

***Constitution and Bylaws
Mulberry Memorial Unit No. 72
American Legion Auxiliary
Department of Florida
1500 North Church Avenue
Mulberry, Florida 33860
October 2018***

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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 the masses; 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 1 – NAME

The name of this organization shall be American Legion Auxiliary, Mulberry Memorial Unit No. 72, Department of Florida.

ARTICLE 11 – NATURE

Section 1. The American Legion Auxiliary Mulberry Memorial Unit 72 is a civilian patriotic service organization of women that supports the mission of the American Legion.

ARTICLE III – OBJECTIVE

Section 1. The objective of the American Legion Auxiliary, Mulberry Memorial Unit No. 72, Department of Florida shall be as stated in the Preamble of the Constitution.

ARTICLE IV – ELIGIBILITY

Section 1. Membership in the American Legion Auxiliary shall be limited 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 to November 11, 1918, December 7, 1941 to December 31, 1946, June 25, 1950 to January 31, 1955, February 28, 1961 to May 7, 1975, August 24, 1982 to July 31, 1984, December 20, 1989 to 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, or who, being citizens 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 any of said periods, and died in line of duty or after honorable discharge, and to those women who of their own right are eligible for membership in The American Legion.

(Note: The wording above for Article IV, Section 1, was adopted at the August 2013 National Convention under a proviso that delays enactment upon the Legion's adoption of corresponding changes to its governing documents. Until The American Legion enacts this wording, the previous wording remains in effect as follows:

Membership in the American Legion Auxiliary shall be limited to the mothers, wives, daughters, sisters, granddaughters, great-granddaughters, and grandmothers of members of The American Legion, and to the mothers, wives, daughters, sisters, granddaughters, great-granddaughters, and grandmothers 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 22, 1918, December 7, 1941 to December 31, 1946, June 25, 1950 to January 31, 1955, February 28, 1961 to May 7, 1975, August 24, 1982 to July 31, 1984, December 20, 1989 to 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, or who, being, citizens 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 any of said periods, and died in line of duty or after honorable discharge; and 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 over the age of eighteen years; provided, however, that a wife under the age of eighteen years, who is eligible under Section 1 of this article shall be classed as a Senior member.*
- b. Junior membership shall consist of that group under the age of eighteen years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen years, Junior members shall automatically be admitted into Senior membership with full privileges.*
- c. Dues of 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, Chaplain, Historian and Sergeant-at-Arm, who shall serve until their successors are duly installed or as otherwise provided. (Or a combination of some of these officers)

ARTICLE VI – FISCAL YEAR

Section 1. The fiscal year shall be the same as that of the Department.

ARTICLE VII – EXECUTIVE COMMITTEE

Section 1. There shall be an Executive Committee which shall consist of the 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 (1) year.

ARTICLE VIII – AMENDMENTS

Section 1. This Constitution may be amended by a two-thirds vote of the members present at a regular Unit meeting, provided the proposed amendments shall have been read at the previous meeting.

Section 2. 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 existing in the Executive Committee from any cause other than the 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. One-third 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 members of the Executive Committee. Uniform notice of such special meeting shall be given to all members of the Executive Committee; and, except in extreme emergency, shall be given at least forty-eight hours in advance. At special meetings only business specified shall be transacted.

ARTICLE II – ELECTIONS – SEE STANDING RULES, Elections, Sections 1,2,3

ARTICLE III – COMMITTEES – SEE STANDING RULES, Committees, Sections 1,2,3,4,5,6

ARTICLE IV – DUES

Section 1. Dues shall be paid annually or for life.

Section 2. A member failing to pay annual dues, including the Unit, State and National assessments, by January 31st, shall be classed 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 31st of the year of delinquency shall automatically be dropped from the rolls and may be reinstated only by paying all back dues or by re-establishing eligibility and making application as a new member.

ARTICLE V – QUORUMS – SEE STANDING RULES, Unit Meetings, Section 4

ARTICLE VI – DISCIPLINE

Section 1. For any violation of the Unit, Department or National Constitutions, or for conduct improper and prejudicial to the welfare of the American Legion Auxiliary or of the American Legion, any member may be expelled from membership or any officer may be removed from office by a two-thirds vote at a Unit meeting duly called for that purpose; said expulsion or removal to be binding only in the event that said member or officer shall have been given at least a (15) day 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 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 VII – PARLIAMENTARY AUTHORITY

Section 1. 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.

