

CONSTITUTION AND BYLAWS  
OF  
AMERICAN LEGION AUXILIARY  
CHARLES F THOMAS IV, UNIT 117  
DEPARTMENT OF FLORIDA  
189 VETERANS DRIVE, PALM BAY, FL 32909  
FEBRUARY 20, 2018

RECEIVED MAR 06 2018

**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 associations during 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 masses; to make right the master of might; to promote peace and goodwill 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 Charles F Thomas IV, Unit 117, Inc., Department of Florida.*

**ARTICLE II - NATURE**

**Section 1:** American Legion Auxiliary Charles F Thomas IV Unit 117 Inc. is a civilian patriotic service organization that supports the mission of The American Legion.

**Section 2:** American Legion Auxiliary Charles F Thomas IV Unit 117 Inc. shall be absolutely nonpolitical and shall not be used for dissemination of partisan principles nor or any promotion of the candidacy of any person seeking public office or preferment.

### **ARTICLE III – OBJECT**

**Section 1:** Membership in the American Legion Auxiliary shall be limited to the grandmothers, mothers, sisters, wives and direct and adopted female descendants of members of the American Legion, and to the grandmothers. Mothers, sisters, wives, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during any of the following periods: April 6, 1917 – November 11, 1918; December 7, 1941 – December 31, 1946; June 25, 1950- January 31, 1955; February 28, 1961 – May 7, 1975; August 24, 1982 – July 31, 1984; December 20, 1989 – January 31, 1990; August 2, 1990 to the date of cessation of hostilities as determined by the Government of the United States; all dates inclusive o who being citizens of the United States as the time of their entry therein; served on active duty in the Armed Forces of any of the government associated with the United states during any of said periods, and died in the line of duty or after honorable discharge; and to those women who of their own right are eligible for membership in the America Legion.

**Section 2:** There shall be two classes of membership, Senior and Junior.

A. Senior membership shall be composed of members age 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 a Senior.

B. Junior membership shall consist of that group under the age of eighteen (18) years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen (18), Junior members shall automatically be admitted into Senior membership with full privileges.

C. Dues for both classes shall be paid annually or for life.

### **ARTICLE V – UNIT OFFICERS**

**Section 1:** The Unit shall elect annually a President, First Vice President, Second Vice President, Treasurer, Chaplain, Historian, Sergeant-at-Arms, Assistant Sergeant-at-Arms who shall serve unit until their successors are duly installed or as otherwise provided (or a combination of some of these officers.)

Secretary shall be appointed.

## **ARTICLE VI – EXECUTIVE COMMITTEE**

There shall be an Executive committee, which shall consist of all officers and three additional Members at Large elected by the Unit. The term of the office for members of the Executive Committee shall be for one year.

## **ARTICLE VII – FISCAL YEAR**

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

## **ARTICLE VIII – AMENDMENTS**

**Section 1:** This Constitution may be amended by two thirds (2/3) vote of the members at a regular meeting, provided the proposed amendment shall have been read at the previous meeting.

**Section 2:** Amendments no having been read at the previous meeting 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.

## 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 on the Executive Committee, from any cause other than 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 she succeeds.

**Section 3:** A majority of the members of the Executive Committee shall constitute a quorum.

**Section 4:** Special meetings may be called by order of the President, or on written or electronic request of at least three (3) members of the Executive Committee. Uniform notice of such special meetings shall be given to all members of the Executive Committee; and, except in extreme emergency, shall be given at least forty-eight (48) hours in advance. At special meetings only business specified shall be transacted.

### ARTICLE II – DUTIES AND POWERS OF OFFICE

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

**Section 2:** Duties of the Vice President – The First and Second Vice Presidents, in the order named, 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.

**Section 3:** Duties of the Secretary – It shall be the duty of the Secretary to receive and answer official mail under the direction of the President; to keep on file, in a comprehensive manner, copies

of all correspondence sent and received; and to send and give notice of all meetings of the Unit; and to keep all books, papers, and records that are needed to carry on the working of the office and care for the archives of the Unit. She is hereby vested with such authority as it is necessary to carry out her duties successfully for the good of the American Legion Auxiliary.

**Section 4:** Duties of the Treasurer – It shall be the duty of the Treasurer to receive all monies belonging to the Unit and account for them. She shall pay the bonding fee as determine by the Department Office. She shall maintain two (2) 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. She shall keep an accounting of her receipts and expenditures, making an annual report thereon and such other reports as may be deemed necessary by the Unit Executive Committee. Her accounts shall be audit annually. She shall pay all current bills before transferring all funds, books, vouchers and papers belonging to the Unit to her successor.

