

Sample Unit Constitution and Bylaws

This is only an example of a constitution and bylaws and is provided as a reference only; is not required to be adopted. It is recommended that you consult with a professional parliamentarian when drafting or making changes to your Unit's bylaws. Robert's Rules of Order, Newly Revised, has sample wording for many of these sections, including electronic meetings.

UNIT NAME
UNIT # _____
AMERICAN LEGION AUXILIARY,
DEPARTMENT OF NORTH CAROLINA, INC

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 all wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to participate in and contribute to the accomplishment of the aims and purposes of The American Legion; to consecrate and sanctify our association by our devotion to mutual helpfulness.

CONSTITUTION

Article I – Name

The name of this organization shall be _____ American Legion Auxiliary Unit ____, Department of North Carolina, Inc.

Article II – Nature

Section 1. The American Legion Auxiliary Unit #_____ is a civilian patriotic organization that supports the mission of The American Legion.

Section 2. The American Legion Auxiliary shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

Article III – Eligibility

Section 1. Eligibility for membership in the American Legion Auxiliary is determined by The American Legion. The eligibility requirements from The American Legion governing documents shall be updated as appropriate.

Membership in the American Legion Auxiliary shall be limited to the:

- 1) Grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and
- 2) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917, to November 11, 1918, and any time after December 7, 1941, who being a citizen of the United States at the time of their entry therein served on active duty in the Armed Forces of any of the governments associated with the United States during either eligibility periods and died in the line of duty or after honorable discharge;
- 3) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941, who served on active duty in the Armed Forces of the United States during either eligibility periods and died in the line of duty or after honorable discharge; and
- 4) to those women who of their own right are eligible for membership in The American Legion.

Section 2. There shall be two (2) classes of membership, Senior and Junior.

- 1) Senior membership shall be composed of members aged eighteen (18) and older; provided, however, a member eligible under Section 1 of this article and who is under the age of eighteen (18) years and married shall be classified as a Senior member.
- 2) Junior membership shall be composed of members under the age of eighteen (18) years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen years, Junior members shall automatically be admitted into Senior membership with full privileges.
- 3) Dues of both classes shall be paid annually or for life.

Article IV- Unit Officers

Section 1. The Unit shall elect annually a President, Vice President, Secretary, Treasurer, Chaplain, Historian and Sergeant-At-Arms, who shall serve until their successors are duly installed or as otherwise provided.

Article V- Executive Committee

Section 1. There shall be an Executive Committee, which shall consist of the elected officers and three additional members-at-large elected by the Unit. The term of office for members of the executive committee will be one year.

Article VI- Fiscal Year

Section 1. The fiscal year shall be the same as that of the Department.

Article VII- Amendments

Section 1. This Constitution may be amended by a two-thirds vote of the members present at a regular Unit meeting, provided the proposed amendments shall have been read at the previous meeting.

Section 2. Amendments not having been previously read may be adopted by the unanimous vote of the members present.

Section 3. This Constitution shall be automatically amended to conform to the National and Department Constitution and Bylaws and Standing Rules of the American Legion Auxiliary.

Section 4. All amendments shall go into effect upon adoption unless the amendment states a specific date.

BYLAWS

Article I - Executive Committee

Section 1. Between meetings the government and management of this Unit shall be entrusted to the Executive Committee and all proceedings of said committee shall be presented to the Unit at the next meeting for approval.

Section 2. A vacancy existing in the Executive Committee from any cause other than the expiration of a term shall be filled by a majority vote of the entire committee. A person so elected shall hold office for the unexpired term of the member whom she succeeds.

Section 3. One-third of the members of the Executive Committee shall constitute a quorum.

Section 4. The Executive Committee shall meet once a month. Special meetings may be called by order of the President or on written request of at least three members of the Executive Committee. Uniform notice of such special meeting shall be given to all members of the Executive Committee, and except in extreme emergency, shall be given at least forty-eight hours in advance. At special meetings only business specified shall be conducted.

Article II- Duties and Powers of Officers

Section 1. Duties of the Unit President: It shall be the duty of the President to preside at all meetings of the Unit and the Unit Executive Committee; to enforce strict observance of the Constitution and Bylaws; to appoint members of the standing committees; to create such other committees and appoint members thereof as she deems advisable; to perform such other duties as custom and parliamentary usage require; and to appoint all officers not otherwise provided for.

