

**CONSTITUTION AND BYLAWS
OF
AMERICAN LEGION AUXILIARY
STEPHEN N. GLADWIN Unit #40, INC.
810 U.S. Highway #1
Fort Pierce, FL 34950**

DATE: 8-10-20

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 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 goodwill on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to participate in and contribute to the accomplishments 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, Stephen N. Gladwin Unit #40, Fort Pierce, FL 34950, Inc., Department of Florida.

ARTICLE II – NATURE

Section 1: American Legion Auxiliary, Stephen N. Gladwin, Unit #40, Fort Pierce, FL 34950, Inc., is a civilian patriotic service organization that supports the mission of the American Legion.

Section 2: American Legion Auxiliary, Stephen N. Gladwin, Unit #40, Fort Pierce, FL 34950, Inc., shall be absolutely nonpolitical and shall not be used for dissemination of partisan principles nor for any promotion of the candidacy of any person seeking public office or preferment.

ARTICLE III – OBJECT

The object of the American Legion Auxiliary, Stephen N. Gladwin Unit #40, Fort Pierce, FL 34950, Inc., shall be as stated in the Preamble to the Constitution.

ARTICLE IV – 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 provided as follows and shall be updated as appropriate.

- (1) Grandmothers, mothers, sisters, spouses and direct 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, 1979 to November 11, 1918; and any time after December 7, 1941; who, being a citizens of the United States at the time of their entry therein, served on active duty in the Armed Force 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, 1979 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 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 as 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, Secretary, Treasurer, Chaplin, Historian, Sergeant-at-Arms, Assistant Sergeant-at-Arms (or a combination of some of these officers,) who shall serve until their successors are duly installed or as otherwise provided.

ARTICLE VI – EXECUTIVE COMMITTEE

There shall be an Executive Committee, which shall consist of all officers and three (3) 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 a previous meeting.

Section 2: Amendments not 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 succeeded.

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 upon 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 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 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 the President deems advisable; to perform other such duties as customary 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 if absent, perform the duties of the office and shall succeed to the office in case of death, resignation or removal.

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. The Treasurer shall pay the bonding fee as determined by the Department Office. The Treasurer shall maintain two (2) separate funds, namely a General Fund and Poppy Fund. All Poppy donations shall be placed in the Poppy Fund and be used to assist the Veteran and his/her children. The Treasurer shall keep an accounting of the receipts and expenditures, making an annual report thereon and such other reports as may be deemed necessary by the Unit Executive Committee. The accounts shall be audited annually. All current bills shall be paid before transferring all funds, books, vouchers and papers belonging to the Unit to the 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 year-end report to the District Historian.

Section 7: Duties of the Sergeant-at-Arms – It shall be the duty of the Sergeant-at-Arms to preserve order at the meetings of the Unit and to perform such duties as may be requested by the President. The Sergeant at Arms shall be in charge of the posting of the colors at all meetings. At the end of the meeting, reverse the same.

ARTICLE III – DUES

Section 1: The annual Senior membership dues of the Unit shall be as stated in the Standing Rules which shall include the Department and National per capita. The annual dues of the Junior membership shall be stated 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 31st, 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 members delinquent to December 31st of the year of the delinquency shall be automatically be dropped from the rolls and may be reinstated only by paying back dues or by re-establishing eligibility and making application as a new member.

ARTICLE IV – UNIT MEETINGS

Section 1: The regular meeting of American Legion Auxiliary Stephen N. Gladwin Unit #40, Fort Pierce, FL, 34950, 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 that shall constitute a quorum at any regular scheduled meeting of the Unit shall be 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 requests of three (3) members of the Unit.

ARTICLE V - ELECTION

Section 1: Elections shall be held annually. To participate in the election of the Unit Officers, a member shall have paid dues for the current fiscal year within 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 the winner.

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

ARTICLE VI – COMMITTEES

The Unit shall have the following Core Committees: Americanism, Children & 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

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

ARTICLE VIII – DISCIPLINE

For any violation of the Unit, State 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 removed from office by two-thirds (2/3) vote at a Unit Meeting duly called for that purpose, said expulsion or removal to be binding only in the event said member or office shall be given at least fifteen (15) days' notice in writing by the Secretary of the charges and the hearing thereon. Either party may have the right to appeal to the Department Executive Committee and their action thereof shall be final. The expenses of said appeal shall be borne by the appellant.

Section 1: No member or group of members shall subject this Unit to liability without the authorization of the Unit.

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

ARTICLE IX – PARLIAMENTARY AUTHORITY

The Unit organization shall be governed by "Robert's 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 amended 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.

