

**CONSTITUTION AND BY-LAWS OF THE 4th DIVISION  
THE AMERICAN LEGION, DEPARTMENT OF TEXAS**

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**CONSTITUTION**

**ARTICLE I - NAME**

The name of this organization shall be the 4th Division, The American Legion, Department of Texas, and is an integral part of The Department of Texas. The headquarters of this Division shall be in the city where the Department Vice Commander for the Division resides.

**ARTICLE II - PURPOSE**

The purpose of this organization is to perform all the functions of a Division as provided by the Constitution and By-Laws and Rules and Regulations of The American Legion, Department of Texas.

**ARTICLE III - MEMBERS**

All American Legion Posts within the 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, and 21<sup>st</sup> Districts of Texas, in good standing with the American Legion, Department of Texas, shall be the membership this Division.

**ARTICLE IV - OFFICERS**

The Officers of the Division shall be a Department Vice Commander for the Division (hereafter referred to as "Department Vice Commander"), Division Adjutant, Division Finance Officer, Division Chaplain, Division Judge Advocate, Division Sergeant-at Arms, Division Service Officer and Division Historian. The Division may, through affirmative vote of two-thirds (2/3) majority of recognized delegates at any one of its conventions, provide additional Officers, when not in conflict with the Department and National Constitution and By-Laws.

**ARTICLE V - EXECUTIVE COMMITTEE**

**Section 1. Management.** The administrative affairs of this Division shall be under the supervision of a Division Executive Committee between its conventions.

**Section 2. Composition.** The Division Executive Committee is composed of the Department Vice Commander, who shall chair the committee, each of the District Commanders of the Division, and the Immediate Past Department Vice Commander, each with both voice and vote. The other Division Officers shall be members of the Division Executive Committee with a voice only. If any District Commander cannot attend the Division Executive Committee meeting, an officer of that District shall be designated by the District Commander to represent the District at the meeting. A majority of the voting members of the Division Executive Committee or their properly designated representatives shall constitute a quorum.

**Section 3. Immediate Past Department Vice Commander.** The person who last held the office of Department Vice Commander of this Division, who remains in good standing in their Post in this Division and a resident of this Division, is the Immediate Past Department Vice Commander and a member of the District Executive Committee with both voice and vote. Should, for any reason, the office of Immediate Past Department Vice Commander become vacant, it shall not be filled by any prior Department Vice Commander or by appointment but shall remain vacant until the current Department Vice Commander no longer holds that office.

**Section 4. Meetings.** Meetings of the District Executive Committee may be called at a place and time determined by the District Commander upon not less than five days' notice to all members.

#### **ARTICLE VI - AMENDMENTS**

The Constitution may be amended at any Division Convention by a two-thirds (2/3) majority vote of the delegates present. All proposed amendments must be presented in writing to the Chair of the Division Constitution and Bylaws Committee at least 14 days prior to the opening day of the Division Convention. At the earliest possible opportunity after the Division Convention opens, the Chair of the Division Constitution and By-Laws Committee will read and move to approve the amendments the Committee approved by a two-thirds majority vote. Other proposed amendments that were timely presented to, but not recommended by the committee can then be read and considered, if properly moved and seconded (no minority report of the Committee is necessary). All proposed amendments must have been read at the Division Convention at least four hours before being voted upon and a record of the Vote on all amendments shall be included in the minutes of the Convention.

## **BY-LAWS**

### **ARTICLE I - CONVENTION**

**Section 1. Time.** The Division will hold at least one (1) Convention each year at the call of the Department Vice Commander, the dates of which shall be coordinated with the Department Commander and Department Adjutant. Within thirty (30) days after the convention, the Division Adjutant shall transmit a copy of the proceedings to the Department Adjutant. In the event of failure or refusal by the Department Vice Commander to call a regular convention, three Posts in the Division shall have the authority to call the convention to be presided over by the Division Adjutant.

**Section 2. Registration Fee.** The registration fee for the Division Convention shall be set by the Host Post, with the express consent of the Department Vice Commander.

**Section 3. Notice.** The Department Vice Commander, or the Division Adjutant, by direction of the Commander, shall notify all Posts of the date and place not less than three (3) weeks prior to a convention.

**Section 4. Resolutions.** All resolutions of State or National scope presented to a committee, reported to the Division, or adopted by the Division shall merely embody the opinion of this Division on the subject and a copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the Division is taken.