**Section 5:** Duties of the 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 directed by the President and to notify Department of any deceased members on a monthly basis.

**Section 6:** Duties of the Historian – It shall be the duty of the Historian to compile the historical records of the Unit and to make a report to Department.

**Section 7:** Duties of the Sergeant-at-Arms - It shall be the duty of the Sergeant-at-Arms to preserve order at the meeting of the Unit and to perform such duties as may be requested by the President.

### **ARTICLE III – DUES**

**Section 1:** The annual Senior membership dues of the Unit shall be a stated in the Standing Rules which shall include the Department and National per capita. The annual dues of the Junior membership shall be as state in the Standing Rules to include the Department and National per capita.

**Section 2:** A member failing to pay annual dues, including the Unit, Department, and National assessments by January 31, shall be classified as delinquent and shall be suspended from all membership privileges. Payment of back dues, after suspension, shall reinstate such member to active membership. Any member delinquent to December 31 of the year of delinquency shall automatically be dropped from the rolls and may be reinstated by only paying back dues or by reestablishing eligibility and making application as a new member.

#### **ARTICLE IV – UNIT MEETINGS**

**Section 1:** The regular scheduled meeting of American Legion Auxiliary, Charles F Thomas IV Unit 117, Inc. shall be held as stated in the Standing Rules. An Executive Committee meeting shall be held as stated in the Standing Rules.

**Section 2:** The number of members of a Unit shall constitute a quorum at any regular scheduled meeting of the Unit as stated in the standing rules.

**Section 3:** Special meetings of the Unit may be called by the President, by a majority of the Executive Committee, with the President notified, or upon written request of three (3) members of the Unit.

#### **ARTICLE V – ELECTION**

**Section 1:** Elections shall be held annually. In order to participate in the election of the Unit Officers, a member shall have paid dues for the current fiscal year with which the election is held.

**Section 2:** Elections shall be by ballot, and a majority of the votes cast shall be necessary with the nominee declared. If there is only one person nominated for an office the ballot may be dispensed with and that nominee declared a winner.

**Section 3:** All Officers and Executive Committee members shall be elected at a meeting duly called for the purpose not more than ninety (90) days prior, nor less than 15 days prior to Department Convention.

**Section 4:** The Unit shall notify the Department Secretary of the names and addresses of such newly elected officers, not less than ten (10) days prior to Convention, certification to be made on forms furnished by Department.

**Section 5:** Vacancies in office between annual elections shall be filled by the Executive Committee.

**Section 6:** Delegates and Alternates to District Constitutional Conference, or Department Convention shall be elected not less than two (2) weeks prior to the Conference or Convention. Alternates shall have priority in the order of their election.

The Unit shall have the following Core Committees: Americanism, Children and Youth, Constitution and Bylaws, Membership, National Security, Audit, Veterans Affairs and Rehabilitation, and such other mission and member/organizational support committees as provided in the Standing Rules.

#### **ARTICLE VII – TRANSFERS**

Transfers of membership from one Unit to another in the Department of Florida shall 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 Constitution, or for conduct improper and prejudicial to the welfare of the Auxiliary or the American Legion, any member may be expelled from membership or any officer may be removed from office by a two thirds (2/3) vote at a meeting duly called for that purpose, said expulsion or removal to be binding only in the event said member or officer shall have been given at least fifteen (15) 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 expenses of the said appeal shall be borne by the appellant.

**ARTICLE IX - PARLIAMENTARY AUTHORITY**

The Unit Organization shall be governed by "Roberts Rules of Order, Newly Revised" on all points not covered in National and/or Department Constitution and Bylaws.

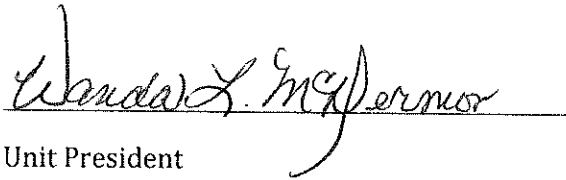
**ARTICLE X - AMENDMENTS**

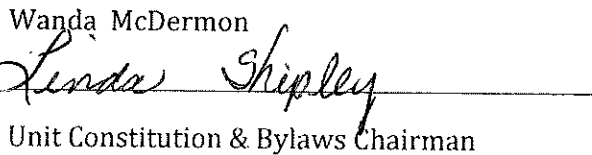
**Section 1:** These Bylaws may be mended by two thirds (2/3) vote of the members present at a regular meeting, provided the proposed amendments shall have been read at a previous Unit meeting.