Section 2. Duties of the Unit Vice President: The Vice President shall, when called upon, assist the President and in her absence perform her duties, and shall succeed her in office in case of death, resignation, or removal of office.

Section 3. Duties of the Unit Secretary: It shall be the duty of the Secretary to record the proceedings and transactions of all meetings of the Unit; to act as custodian of all books, papers and records; to send out such notices as are directed by the President; to conduct the correspondence of the Unit; to keep on file in a comprehensive manner copies of all correspondence sent and received; and perform other duties as shall be required by the President.

Section 4. Duties of the Unit Treasurer: It shall be the duty of the Treasurer to receive all money belonging to the Unit and to account for them. The Treasurer shall maintain two separate funds, namely a general fund and a Poppy fund. All Poppy donations shall be placed in the Poppy fund and be used to assist the veterans and his/her children. The Treasurer shall keep an accounting of receipts and expenditures, making a monthly report thereon, and such other reports as may be deemed necessary by the Unit Executive Committee. The accounts shall be audited annually. The Treasurer shall pay all current bills before transferring all funds, books and papers belonging to the Unit to their successor.

Section 5. Duties of the Unit Historian: It shall be the duty of the Historian to compile historical records of the Unit for the year and to make a report to the Department Historian.

Section 6. Duties of the Unit Sergeant-At-Arms: It shall be the duty of the Sergeant-At-Arms to preserve order at the meetings of the Unit and such other duties as the President may direct.

Section 7. Duties of the Unit Chaplain: It shall be the duty of the Chaplain to offer prayer at the opening and closing of each meeting and perform such other duties as the President may direct.

Section 8. Where deemed necessary, a Recording Secretary and a Corresponding Secretary may be elected to carry on the duties normally performed by the Secretary.

Section 9. The office of Secretary may be combined with that of Treasurer and called "Secretary-Treasurer."

Article III - Dues

Section 1. A member failing to pay annual dues, including the Unit, State and National assessments, by January 31, shall be delinquent and suspended from all membership privileges. Payment of back dues, after suspension, shall reinstate such member to active membership. Any member delinquent by December 31, of the year of delinquency shall automatically be dropped from the rolls and may be reinstated only by paying all back dues or by re-establishing eligibility and making application as a new member.

Article IV - Unit Meetings

Section 1. An annual meeting of this Unit shall be held in the month of May of each year for the purpose of electing officers and receiving annual reports.

Section 2. Special meetings of this Unit may be called by the President, by a majority of the Executive Committee, or upon written request of ten senior members of the Unit.

Section 3. _____ Senior members shall constitute a quorum at any meeting of the Unit.

Section 4. Electronic Meetings: If a regular Unit in-person meeting cannot be held, the Unit President may call an electronic meeting as the Unit meeting. The electronic meeting shall be conducted through the use of the internet. All members must be able to hear each other and participate. Each member is responsible for their audio and internet connection. E-mail shall not be used to conduct Unit meetings.

Article V - Election

Section 1. Election may be by voice vote if there is only one candidate, but where there is more than one candidate for the same office, election shall be by ballot and the majority of votes cast shall be necessary to elect.

Section 2. Delegates and alternates to a Department Convention shall be elected at a Unit meeting duly called for that purpose not less than two weeks prior to the convention. Alternates shall have priority in the order of their election.

Section 3. All officers and executive committee members shall be elected annually at a meeting duly called for that purpose.

Article VI- Committees

Section 1. A nominating committee composed of three members shall be appointed or elected for the purpose of presenting a slate of Unit officers for the ensuing year.

Section 2. An auditing committee composed of three members shall be appointed by the Unit President for the purpose of auditing the Treasurer's accounts at the close of each term and make a report of the audit to the Unit.

Article VII- Transfers

Section 1. Transfer of membership from one Unit to another shall be upon application of the member to, and acceptance by the other Unit, in conformity with National and Department Constitution and Bylaws.

Article VIII -Discipline

Section 1. For any violation of the Unit, Department or National Constitutions, or for conduct improper and prejudicial to the welfare of the American Legion Auxiliary or of The American Legion, any member may be expelled from membership or any officer removed from office by two-thirds vote cast at a Unit meeting duly called for that purpose, said expulsion or removal to be binding only in the event said member or officer shall be given at least fifteen days' notice in writing by the Unit Secretary of the charges and the hearing thereon. Either party may have the right to appeal to the Department Executive Committee, or their action thereon shall be final. The expense of said appeal shall be borne by the appellant.