**Section 5. Procedure.** Unless otherwise provided herein, the proceedings of the Division Convention shall be conducted in a manner consistent with the Uniform Code of Procedure for the Organization of Department Conventions for the Department of Texas and the current edition of Robert's Rules of Order Newly Revised.

### **ARTICLE II - OFFICERS**

**Section 1. Department Vice Commander.** The Department Vice Commander shall be a resident and member in good standing of a Post in this Division, be elected annually at the Division Convention, shall serve for a period of one (1) year as provided by the Department Constitution and By-Laws, and shall continue to reside in this Division during tenure of office. The Department Vice Commander may not serve more than one (1) year, unless serving an unexpired term

**Section 2. Department Vice Commander.** The Department Vice Commander shall be nominated and elected annually at the Division Convention and shall serve for a period of one year as provided by the Department Constitution and By-Laws. The Department Vice Commander will be elected by the delegates present at the Division Convention. Nominations from the floor will be accepted in accordance with the Division Constitution and By-Laws,

**Section 3. Vacancy.** In case of death, resignation, relocation outside of the Division boundaries or the incapacitation of the Department Vice Commander which will cause the Department Vice Commander to miss a Division Convention or Department Executive Committee meeting as scheduled, the Department Commander shall fill the vacancy (after conferring with the District Commanders of the Division) until the Department Vice Commander recovers or is replaced by the Department Commander.

**Section 4. Appointed Officers.** Upon the adjournment of the Department Convention the incoming Department Vice Commander will appoint a Division Adjutant, Division Finance Officer, Division Chaplain, Division Judge Advocate, Division Sergeant at Arms, Division Service Officer, and Division Historian. The Department Vice Commander shall fill any vacancy in a division officer position by appointment.

**Section 5. Education Requirements.** As a prerequisite to nomination for election, the candidate for the office of Department Vice Commander must have completed the most recent ALEI Basic Training Course. Appointed Division Officers must complete the ALEI Basic Training Course within three (3) months of their appointment. Failure to complete the course within three (3) months will cause the position to become vacant without further action.

**Section 6. Duties of Officers.**

- a. **Department Vice Commander.** The Department Vice Commander shall be the executive head of the Division with duties that include, but shall not be limited to:
- (1) perform the duties of the Department Commander when requested by or required by the absence of the Department Commander;
  - (2) see that the Constitution and By-Laws of the Department and Division are strictly observed and that the Division Officers properly execute their duties;
  - (3) represent the Division at all Department conventions, meetings, and other activities;
  - (4) serve on any Department Committees and Commissions as required by the Department Constitution and By-Laws and to which appointed by the Department Commander;
  - (5) appoint the chairman and any members to serve on Division Committees as required;
  - (6) call and preside over any Division convention or Division-level meeting required; and
  - (7) perform installation ceremonies and on-site visits when requested by Districts and Posts within the Division as often as possible.

**b. Division Adjutant.** The Division Adjutant shall

- (1) attend all Division conventions;
- (2) create and maintain a record of all the proceedings of the Division convention, including copies of all committee reports;
- (3) distribute all documents referred to committees as required by the Department Vice Commander and notify the committees of their appointments to any duties;
- (4) maintain such records as the Department and National organizations require; and
- (5) correspond with all levels of The American Legion on behalf of the Division incidental to his/her office as directed by the Department Vice Commander.

**c. Division Finance Officer.** The Division Finance Officer shall:

- (1) receive all monies due in the Division from any source, giving receipt therefor, and shall enter same in regular account(s) with the purpose for which intended;
- (2) make disbursements only upon written approval in advance by the Department Vice Commander and maintain any receipts for disbursements for audit;
- (3) make a report at the Division conventions and meetings and such other reports as required by the Department or National organizations or the Department Vice Commander; and
- (4) perform such other duties as may be required by Department Vice Commander.

**d. Division Chaplain.** The Division Chaplain shall:

- (1) be charged with the spiritual welfare of all Division conventions;
- (2) attend all meetings which shall be opened and closed with divine, but nonsectarian prayer; and
- (3) perform such other duties as may be assigned by the Department Vice Commander.

**e. Division Judge Advocate.** The Division Judge Advocate shall:

- (1) supply professional advice in the conduct of the Division business or to procure proper counsel;

(2) interpret this Constitution and By-Laws when required by the Department Vice Commander and Division officers and advise any Division committee when requested;

(3) perform such other duties as may be required by the Department Vice Commander.