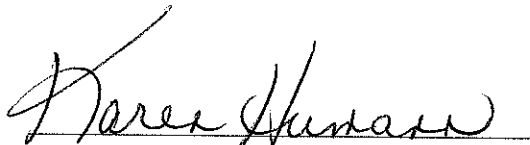
**Section 2:** Amendments not having been previously read may be adopted by the unanimous vote of the members present.


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

THIS CONSTITUTION AND BYLAWS WERE RE, VOTED ON AND APPROVED AT OUR REGULAR MEETING ON FEBRUARY 20, 2018.

  
Unit President

Wanda McDermion  
  
Unit Constitution & Bylaws Chairman

  
Unit Secretary  
Karen Humann

  
Department Constitution & Bylaws Chairman

**APPROVED MAR 02 2018**

\_\_\_\_\_  
Date Approved



## STANDING RULES

### **Treasurer:**

1. The Treasurer shall keep an accounting of her receipts and expenditures, making a monthly report thereon and such other reports as may be deemed necessary by the Executive Committee.
2. Treasurer accounts shall be audited on a quarterly basis.
3. Treasurer is responsible for timely submission of the annual renewal of the soliciting of contributions permit to the Florida Department of Agriculture & Consumer Services, as required.
4. Treasurer is responsible for timely submission of the annual report notice to the Florida Dept. of State, Division of Corporations
5. Treasurer is responsible for timely submission of the annual 990.
6. Treasurer is responsible for compliance with state and federal tax requirements.
7. Treasurer is responsible for payment of unit obligations, as soon as financially feasible to do so.
8. Treasurer is responsible for payment of the annual \$20.00 district dues at the installation of officers.
9. Treasurer shall pay all current bills before transferring all funds, books, and papers belonging to the Unit to her successor.
10. Treasurer shall insure that the checkbook is turned over to the Unit President or her designee during an extended absence from Brevard County.

### **Chaplain:**

1. Upon learning of the death of a member she will make appropriate notification to unit, district

and department staff, and drape the Unit Charter at the following meeting.

2. In the case of an Auxiliary member's death or death of an immediate family member the Auxiliary member or her family will receive a card and notification \$10.00 has been donated to the "Memorial Scholarship Fund" in the name of the deceased. Immediate family members include; mother, father, spouse, children, sisters, and brothers.
3. The Chaplain will send to a hospitalized or seriously ill member a floral/plant arrangement up to \$45.00 purchased from a contracted florist, by the Chaplain, in conjunction with the president, one time during the Auxiliary year. Should there be additional instances, a get well card may be sent.
4. Chaplain will send to the immediate family of an Auxiliary member, when ill or hospitalized, a card from the Auxiliary. Immediate family members include; mother, father, spouse, children, sisters, and brothers.

**Sergeant-at-Arms:**

1. Sergeant-at -Arms shall be in charge of colors at any function where colors are posted or presented.
2. Sergeant-at -Arms and Assistant Sergeant-at-Arms should arrive at least thirty (30) minutes prior to the meeting time.
3. It is the duty of the Sergeant-at -Arms to see that all materials, i.e, gavel, bell, Bible, flags, preambles, etc are in their proper place. She should see that there is sufficient seating available both on the floor and the podium.
4. Unless otherwise instructed by the President, the Sergeant-at -Arms will greet members and guests as they arrive and also to attend to the sign in sheet and insure that all gusts are introduced to the President.

**Executive Committee:**

1. There shall be an Executive Committee which shall consist of the officers and three (3) additional members-at-large elected by the Unit, as well as the immediate past unit president as an ex-officio member of the Executive Committee and shall be entitled to input on any question but not be considered in creating a quorum.
2. Where deemed necessary, a Recording Secretary and a Corresponding Secretary may be elected to carry on the duties normally performed by the Secretary.