Section 2. The authority under which the Department of Florida and all Units of the Department of Florida of the American Legion Auxiliary shall function is vested in the Department of Florida Constitution and Bylaws and in such standing rules as may have been adopted and set forth in the Unit guide of the Department of Florida. Any provisions of our Department, or any Unit Constitution and Bylaws, or any regulations of the Department or Units in conflict with the foregoing authority shall be void.

ARTICLE VIII – FINANCE – SEE STANDING RULES, Article XI, Finance, Section 1

ARTICLE IX – AMENDMENTS

Section 1. These Bylaws may be amended by a two-thirds 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 read may be adopted by the unanimous vote of the members present.

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

STANDING RULES

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 the Unit Executive Committee: to enforce strict observance of the Constitution and Bylaws: to appoint members of the standing committees; to create such other committees and appoint members thereof as she deems advisable; to perform such other duties as custom and parliamentary usage require and to appoint all officers not otherwise provided for.

Section 2. Duties of the Vice President: The First and Second Vice President 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 record the proceedings and transactions of all meetings of the Unit; to act as custodian of all books, papers and records; to keep a record of names and addresses of the members, showing source of their eligibility; to send out such notices as are directed by the President; to process the correspondence of the Unit; to keep on file in a comprehensive manner copies of all correspondence sent and received; and perform other duties as shall be required of her by the President.

Section 4. Duties of the Unit Treasurer: It shall be the duty of the Unit Treasurer to receive all money belonging to the Unit and to account for them. The Treasurer shall pay all legal debts and shall retain all receipts as her vouchers. She shall maintain two 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 veteran and his/her children. She 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 Unit Executive thereon, and such other reports as may be deemed necessary by the Unit Executive Committee. Her accounts shall be audited annually. She shall pay all current bills before transferring all funds, books 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 to perform such other duties as the President may direct. The Chaplain shall send appropriate cards to the ill and bereaved members of the Unit.

Section 6. Duties of the Historian: It shall be the duty of the Unit Historian to compile 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 meetings of the Unit and to perform such other duties as may be requested by the President.

Section 8. Where deemed necessary, a Recording Secretary and a Corresponding Secretary may be elected to carry on the duties normally performed by the Secretary.

Section 9. The office of Secretary may be combined with that of Treasurer and called "Secretary-Treasurer".

DUES

Section 1. The annual membership dues of this Unit shall be \$45.00 for Seniors paid annually or for life and shall include the Department and National per capita. The annual membership dues of this Unit for Juniors shall be \$10.00 paid annually until the age of 18 years.

UNIT MEETINGS

Section 1. The regular meetings of the Mulberry Memorial Auxiliary Unit 72 shall be held on the 1st and 3rd Tuesdays of each month, unless otherwise specified, and shall be called to order at 6:30 p.m.

Section 2. An annual meeting of this Unit shall be held not more than 90 days nor less than 15 days each year for the purpose of electing officers and receiving annual reports.

Section 3. Special meetings of this Unit may be called by the President by a majority of the Executive Committee, or upon written or electronic request of members of the Unit.

Section 4. Five (5) members shall constitute a Quorum at any meeting of the Unit.

ELECTIONS

Section 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 majority of votes shall be necessary to elect. Elections shall be held no more than 90 days nor less than 15 days prior to Department Convention.

Section 2. Delegates and alternates to a Department Convention shall be elected at a Unit meeting duly called for that purpose, not less than two weeks prior to the convention. Alternates shall have priority in the order of their election.

Section 3. All officers and executive committee members shall be elected annually at a meeting duly called for that purpose.

COMMITTEES

Section 1. There shall be an Executive Committee which shall consist of the officers, three additional members-at-large, elected by the Unit.

Section 2. A Nominating Committee composed of three members shall be elected for the purpose of presenting a slate of officers for the ensuing year.

Section 3. An Auditing Committee composed of three members shall be appointed by the Unit President for the purpose of auditing the Treasurer's accounts at the close of each term, and making a report of the audit to the Unit.

Section 4. There shall be the following Standing Committees: Americanism, Children and Youth, Education, National Security, Veterans Affairs and Rehabilitation (and any other committee that the Unit deems necessary).

Section 5. The Nominating Committee shall present the slate of nominations for officers at both April meetings and the first meeting in May. At the second meeting in May, this committee will give their final report. Nominations from the floor may be made at this meeting. Election of officers is held no more than 90 days nor less than 15 days prior to Department Convention.