**f. Division Sergeant at Arms.** Division Sergeant at Arms shall:

(1) attend all Division conventions and meetings and maintain order and decorum in them;

(2) carry all messages from the Department Vice Commander to any other officer, delegate, or member or vice versa;

(3) perform such other duties as may be required by the Department Vice Commander

**g. Division Service Officer.** The Division Service Officer shall:

(1) become familiar with the Department of Veterans Affairs (OVA) medical centers and outpatient clinics located in the Division's geographic area;

(2) coordinate with and assist the OVA Voluntary Service Officer(s) to aid the districts in effective participation in the Veterans Affairs Voluntary Service (VAVS) program;

(3) assist the Department Veterans Affairs and Rehabilitation Commission (VA&R) as requested in monitoring and implementing Department approved policies and procedures governing the appointment of and duties and functions of the VAVS Representatives and Deputy Representatives;

(4) assist the Department Veteran Service Officers as required to ensure the Department VAVS policies and procedures are effectively implemented;

(5) report to the Department Vice Commander as requested on the status of the compliance of the districts with the requirements of the Department VAVS policies and procedures; and

(6) perform such other duties as may be required by the Department Vice Commander.

**h. Division Historian.** The Division Historian shall:

(1) attend all Division conventions and meetings to historically document the events;

(2) provide historical material to Department and Division Webmasters for posting on any Division websites and social media;

(3) provide historical information to the Department Historian as requested; and

(4) perform such other duties as may be required by the Department Vice Commander.

### ARTICLE III - DELEGATES

**Section 1. Division Convention.** Each Post shall elect or select delegates to the Division Convention in accordance with Department and National Constitution and By-Laws, who shall be certified by Post Officials. Delegates may only be elected and certified by their respective Posts. If the Post does not submit a list of certified delegates in accordance with its by-laws said post will have no delegates at the Convention. The Credentials Committee may not appoint nor recommend seating as delegates any person not certified by their Post.

**Section 2. National Convention.** The Division Convention shall elect One Delegate and One Alternate to the National Convention. Upon election, each Division Delegate and Alternate to the National Convention shall remit their registration fee to the Department as required by the Department Constitution and By-Laws. By remittance of their registration fee, each Delegate and Alternate Delegate becomes obligated to stay in the host hotel for at least three (3) nights during the National Convention.

### ARTICLE IV - COMMITTEES

The Department Vice Commander shall appoint a chair and members of committees on Credentials, Rules, Resolutions, Constitution and By-Laws, Finance, Membership and Organization, Boys State, Baseball, Scouting America, Sons of the American Legion, Oratorical Contest and School Awards and such other committees as are deemed to be advisable. Each committee shall consider such matters as may be referred and report their recommendations to the Convention. The Department Vice Commander shall fill any vacancy in a committee chair or member position by appointment.

### ARTICLE V -VOTING STRENGTH

The voting strength, on roll call votes, of each Post shall be in accordance with the Uniform Code of Procedure for the Organization of Department Conventions for the Department of Texas. All voices or standing votes shall be by each Division Post member present and voting, provided upon request of any delegate roll call must be held on any question. Voting may be conducted by written, secret ballot, with each post having the number of votes certified at the convention. Every person voting must be present on the floor of the convention.

### ARTICLE VI - QUORUM

An attendance of representatives of five percent (5%) of the Posts in the Division shall constitute a quorum of the Division for all purposes.

**ARTICLE VII**  
**ENDORSEMENT OF CANDIDATES FOR OFFICE ABOVE DIVISION LEVEL**

The Division shall be absolutely nonpolitical 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. The Division shall not endorse any candidate for American Legion office above the Division level, who is not, at the time of the endorsement, a member of the Division.

**ARTICLE VIII - FINANCES**

**Section 1. Bank Accounts.** The banking arrangements used for Division funds will be directed and managed by the Department of Texas, with the Department Treasurer and the Division Finance Officer as signatories on any division bank account.

**Section 2. Fiscal Year.** The fiscal year for the Division shall be the same as the fiscal year for the Department of Texas.

**Section 3. Budget.** Following each Division Convention, the Finance Committee shall prepare a proposed budget for the Division fiscal year. Upon adoption by the Division Executive Committee, a copy will be transmitted to the Department Treasurer as soon as possible prior to the fall meeting of the Department Executive Committee.

