

Constitution And Bylaws Of  
American Legion Auxiliary  
New Smyrna Beach Unit 17, Inc.  
Department of Florida  
619 Canal Street  
New Smyrna Beach, Fl 32168

July 24, 2020

PREAMBLE

For God and Country, we associate ourselves together for the following purpose:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred per cent 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 prosperity 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 1- NAME

The name of this organization shall be American Legion Auxiliary New Smyrna Beach, Unit 17, Inc., Department of Florida.

Article II – NATURE

Section 1: American Legion Auxiliary New Smyrna Beach , Unit 17, Inc. is a civilian patriotic service organization that support the mission of the American Legion.

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Section 2: American Legion Auxiliary New Smyrna Beach, Unit 17, Inc. shall be absolutely nonpolitical and shall not be used for dissemination of partisan principles nor for promotion of the candidacy of any person seeking public office or preferment.

## 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, sister, spouses, and direct and adopted female descendants of members of The American Legion and
- (2) grandmothers, mother, sisters, spouses and direct and adopted female descendants of all men and women who served in either the following periods: April 6, 1917 to November 11, 1918; and anytime 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 their 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 any of the following periods: April 6, 1917 to November 11, 1941; and anytime 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 an 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 age eighteen(18) years and married shall be classified a Senior.
- (b) Junior membership shall be comprised of member under the age of eighteen(18) years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen(18) years, 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 (elected), Treasurer, Chaplain, Historian, Sergeant-at-Arms, Assistant Sergeant-at-Arms (who shall serve until their successors are duly installed or 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 office of 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 can 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 a previous meeting may be adopted by unanimous vote of the members present.

Section 3: This Constitution shall be automatically be 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 majority vote of the entire Committee. A person so elected shall hold office for the expired term of the member succeeded.

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

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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; except in extreme emergency, they shall be given at least forty-eight(48) hours in advance. At special meetings, only Specified business 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 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 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.

3

Section 3: Duties of the Secretary – It shall be the duty of the Secretary to receive and answer office mail under the direction of the President; to keep on file, in a comprehensive manner, copies of all correspondence sent and received; to send and give notice of all meetings of the Unit; to keep all books, papers and records that are needed to carry on the working of the office and care of the archives of the Unit. It shall be the duty of the Secretary to record the proceedings and transactions of all meetings 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 fees as determined by the Department Office. The Treasurer shall maintain two(2) separate funds , namely a General Fund and a Poppy Fund. All Poppy money shall be placed in the Poppy Fund and be used to assist the Veterans and his or 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 Executive Committee. These accounts shall be audited annually. All current bills shall be paid before transferring all funds, books, vouchers and papers belonging to the Unit over 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 to preform other duties as directed by the President and to notify Department of the death of a member 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 meetings of the Unit and to preform such duties as may be requested by the President.

### ARTICLE III – DUES

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

The annual dues for 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 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 new member.

#### ARTICLE IV – UNIT MEETINGS

Section 1: The regular scheduled meeting of the American Legion Auxiliary New Smyrna Beach, Unit 17, 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 the 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 meeting 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 the year the election is being held.

Section 2: Elections shall be by ballot, and a majority of 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 that nominee declared the winner.

Section 3: All Officer 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 inform 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 offices 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 of Convention. Alternates shall have priority in the order of their election.

## ARTICLE VI – COMMITTEES

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

The 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 the 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 or prejudicial to the welfare of the Auxiliary or The American Legion, any member may be expelled from Membership, or any Officer be 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 Officer shall be 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 . Their action thereon shall be final. The expenses of said appeal shall be borne by appellant.

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

4

## ARTICLE IX – PARLIAMENTARY AUTHORITY

The Unit organization shall be governed by “Robert's Rules of Order, Newly Revised” on all points not covered in the 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 9-2-2020

Mildred E. Sampson  
Unit President

Doreen Macdonald  
Unit Secretary

Doreen Macdonald  
Unit Constitution and Bylaws Chairman

Cathy McMullen  
Department Constitution and Bylaws Chairman

APPROVED

10/11/2020  
Date Approved

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## Standing Rules

The regular scheduled meeting of the American Legion New Smyrna Beach Unit 17 Inc. shall be held on the 1<sup>st</sup> Wednesday of each month, unless otherwise specified and shall be called to order at 7pm. An Executive Committee meeting shall be called to order at 6:30 prior to meeting.

6 members of this unit shall constitute a quorum at any regular scheduled meeting of this unit.

The annual Senior membership dues shall be \$35 to include Department and National per capita. The annual dues for Juniors shall be \$10 to include the Department and National per capita.

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, Legislature, Past Presidents Parley, Poppy, and Public Relations.

Unit elected Officers consisting of President, Secretary, Treasurer and 1<sup>st</sup> Vice are authorized to sign checks for disbursement of funds from the Unit treasury. All checks Must have two signatures.

Where deemed necessary, a Recording secretary and a Corresponding secretary may be appointed to carry out the duties preformed by the Secretary.

A Budget Committee composed of 3 members, including the Unit Treasurer, shall be appointed by the President, for the purpose of presenting a budget for the ensuing year.

A Auditing Committee, composed of 3 members, shall be appointed by the President, for the purpose of auditing the Treasurer at the end of the term and make a report to the Unit. All Treasurer's report and receipts will be kept for 7 years for Unit audit or IRS.

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Upon the death of an Auxiliary member \$25 will be donated to Wounded Warriors or a charity of Families choice.

Any money donations not in Yearly Budget must be voted on at Unit meeting and recorded in minutes for later reference or audit.

Any expenditures over \$100 can be voted on in between meeting if necessary by E-Board committee and passed by majority vote.

The President shall have \$25 monthly allowance for discretionary spending.

All official contact between American Legion Post 17 and this Unit shall be approved by President.

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

THESE STANDING RULES WERE READ, VOTED ON AND APPROVED AT OUR REGULAR UNIT MEETING 9-2-2020.

X Mildred C. Simpson  
Unit President

X Dorey Macdonald  
Unit Secretary

X Dorey Macdonald  
Unit Constitution and Bylaws Chairman

X Calvin McMillin  
Department Constitution and Bylaws Chairman

APPROVED

10/11/2020  
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