**Membership Chairman:**

1. It is the duty of the membership chairman, who is appointed by the Unit President, to keep records of names and addresses of the members showing the source of their eligibility, process new and transferring member applications, process membership change and death notifications according to Department and National Guidelines.
2. Chairman will track the Unit's compliance with department's membership goals and report such to the President and Membership at large.
3. 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 By-Laws.
  - a. The membership chairman will investigate all transfers into the unit from local units and present the name(s) at the meeting immediately following the transfer request. During the meeting, anyone who personally knows the transferee may make a statement in support of either acceptance or denial of the application.
  - b. Any application that has been denied for membership, whether a new or transfer application cannot be reconsidered or resubmitted for a period of six (6) months. The person making the application will be notified, in writing from the President and Secretary that her request has been denied
  - c. Any member who transfers out of the unit to another unit for any reason other than moving will not be eligible to transfer back into that unit for a period of three (3) years.
  - d. The President and Membership Chairman will appoint two (2) members to help form a membership committee. The Membership Committee will be responsible to contact members to remind them of dues and renewals, upcoming meetings, and other unit functions by any means necessary; social media, phone, mail, email.
  - e. Membership Chairman is responsible for sending out invitations to new members at least two

(2) weeks prior to the initiation date as well as ensuring that it is posted in the monthly newsletter December .

f. An initiation ceremony for new members will be held once a year within the first year of the Auxiliary year, here she will receive a unit guide, Unit Constitution and By-Laws and membership pin.

**Dues:**

The annual membership dues of this Unit shall be \$35.00 for seniors, paid annually or for life, and shall include the Department and National per capita of \$21.50. The annual membership dues for Juniors shall be \$8.00 paid annually and shall include Department and National per capita of \$4.25. These dues changes commence with Fiscal Year 2019. Dues will be reviewed annually and changed in accordance with National and Department charges once the Unit approves said changes by a two thirds (2/3) member vote at the appropriate meeting.

**Unit Meetings:**

1. The regular meeting for the Charles F Thomas IV Auxiliary Unit shall be held on the third (3<sup>rd</sup>) Tuesday of each month, unless otherwise specified, and shall be called to order at 7:00 pm.
2. An annual meeting of this Unit shall be held not more than ninety (90) days and not less than than fifteen (15) days prior to Department Convention for the purpose of electing officers and receiving annual reports. Said officers shall be certified to the Department Headquarters on forms furnished by the department.
3. 11 members in good standing shall constitute a quorum.
4. No alcoholic beverages will be permitted in the meeting room when colors are posted or the Bible is open.
5. No smoking during meetings.

6. In the event that any officer cannot attend a meeting or function where their presence is required, she is to notify the President as soon as possible.

7. No member of this unit will be allowed in the Post Canteen or Tiki during a general Auxiliary Membership meeting. Said member will be requested to attend said meeting or leave the premises.

**Elections:**

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.

2. In order to participate in the elections of the Unit, members shall be prepared to show their membership card at the meeting designated for election of officers and delegates.

3. When there is a ballot vote, the President will appoint three (3) tellers to distribute, collect and tally ballots. The result will be handed to the President to announce results.

4. There shall be a nominating committee of three (3), consisting of a chairman and two (2) members, elected by the membership body at the February general membership meeting.

5. A member being nominated for office, unable to attend the meeting in which she is being nominated may send to the President a dated, signed, letter indicating her willingness to accept nomination.

6. A candidate for office, unable to attend election, must send to the President a dated, signed, letter indicating her willingness to serve if elected.

7. Newly elected officers will take office on July 1<sup>st</sup>, and shall immediately begin planning for the upcoming year.

**Committees:**

1.. A **Nominating Committee** composed of three (3) members for the purpose of a slate of Unit officers for the ensuing year will be elected by the membership body at the February General Membership meeting.

a. This Committee shall prepare a slate of candidate to be read at three (3) consecutive regularly scheduled General Membership meetings prior to the election.

b. Committee shall attempt to submit at least one (1) candidate for each office, with the exception of the secretary, who may be appointed by the President-elect.

c. Members of the Nominating Committee shall not be on the slate being presented, but may be nominated from the floor.

d. Nominations may also be made from the floor.

e. No one may be nominated whose consent to serve has not been obtained.

2. **Audit Committee** composed of three (3) members shall be appointed by the Unit President for the purpose of auditing the Treasurer's accounts on a quarterly basis, and making a report of the audit to the Unit.

3. **Budget Committee** composed of three (3) members shall be appointed by the Unit President at the beginning of the year to prepare and present an annual budget to the membership no later than the second meeting of the new auxiliary year.

4. **Planning Committee** to be appointed by the Unit President to create a plan of events for the upcoming year to be presented to the membership no later than the second meeting of the new auxiliary year.

