of the County Commander. The County shall furnish a bond of a recognized surety company in the amount of \$10,000, the annual premium to be paid from the funds of the B. C. E. C. The Incoming County Finance Officer shall submit by the second meeting of the B. C. E. C. a detailed report for the previous Legion year (July 1 – June 30) and at each subsequent regular B. C. E. C. meeting a monthly report of the previous month.

**Section 5** It shall be the duty of the County Chaplain to perform such service as may be required, adhering such ceremonial rituals and sick call as recommended by National or Department Headquarters.

**Section 6** It shall be the duty of the County Historian to collect all records of value and interest and compile during his / her term of office a scrapbook of the year's activities of the B. C. E. C.

**Section 7** It shall be the duty of the D. E. C. to represent the B. C. E. C. and the Posts of The American Legion in Burlington County at all meetings of the Department Executive Committee of the Department of New Jersey, The American Legion. The D. E. C. shall perform such other duties and exercise such authority as may be incident to the office and which are prescribed in ARTICLE 7 OF THE Constitution or ARTICLE 2 of the BY – LAWS of the Department of New Jersey, The American Legion, or such duties as may be prescribed by any Amendments thereto from time to time. The D. E. C. shall be elected in accordance with the provisions of ARTICLE 7 of the Constitution of The American Legion, Department of New Jersey, and shall serve for the term of three (3) years, or until the conclusion of the unexpired term of the predecessor when elected to fill such term.

**Section 8** It shall be the duty of the County Adjutant to keep a full and accurate record of the B. C. E. C. proceedings in a book(s) provided for that purpose which shall be the property of the B. C. E. C. Minutes shall be sent out by the first of the month. All reports and communications shall be filed and preserved, all correspondence attended to; meeting notices given; maintain a complete roll of members; produce the book(s) of record at the meeting; as well as perform such duties as usually pertain to the Adjutant's office, except as hereinafter provided. All or any of the foregoing duties may be

performed by the Assistant Adjutant if such office is filled by the County Commander's appointment.

**Section 9** It shall be the duty of the County Service Officer to keep the B. C. E. C. informed of all matters concerning the care and service necessary for the welfare and well-being of all be the duty of the veterans and their dependents, and shall also perform such other duties pertaining to veterans' services as may be required from time to time by the B. C. E. C.

**Section 10** It shall be the duty of the Sergeant – at – Arms to be custodian of all properties of the B. C. E. C. and perform the duties incident to his / her office. The Sergeant – at – Arms shall preserve order at all meetings and shall perform such other duties as may be, from time to time, assigned him / her by the County Commander.

**Section 11** It shall be the duty of the Judge Advocate on request of the County Commander to supply professional advice in conduct of the County business or to procure proper council, be the Parliamentarian of the B. C. E. C. and act as guardian of Constitutional form for the B. C. E. C.

#### **ARTICLE 4** **Alterations; Amendments; Repeals**

**Section 1** These By – Laws may be altered, amended, and / or repealed in accordance with ARTICLE 11, Section 1, and of the Constitution of the B. C. E. C.

CONSTITUTION and BY – LAWS COMMITTEE – B. C. E. C.

Judge Advocate (Chairperson),  
County Commander;  
D. E. C. ;  
Past County Commanders in good standing

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updated Feb 2009