CONSTITUTION AND BYLAWS – UNIT #40 - continued

THIS CONSTITUTION AND BYLAWS WERE READ, VOTED ON AND APPROVED AT OUR REGULAR UNIT MEETING ON 8-10-2020.

X Robin Buehl
Unit President

X Edith Porter
1st VICE
Unit Constitution and Bylaws Chairman

X Catherine Conzelli
Department Constitution & Bylaws Chairman

APPROVED

DATE APPROVED 9/22/2020 *en*
~~8-10-2020~~

RECEIVED
SEP 30 2020

STANDING RULES
OF THE
AMERICAN LEGION AUXILIARY
STEPHEN N. GLADWIN Unit #40, INC.
810 U.S. # Highway #1
Fort Pierce, FL 34950

1. **MEETING DATE AND TIME.** The regularly scheduled meeting of American Legion Auxiliary, Stephen N. Gladwin Unit #40, Inc., shall be held on the second Monday each month, unless otherwise specified and shall be called to order at 7:00 PM. An Executive Committee meeting shall be held on the same day, fifteen minutes prior to the start of the regularly scheduled meeting.

2. **MEMBER CONDUCT** (RENAME as MEMBERSHIP and MEMBER CONDUCT. Renumber sections.)

Section 1: All applications and transfers for membership shall be acted upon at the next regular meeting following the making of such application, and shall be at such meeting, accepted, rejected or referred for further investigation and consideration. The Membership Chairman shall acquire all necessary documents from prospective members as directed in the National guidelines prior to voting on each member. The vote can be either oral or ballot. Applicants should not be present during the vote. All new member's application for senior member must be voted on. Majority rules.

Section 2: All members are expected to be congenial, friendly and avoid discussion of Unit business or personalities at the Canteen.

Section 3: All members are strongly encouraged to attend, volunteer, and participate in Auxiliary meetings and events.

Section 4: No alcoholic beverages or smoking will be allowed into the meeting.

Section 5: On meeting night, any member sitting in the canteen, who chooses not to attend the meeting, will NOT be allowed to drink at the bar, nor will they be allowed to participate in ANY games of chance until the meeting has concluded.

3. **QUORUM.** Five (5) members of this Unit shall constitute a quorum at any regular scheduled meeting of the Unit.

4. **DUES.** Beginning with the 2019-2020 term, the annual Senior membership dues of the Unit shall be \$30.00, to include Department and National per capita. The annual dues of the Junior membership shall be \$5.00 to include the Department and National per capita.

5. **COMMITTEES.** In addition to the Core Committees listed in the Bylaws, the Unit shall have the following committees: Auxiliary Emergency Fund (AEF), Community Service, Education, Girls State, Cavalcade of Memories, Junior Activities, Leadership, Legislative, Past Presidents Parley, Poppy and Public Relations.

BUDGET COMMITTEE

Section 1. A Budget Committee composed of three (3) members, including the Unit Treasurer, shall be elected by the members for the purpose of presenting a budget for the ensuing year.

Section 2. NOMINATING COMMITTEE

A Nominating Committee of at least three (3) members shall be appointed by the President, for the purpose of presenting a slate of officers for the ensuing year. The committee shall be formed no less than two (2) months prior to elections. Such appointments shall be ratified by the Executive committee and voted on by the general membership. The Nominating Committee shall "scout" potential officers and have a responsibility to bring forth eligible (members in good standing), knowledgeable and willing officer candidates. The committee shall have the permission of each candidate for an office in order to be presented by this committee. The Nominating Committee will call for nominations of officers at the March meeting and present the slate at the April meeting. Final nominations can be made from the floor prior to voting on the day of election. Any candidate absent at the meeting on the day of elections will be required to provide a letter in writing accepting the nomination prior to meeting.

Section 3. EXECUTIVE COMMITTEE

The Executive Committee meeting is open to any member in good standing for observation purposes only. The executive Committee members reserve the right to invite any member or chairman of a committee to report and observe.

6. ADDITIONAL DUTIES OF OFFICERS / CHAIRMAN

Section 1: FIRST VICE PRESIDENT

The 1st Vice President shall perform duties as requested by the President. The 1st Vice president shall, in the absence of the President, perform the duties of such and shall succeed the President in office in the case of death, resignation or removal.

Section 2. MEMBERSHIP CHAIRMAN

The Executive Committee may appoint a membership chairman, by recommendation to the general membership who will then vote on ratification of said appointment. The Membership Chairman will process all applications. All members will be voted upon.