**Department Convention:**

1. Delegates to Department Convention will be elected at the unit meeting designated for that purpose.

2. The Auxiliary Unit will pay the delegate fee for each delegate and alternate.
3. Based on availability of funds, each delegate will receive reimbursement of one half (1/2) the cost of the standard room rate plus a \$25.00 per diem for to (2) nights during the convention days.
4. If necessary, reimbursement will be made upon submission of receipts clearly indicating that the member paid for their room, and confirmed by delegation chairman that she attended the meetings necessary to receive such reimbursement.
5. The Unit President (unless otherwise designated) will be the delegation chairman and responsible for; delegate registration and distribution of materials to each delegate and alternative, collection of unit materials (and when appropriate, unit awards), proper delegation decorum and insuring attendance of and approved payments to delegates.
6. Delegates to Department convention must attend all regular scheduled meetings or surrender to the Alternate. If the delegate surrenders to the alternate, the alternate will become the Delegate for the balance of the convention. If the Delegate receives any money from the Unit, the Alternative will receive from the Delegate's fees, the pro-rated amount paid to the Delegate.

**Unit Emergency Fund:**

1. Any request for emergency financial assistance directly from Unit 117 will be made to the AEF Chairman who will bring it directly to the Unit President and the EC for consideration.
2. Any assistance approved shall be paid directly to a creditor(s) as needed. (NOTE: The Unit AEF Chairman should proceed to have Department and National AEF Applications completed if necessary).
3. Raise money by 50/50s and donations held at each meeting.
4. All requests are to remain confidential.

5. Based on the need, the Auxiliary can, at its discretion, elect to pay a member's dues for the current year.

**Finance Issues:**

1. All checks require two signatures.
  
2. All funds received at Auxiliary fund raisers shall be handled as follows:
  - a. Funds shall be counted by two (2) Unit members.
  - b. Funds then shall be put into an envelope and sealed.
  - c. The envelope shall be marked with the total dollar amount enclosed, the date and the name of the fundraiser.
  - d. The envelope shall be signed by the two (2) unit members who counted the funds.
  - e. The envelope will then be given to the Unit Treasurer or placed in the safe for the Treasurer to handle at a later date, but as soon thereafter as possible.

**Miscellaneous:**

1. The outgoing President shall receive from the Auxiliary Unit a Past President's pin or a gift not to exceed \$100.00 and which indicative of the unit's appreciation of her service.
  
2. The President and Treasurer shall have keys to the Post Office box for retrieving mail. Mail will, immediately, be delivered to the Post home and as soon as possible delivered to the addressee's. The Membership Chairman will have the key to the membership box at the post home. The President or Treasurer will distribute the mail to the appropriate party. The President, 1<sup>st</sup> Vice President and Secretary will have keys to the Auxiliary office.



3. Sensitive Auxiliary business will not be discussed **publicly** outside the Auxiliary meeting. Members found to be in violation of this rule will be subject to the following disciplinary actions:

- a. 1<sup>st</sup> Offense: verbal warning
- b. 2<sup>nd</sup> Offense: written offense
- c. 3<sup>rd</sup> Offense: brought up on charges of conduct unbecoming as outlined by Unit Bylaws.

4. A gift of \$50.00 will be given to the District President during installation of new officers.

5. Each Unit Officer and Chairman will be issued a Department Unit Guide, annually, at the expense of the unit.

6. The reporting year is from May 1<sup>st</sup> to April 15<sup>th</sup> unless stated otherwise in a specific department program plan of action.

7. The membership year is from January 1<sup>st</sup> to December 31<sup>st</sup>.

**Amendments:**

1. These standing rules may be amended by a two thirds (2/3) vote of the members at a regular unit meeting, provided the proposed amendments have been read at the previous meeting or if previous notice has been given, a majority vote.

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

3. These standing rules shall be automatically amended to conform to the National and Department Constitution and By-Laws and Standing Rules of the American Legion Auxiliary.

THESE STANDING RULES WERE READ, VOTED ON AND APPROVED AT OUR REGULAR MEETING ON FEBRUARY 20<sup>TH</sup>, 2018.

Wanda L. McDermion

Unit President

Wanda McDermion

Karen Humann

Unit Secretary

Karen Humann

Linda Shipley

Unit Constitution & Bylaws Chairman

Linda Shipley

Patricia L. Dening

Department Constitution & Bylaws Chairman

APPROVED MAR 02 2018

\_\_\_\_\_  
Date Approved