Section 6. A vacancy existing in the elected officers of the Executive Committee from any cause other than the expiration of a term shall be filled by a majority vote of the members present. A vacancy in appointed chairmen of Standing Committees shall be appointed by the Unit President. A person so elected shall hold office for the unexpired term of the member whom she succeeds.

TRANSFERS

Section 1. Any member in good standing in a Unit shall be entitled to transfer to another Unit in conformity with National and Department Constitution and Bylaws.

Section 2. Transfer of membership from one Unit to another in the Department of Florida shall be upon application of the member to, acceptance by, the other Unit, in conformity with National and Department Constitution and Bylaws.

LIABILITIES

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

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

FINANCE

Section 1. All monies of this Unit for any and all purposes whatsoever, shall be received and disbursed by the Unit Treasurer and should be deposited into a banking institution that is Federally insured, and two signatures are required for any withdrawal.

ADDITIONAL STANDING RULES

- 1. The Second Vice President shall also serve as Unit Hostess for all Unit functions, shall be responsible for securing hostesses for Unit functions whenever there is a need for one, and shall serve as Activities Chairman.*
- 2. Unit Delegates and Alternates to the Department Convention and other Department Conferences shall attend all meetings in their entirety. Unit Delegates and alternates not attending without valid reason shall reimburse the Unit for monies spent. The Unit*

will secure and pay for rooms for Auxiliary Delegates and Alternates allowing for two Auxiliary Delegates/Alternates per room provided the funds are available. An Auxiliary Delegate or Alternate may secure their own lodging and be reimbursed for only their portion of the room upon showing proper receipt at the next Unit meeting. A per diem amount will be paid based on the availability of funds to be voted on at a regular Unit meeting annually for a full day (morning and afternoon session or meeting), as well as for ½ day sessions. The deadline for securing reservations for a member is 6 weeks prior to the Convention/Conference.

3. *All officers of this Unit shall be installed at a time coincident with the installation of officers of the Mulberry Memorial Post 72 of the American Legion.*
4. *In order to participate in the election of Unit officers, a member shall have paid her dues for the current fiscal year with which the election is held. NO MEMBER SHOULD ACCEPT A NOMINATION FOR OFFICE OR ACCEPT A CHAIRMANSHIP IF SHE KNOWINGLY CANNOT ATTEND MEETINGS REGULARLY OR FULFILL ALL OBLIGATIONS REQUIRED FOR HER OFFICE OR CHAIRMANSHIP.*
5. *The official contact with the Mulberry Memorial Post 72 of the American Legion shall be through the Unit President and the Post Commander or the Liaison of the Legion and Auxiliary.*
6. *Resignation of any officer must be in written form stating reasons and presented to the chairman of the Executive Committee. All resignations shall be automatically accepted.*
7. *Upon death of an active member of this Auxiliary Unit 72, or her husband, child, grandchild or parent, a donation to a requested memorial will be sent, not to exceed \$15.00. If no memorial is requested, the donations will be sent to the American Legion Auxiliary scholarship fund. The Unit President has the authority to decide when memorials for other than active members and their family members should receive a memorial, i.e. "special circumstances only" provided the funds are available. Any active*

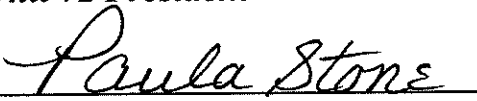
member hospitalized shall receive an appropriate gift not to exceed \$15.00. All members shall receive an appropriate card in the event of illness or bereavement.

- 8. The Unit President shall be Chairman of the Delegation to the District Constitutional Conference and/or Department Convention. In the event said President cannot attend the District Conference or Department Convention, the elected Delegates will elect the Chairman. The Chairman of the Delegation shall assign a portion of the Convention to the Alternates and Delegates for the purpose of writing reports.*
- 9. The President can automatically disburse funds up to but not to exceed \$25.00 for the benefit of the Unit or programs of the American Legion Auxiliary.*
- 10. Only budgeted money can be spent without the vote of the Unit.*

THESE CONSTITUTION & BYLAWS, AND STANDING RULES WERE READ AND APPROVED AT A REGULARLY SCHEDULED MEETING HELD ON SEPTEMBER 4, 2018. THE ONLY CHANGE BEING MADE IS IN THE STANDING RULES ONLY, UNDER DUES, SECTION I, PAGE 8.




Faye Kirkland
Unit 72 President



Paula Stone
Unit 72 Constitution and Bylaws Chairman

Reviewed and approved by:



Linda Knoblach-Murkness
Department of Florida
Constitution and Bylaws Chairman

DATE: 10/19/18