Section 3: SECOND VICE PRESIDENT

The Second Vice President shall be in charge of all Unit extracurricular activities which include: dinners, raffles and dinner dances. The 2nd Vice President shall render reports of such activities at monthly meetings and shall request and arrange for volunteers to assist in such activities.

Section 4. TREASURER

The Treasurer's accounts shall be audited annually by the audit committee at the close of the term.

The Treasurer will be a member of the Budget committee and also a non-voting member of the Audit committee.

All records belonging to the Unit, including the checkbook, shall remain locked up in the Unit file cabinet at the Post at all times. The Treasurer, President and First Vice President will have keys for access to the file cabinet.

Section 5. SECRETARY

The Secretary shall be elected. The term shall run the same as with all other elected offices, one year.

A tape recorder may be used to record the minutes of the meeting and members shall be made aware that a tape recorder is being used.

Section 6. HISTORIAN

The Historian is encouraged to present the factual running story of the accomplishment of each program. It will be at the discretion of the Historian to submit a "scrapbook" for the annual Department Convention contest.

Section 7. SERGEANT-AT-ARMS

Sergeant-At-Arms has the duty of guarding the door, allowing only members to enter once the meeting has begun. The Sergeant-At-Arms shall check all membership cards of attendees to verify that membership is current. The Sergeant-At-Arms shall check for Auxiliary members in the Canteen during Unit meetings and announce that the meeting is about to begin.

Section 8. ASSISTANT SERGEANT-AT-ARMS

Duties of the Assistant Sergeant-At-Arms are to assist the Sergeant-at-Arms and in the absence of the Sergeant-At-Arms, perform those and other duties as requested by the President.

7. DISBURSEMENT OF FUNDS

All distribution of funds must have the approval of the general membership. If for some reason the request for disbursement of funds must be decided prior to the next general meeting, the Executive Committee may vote on the disbursement and then bring the proceedings to the general membership for ratification at the next meeting. If the Executive Committee does not have a scheduled meeting, in the extreme emergency, the President may poll the Executive Committee members by phone or e-mail. A concerted effort must be made to contact all Executive Committee members for their vote.

Three signatures shall be recorded at the bank for signing checks: Treasurer, President, and the First Vice President. These officers are authorized to sign checks for disbursement of funds from the Unit treasury. All checks MUST have two of the three above signatures.

The President will be permitted to spend up to \$100.00 for event necessities and/or requested donations from the discretionary account. This total disbursement is limited to once per month.

All members responsible for Unit funds shall be bonded through the blanket fidelity bond and the Unit will pay the annual premium to Department Headquarters.

8. INSTALLATION OF OFFICERS

Unit Officers should be installed immediately following their election or as soon thereafter as possible. While installation of officers is desirable, it is ceremony and not mandatory. An officer takes possession of the office immediately upon the election. All officers and committee chairman shall be prepared to turn all their records over to their successor immediately after election. It is customary that ALL officers have paid their dues for the ensuing term prior to being installed.

9. MEETING DURING AN EMERGENCY

Unit meetings may be held in person or in emergency, via election means, Voting may be by voice, ballot, email or other electronic means.

(renumber sections 10,11,12.)

10. STANDING COMMITTEES

Each Chairman of a CORE or STANDING committee shall be required to submit a mid-year report and year-end report to the President for submission to the corresponding District officers and chairman.

11. THE NATIONAL CONSTITUTION

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. In a few Departments, the adoption of a uniform Unit Constitution and Bylaws prescribed by the Department is mandatory.

12. RELATIONSHIP BETWEEN UNIT AND POST

The relationship between the two organizations is one of cooperation rather than regulation. The American Legion Posts and American Legion Auxiliary Units are related but independent organizations.

The National Judge Advocate of the American Legion as ruled that: "It is crystal clear that the American Legion Post has no authority to control the Unit".

The Post may not revoke nor threaten revocation of its Unit charter.

The Unit should regard its connection with the Post as a distinct honor. It should strive unceasingly to carry out the National Constitution's pledge "to participate in and contribute to the accomplishment of the aims and purposes of the American Legion".

(signature page attached hereto and made a part thereof)

STEPHEN N. GLADWIN AMERICAN LEGION AUXILIARY UNIT #40

STANDING RULES, continued

THESE STANDING RULES WERE READ, VOTED ON AND APPROVED AT OUR REGULAR UNIT MEETING
ON 8-10-20.

X Robert J. Buck
Unit President - 2nd V.P.

X Edeeth Porter
Unit Constitution and Bylaws Chairman
1ST VICE

X Edmund McQuillan
Department Constitution & Bylaws Chairman

APPROVED

DATE APPROVED 9/22/2020

RECEIVED

SEP 30 2020