

CONSTITUTION AND BYLAWS  
OF  
AMERICAN LEGION AUXILIARY  
ERNEST WESTBROOK UNIT 41, INC.  
DEPARTMENT OF FLORIDA  
101 SOUTH BAY STREET, EUSTIS, FL 32726  
P.O. BOX 354, EUSTIS, FL 32727

DATE: JANUARY 26, 2020

**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 Ernest Westbrook Unit 41, Inc., Department of Florida.*

**ARTICLE II – NATURE**

**Section 1:** American Legion Auxiliary *Ernest Westbrook* Unit 41, Inc. is a civilian patriotic service organization that supports the mission of The American Legion.

**Section 2:** American Legion Auxiliary *Ernest Westbrook* Unit 41, 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 *Ernest Westbrook* Unit 41, Inc., Department of Florida, shall be as stated in the Preamble to the Constitution.

### ARTICLE IV – ELIGIBILITY

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

**Section 1:**

(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 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 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 11m 1918, and any time after December 7, 1941 who served on active duty in the Armed Forces of the United States during either eligibility period, died in the line of duty or after honorable discharge; and

(4) to those women and spouses, 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, Vice President, Secretary, Treasurer, Chaplain, Historian, Sergeant-at-Arms, Assistant Sergeant-at-Arms who shall serve until their successors are duly installed or as otherwise provided. (or a combination of some of these officers.) Any officer can be replaced by appointment of the Executive Board. (See ByLaws, Article 1 – Executive Committee, Section 2).

## **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 American Legion Auxiliary, Department of Florida.

## **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.

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***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 they succeed.

**Section 3:** A majority of the members in attendance at a meeting 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 is 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 Second Vice Presidents, in the order named, shall, when called upon, assist the President and in his/her absence, perform any duties and shall succeed him/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. 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. He/she is hereby vested with such authority as it is necessary to carry out these 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. He/she shall pay the bonding fee as determined by the Department Office. He/she 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 Veterans and his/her children. He/she shall keep an accounting of all 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. He/she shall pay all current bills before transferring all funds, books, vouchers and papers belonging to the Unit to their 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.

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### 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.

### ARTICLE IV – UNIT MEETINGS

**Section 1:** The regular scheduled meeting of American Legion Auxiliary, *Ernest Westbrook* Unit #41 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, 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 their dues for the current fiscal year within which the election is held.

**Section 2:** Elections shall be by ballot. A majority of the votes cast by the members present for a nominee shall be declared the winner. 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 in May, 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 3, 2020.

X *William Blawie*  
Unit President

X *Ellen Russell*  
Unit Secretary

X *William Blawie*  
Unit Constitution and Bylaws Chairman

X *Paul Mazzilli*  
Department Constitution & Bylaws Chairman

3/27/2020  
Date Approved



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## STANDING RULES

1. The regular scheduled meeting of American Legion Auxiliary *Ernest Westbrook* Unit #41, Inc. shall be held on the 1st Tuesday of each month in combination with Ernest Westbrook Post 41, unless otherwise specified and shall be called to order at 1:00 p.m.. An Executive Committee meeting shall be held the 1st Tuesday of the month unless otherwise specified and shall be called to order at 10:30 a.m. Special meetings of Committees for programs or events may be called at the discretion of the President or Program Chairman.
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 \$40.00 to include Department and National per capita. The annual dues of the Junior membership shall be \$20.00 to include the Department and National per capita. Dues will be reviewed annually and adjusted as needed to meet the demands of the budget for the coming year.
4. 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.
5. Unit elected Officers, consisting of the President, Treasurer and one (1) additional member, are authorized to sign checks for disbursement of funds from the Unit treasury. All checks payable to Department or National MUST have two of the three above signatures. Miscellaneous and routine disbursements require only one signature.
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/or a Corresponding Secretary may be elected or appointed by the Executive Committee to carry on the duties normally performed by the Secretary.
8. 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.
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 in April or May no later than two (2) months prior to election.



10. A Fiscal Year Calendar of Events should be prepared by the Secretary and made available to all members at the first meeting in September.

11. A meeting of the budget committee, appointed by the President, shall be called in April. Copies of the proposed budget for the coming fiscal year are to be distributed to all members, discussed and voted upon at the regular June membership meeting. After that, all issues contained in the budget shall not require a motion or vote. Any additional expenditures not included in the budget shall be discussed and voted upon prior to expenditure. Reimbursement requests, including a receipt, should indicate the specific program or expense incurred.

12. Committee Chairmen appointments should be made as soon as possible after the election of officers for the coming year. Chairmen should be provided with committee information and unit guides as needed.

13. Installation of officers and members-at-large shall be held in July or on a date determined with the post and Department. A gift of \$10.00 shall be presented by the outgoing president to the installing officer (usually the District President). All newly installed officers must have their dues for the current and any prior years paid no later than August 15th.

14. Initiation of new members will be held during the November and July regular meetings.

15. All members especially those in charge of refreshments for meetings or other events are responsible for cleaning and putting away all items used during the meeting or event.

16. Any member of the Unit Executive Committee, except the Treasurer, is eligible to assist with and conduct an annual audit in July or August.

17. All officers and Committee Chairmen are to be familiar with the information relating to their position as described in the "Unit Handbook", "Unit Guide", "Plan of Action" and any other guidelines relating to their position or office. All year-end reports must be submitted to the proper authorities and a copy given to the president no later than April 15th of each year. All officers and committee chairmen are encouraged to attend as many District and Department meetings and conferences as possible to stay abreast of any changes.

18. The number of delegates allowed for the Constitutional Conference and Convention shall depend on the number of members on the Unit roster. \$150.00 per delegate will be budgeted annually for food, lodging and/or travel expenses while at the convention. Delegates requesting reimbursement must submit dated receipts for their expenses to be reimbursed.

19. The President shall appoint a member to act as "Communications Liaison" to facilitate special communications with all members such as special meetings or events, deceased members, illnesses, memorial ceremonies, or emergencies affecting the Post, Unit, or any of the members.

20. A navy skirt or slacks and a white shirt or blouse with the auxiliary pin and name tag is considered our official uniform. Officers are expected to wear uniforms to all meetings. Chairmen are requested, but not required to wear uniforms when they are giving reports or presentations. Unit general membership is requested, but not required to wear uniforms or appropriate American Legion Auxiliary attire at outside events, programs and ceremonies where the member is representing Ernest Westbrook Unit 41.

21. These Standing Rules may be amended by a two-thirds majority vote of the members present at any regular scheduled meeting, provided any changes were read at the previous meeting.

THESE STANDING RULES WERE READ, VOTED ON AND APPROVED AT OUR REGULAR UNIT MEETING ON March 3, 2020.

X *Wanda Blauvelt*  
Unit President

X *Ellen Bussell*  
Unit Secretary

X *Wanda Blauvelt*  
Unit Constitution and Bylaws Chairman

X *Cathy McMull*  
Department Constitution & Bylaws Chairman

**APPROVED**

3/27/2020  
Date Approved

**RECEIVED**  
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