

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

DATE: 6-13-2022

**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, 1917 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 oversee 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 31<sup>st</sup>, 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 31<sup>st</sup> of the year of the delinquency shall 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 June 13<sup>th</sup>, 2022.

x Joni Taylor

Unit President

x Pat Kettering

Unit Secretary

x Robin Burk

Unit Constitution and Bylaws Chairman

Department Constitution & Bylaws Chairman (for review only)