Section 2. Neither this Unit in the Department nor any member thereof shall circularize any other Unit or member thereof without the consent of a Department Executive Committee.

Section 3. Liabilities: No member or group of members shall subject this Unit to liability without authorization of the Unit.

Article IX – Parliamentary Authority

Section 1. The Unit organization shall be governed by Robert’s Rules of Order, Newly Revised, on all points not covered by this Constitution and Bylaws.

Article X – Amendments

Section 1. These Bylaws may be amended by a two-thirds vote of the members present at a regular Unit meeting, provided the proposed amendments shall have been read at the previous Unit meeting.

Section 2. Amendments not having been previously read may be adopted by the unanimous vote of the members present.

Section 3. These Bylaws shall be automatically amended to conform to the National and Department Constitutions and Bylaws and standing rules of the American Legion Auxiliary.

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The National Constitution and the acts of the National Conventions constitute the fundamental law of the Auxiliary and the Department Constitutions. The acts of the Department Convention and the Department Executive Committees must conform to them or be rendered null and void. Similarly, the Constitution of a Unit must conform to the Constitution of the Department in which it is located. Any provision of a Unit Constitution which conflicts with the Constitution of the Department or with any action of the Department Convention or Department Executive Committee is invalid and without effect.

Amended:

President: _____

Secretary: _____

Date: _____

****End Sample Unit Constitution and Bylaws****

Standing Rules Examples

A standing rule relates to the details of the administration of a society, and which can be adopted or changed the same way as any other act of the deliberative assembly. Standing rules can be suspended by a majority vote for the duration of the session, but not for longer. Examples of standing rules include wearing name badges, signing a guest register, or using recording devices.

SAMPLE STANDING RULES

1. Units of the American Legion Auxiliary are separate entities that operate independently as affiliates of the American Legion Auxiliary National Organization. Units shall be governed by their own Unit Constitution and/or Bylaws which shall not conflict with the National Constitution and Bylaws, National Standing Rules, National rules and policies, Department Constitution and Bylaws, or Department rules and policies. Units may refer to the Unit Guide, the Manual of Ceremonies, and other publications of the National and Department organizations for guidance in the conduct of their programs and the administration of Unit activities.
2. Units have the authority to set annual Unit dues. Annual dues collected by the Unit shall include Department and National dues. Units shall send Department and National dues according to the policies adopted by the National Executive Committee.
3. As provided in the National Bylaws, the minimum membership of a Unit shall be ten (10) Senior members. A Department Headquarters Unit shall have no minimum membership requirement.

No person may, at any time, be a member of more than one Unit.

A new member joining the American Legion Auxiliary prior to the annual National Convention must pay full current annual dues to be eligible for full membership rights, privileges, and benefits.

A new member joining after the National Convention may be given by their Unit full membership rights, privileges, and benefits from the date the dues are received through December 31 of the following year.

A member who is not subject to suspension or membership revocation is eligible to transfer membership to another Unit if the member has paid membership dues to the current Unit for either the current year or immediate past membership year. A member transferring to a new Unit must pay current year dues to either the current Unit or to the Unit into which the member wishes to transfer.

4. A valid American Legion Auxiliary membership card shall reflect the member's current pertinent membership information.
5. A Legion post has no authority to regulate a Unit and vice versa.
6. The Unit has the responsibility for the discipline of its members. A member disciplined by the member's Unit may appeal the Unit's disciplinary action in writing to the Department Executive Committee.
7. Disciplinary actions against members, including membership suspensions, are not appealable to the National Organization. All discipline must be imposed following the principle of fundamental fairness. A Department may discipline a Unit for failure to discipline a member.
8. When a Unit ceases to function, or its charter has been canceled, the charter and all Unit records and funds shall be immediately sent to Department Headquarters which has no obligation to assume any of the Unit's debt or other obligations.
9. A Unit whose charter has been canceled by its Department without the Unit's consent may appeal the Department's decision to the National Executive Committee as provided in these Standing Rules.
10. The regular meetings of the _____ Unit _____ shall be held on the _____ of each month and shall be called to order at _____ o'clock.

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Amended:

President: _____

Secretary: _____

Date: _____

****End Sample Standing Rules****