**ARTICLE IX**  
**ARTICLE X- SOCIAL MEDIA AND THE INTERNET**

**Section 1.** The Division and all participants in the Division programs are required to adhere to the Social Media Guidelines promulgated by the Department of Texas.

**Section 2.** Applicants for social media accounts and registrants of domain names for this Division or its programs are serving as agents of this Division and ownership of these accounts and domain names are vested in this Division, Department of Texas, American Legion. Applicants or registrants should obtain approval from the Department Vice Commander to establish a domain name or social media account. Applicants or registrants shall, upon demand, transfer the account or domain name to another individual designated by the Department Vice Commander.

**ARTICLE XI**  
**COMPLIANCE WITH NATIONAL AND DEPARTMENT POLICIES**

**Section 1. Electronic meetings.** The Division may conduct any meeting (which includes its convention) by electronic or other remote access means as reasonably necessary.

- a. The Division shall use its best efforts to implement any such virtual meetings with full regard for the need to provide as much as possible accessibility for all members, including those with disabilities and those who lack the access to sophisticated technology.

- b. Any action that could be taken at an in-person meeting, including amendment of the constitution and by-laws, may also be taken at a virtual meeting held pursuant to this provision so long as (1) each person participating in the meeting is able to communicate with all other persons participating, and (2) reasonable measures are taken to verify that every person voting at the meeting by means of remote communications is sufficiently identified.
- c. During a virtual meeting, the Division Adjutant shall ensure that all participants are members in good standing and that a quorum is present.
- d. The Department Vice Commander shall determine the need for a virtual meeting.
- e. The Adjutant or other person acting as secretary of the meeting must make a record of the meeting.

**Section 2. Nondiscrimination.** In its efforts to promote nondiscrimination, this Division does not discriminate on the basis of race, religion, color, national origin, gender, sex or disability in accordance with Title VI of the Civil Rights Act of 1964, as amended.

**Section 3. Whistleblower-Protection Policy.** Neither the Department Vice Commander nor any Division Officer shall unlawfully retaliate against any member for bringing a grievance or complaint under the National, Department or Division Constitutions or By-Laws.

**Section 4. Conflict of Interest Policy.** No person in a position of authority over the Division, such as the Department Vice Commander or other Division Officers may benefit personally from a decision he or she could make.

**Section 5. Protection of Confidential and Sensitive Information Policy.** Any person that possesses or maintains documents or data containing confidential or sensitive information is required to take reasonable measures to protect against unauthorized access to, or use of the information in connection with its disposal. In addition, Sarbanes-Oxley requires that records be retained for all audits and legal proceedings.

**Section 6. Record Types and Retention Periods.** Any person possessing or maintaining documents or data of the following Division activities shall maintain and retain such according to the following schedule.

- (1) Accounts Payable/Receivable Ledgers - 7 years
- (2) Audit Reports of Accounts - Permanently
- (3) Bank Statements - 7 years
- (4) Contracts and Leases- Permanently
- (5) Correspondence (Legal)- Permanently
- (6) Insurance Records - Permanently

## ARTICLE XII - AMENDMENTS

These By-Laws may be amended at the Division Convention by a two-thirds (2/3) majority vote of the delegates present. All proposed amendments must be presented in writing to the Chairman of the Division Constitution and Bylaws Committee at least 14 days prior to the opening day of the Division Convention. At the earliest possible opportunity after the Division Convention opens, the Chairman of the Division Constitution and By-Laws Committee will read and move to approve the amendments that have been approved by the Committee by a two-thirds majority vote. Other proposed amendments that were timely presented to, but not recommend by the committee can then be read and considered, if properly moved and seconded (no minority report of the Committee is necessary). All proposed amendments must have been read at the Division Convention at least four hours before being voted upon and a record of the vote on all amendments shall be made a part of the minutes of the Convention.

**CERTIFICATION**

We, the following Division Officers hereby certify that the foregoing Constitution and By-laws, as amended, after due notice was given to all members, was adopted at the Division Convention held on the 20th of September, 2025, at Kerrville Memorial Post 0208 in Kerrville, Texas.

  
Department Vice Commander  
The American Legion Department of Texas

  
Division Adjutant  
The American Legion Department of Texas

**DEPARTMENT APPROVAL**

After review, the above amended Division Constitution and By-laws, the Department of Texas, were approved by the Department of Texas Judge Advocate on the 30 day of March 2026.

  
Department Judge Advocate