CONSTITUTION AND BYLAWS
OF
AMERICAN LEGION AUXILIARY
MARLIN MOORE UNIT 133, INC.
DEPARTMENT OF FLORIDA
16401 SW 90th AVENUE
PALMETTO BAY, FL 33157

MARCH 8, 2021

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 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 Marlin Moore Unit133, Inc., Department of Florida.*

ARTICLE II – NATURE

Section 1: American Legion Auxiliary Marlin Moore Unit 133, Inc. is a civilian patriotic service organization that supports the mission of The American Legion.

Section 2: American Legion Auxiliary Marlin Moore Unit 133, 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 Marlin Moore Unit 133, Inc., Department of Florida, 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 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 of 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 be comprised of members 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 until their successors are duly installed or as otherwise provided. Secretary will be appointed by the President.

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 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 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 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 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 deemed advisable; to perform other such duties as custom 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 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. It shall be the duty of the Secretary to record the proceedings and transactions 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. The Secretary is hereby vested with such authority as it is necessary to carry out the duties of the office 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. 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 report to the 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 as stated in the Standing Rules which shall include the Department and National per capita. The annual dues of the Junior membership shall be as 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 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 the delinquency shall automatically be dropped from the rolls and may be reinstated by only paying back dues or by re-establishing eligibility and making application as a new member.

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ARTICLE IV – UNIT MEETINGS

Section 1: The regular scheduled meeting of American Legion Auxiliary Marlin Moore Unit 133, 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 that shall constitute a quorum at any regular scheduled meeting of the Unit shall be 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 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 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 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 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.

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 Department of Florida 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 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 Unit 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 and their action thereon shall be final. The expenses of the said appeal shall be borne by the appellant.

Section 2: No member, or group of members, shall subject this Unit to liability without authorization of the Unit.

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.

THIS CONSTITUTION AND BYLAWS WERE READ, VOTED ON AND APPROVED AT OUR REGULAR UNIT MEETING ON MARCH 8, 2021.

X _____ _____
Unit President Unit Secretary

X N/A.
Unit Constitution and Bylaws Chairperson

RECEIVED APR 10 EMD

X _____ ☑ APPROVED 4/12/2021
Department Constitution & Bylaws Chairperson Date

RECEIVED APR 19 ENT'D

AMERICAN LEGION AUXILIARY MARLIN MOORE UNIT 133, INC.
STANDING RULES

1. The regular scheduled meeting of American Legion Auxiliary Marlin Moore Unit 133, Inc. shall be held on the Second Monday of each month, unless otherwise specified and shall be called to order at 7:30 pm. An Executive Committee meeting shall be held the Second Monday of the month unless otherwise specified and shall be called to order at 7:00 pm. The meetings shall be held in person at the Post Home. When deemed necessary, a virtual meeting shall be held in lieu of an in person meeting. If a virtual meeting is necessary, members will be notified via mail (if more than 5 days notice), email or by phone.

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

3. The annual Senior membership dues of the Unit shall be $30 to include Department and National per capita. The annual dues of the Junior membership shall be $10 to include the Department and National per capita.

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

5. Unit elected Officers, consisting of President, Treasurer and Secretary are authorized to sign checks for disbursement of funds from the Unit treasury. All checks MUST have two of the three above signatures.

6. 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.

7. Where deemed necessary, a Recording Secretary and a Corresponding Secretary may be appointed by the President to carry on the duties normally performed by the Secretary.

8. A Budget Committee composed of three (3) members, including the Unit Treasurer, shall be elected by the members, or appointed by the President, for the purpose of presenting a budget for the ensuing year. (Specify whether appointed or elected.)

9. A Nominating Committee, composed of three (3) members, shall be elected by the members for the purpose of presenting a slate of officers for the ensuing year. The committee shall have the permission of each candidate for an office in order to be presented by this committee. This committee is to form no later than two (2) months prior to election. The Unit shall be guided by

the Code of Ethics as published in the National Auxiliary Standing Rules on pages 22-28.

10. The registration fees for the delegates and alternates shall be paid for by the Unit.

11. A donation in the amount of $10.00 each be sent to the Department Memorial Fund Scholarship in memory of Gold Star Mother, Mrs. Remmie Moore and Chartered President, Margaret Haizlip, each year.

12. All monies in the Auxiliary Savings Account are not to be used unless voted upon by the Executive Committee and ratified by the Unit.

13. The unit shall present the outgoing Unit President with a Past President's Pin for the first year and then a gift not to exceed $30 for each ensuing year he/she serves as President, to be purchased by the Unit Secretary.

14. Each new member shall be presented with an American Legion Auxiliary membership pin when initiated.

15. A Dish Garden not to exceed $40 shall be sent or taken to the home of hospitalized member if their dues are current and the Unit has sufficient funds.

16. A Dish Garden not to exceed $40 shall be sent on the death of a spouse, child or parent of a member to the home if their dues are current and the Unit has sufficient funds.

17. Any officer not returning their Officer's Pin 30 days prior to installation of new officers, shall be obligated to reimburse the Unit the purchase price of a new pin. Pins shall be returned to the Unit Secretary. All officers' pins will be signed for when given and when received.

18. All Officers will receive a Past Officers' Guard when they go out of office.

19. Only active members will receive a year pin.

20. Each Officer and Chairperson will be given a Unit Guide (upon their request) paid for by the Unit, at the beginning of each ensuing administrative year.

21. The Unit President and the Recording Secretary by virtue of their office shall automatically be first and second delegate to all conferences and conventions requiring delegates.

22. The Poppy Chairperson shall present the Poppy letters to the stores requesting permission to stand in front of their stores with our Poppies.

23. All receipts shall be turned in no later than two weeks after a function to the Treasurer so that

the check will be paid at the next meeting so that the Chairperson can give their report on the function.

24. A donation to the Department Memorial Scholarship Fund or Department Scholarship Fund shall be sent for all deceased members and deceased family members of a Unit Member, not to exceed $10.

25. All Senior members shall be notified of the date and time of election of officers two weeks prior to the election. Voting may be held electronically if necessary.

Standing Rules are adopted by a majority vote and may be amended by two-thirds (2/3) vote at any meeting, or if notice has been given, by a majority vote.

THESE STANDING RULES WERE READ, VOTED ON AND APPROVED AT OUR REGULAR UNIT MEETING ON MARCH 8, 2021.

x _____ _____
Unit President Unit Secretary

x N/A
Unit Constitution and Bylaws Chairperson

x _____ ☑ APPROVED 4/12/2021
Department Constitution & Bylaws Chairperson Date Approved

RECEIVED APR 19 ENT'D