

**Constitution and Bylaws
American Legion Auxiliary
Mulberry Memorial Unit 72, Inc.
Department of Florida
1500 North Church Avenue
Mulberry, Florida 33860
April 19, 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 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 Inc., Department of Florida.

ARTICLE II: NATURE

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

ARTICLE III: OBJECTIVE

Section 1. The objection of the American Legion Auxiliary, Mulberry Memorial Unit 72 Inc., Department of Florida shall be stated in the Preamble of 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.

- A. Grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and
- B. 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;
- C. 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,
- D. to those women who of their own right are eligible for membership in The American Legion,
- E. There shall be two classes of membership, Senior and Junior.
 1. 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.
 2. 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.
 3. 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 should 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. The 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 meetings.

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 1: 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 they succeed.

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: 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 Committee; 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 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 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 vouchers. The Treasurer 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 veterans and their children. The Treasurer shall keep an accounting of 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 Committee. The accounts shall be audited annually. The Treasurer shall pay all current bills before transferring all funds, books and papers belonging to the Unit's successor.

- A. All monies of this Unit for any and all purposes whosoever shall be received and disbursed by the Unit Treasures and should be deposited into a banking institution that is Federally insured, and two signatures are required for any withdrawal.
- B. No monies are to be distributed from event proceeds. Monies must be presented to the Treasurer and then reimbursement will be processed.

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".

ARTICLE III: 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 due 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 IV: UNIT MEETINGS

Section 1. The regular meetings of the American Legion Auxiliary, Mulberry Memorial Unit 72 Inc., Department of Florida 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 before convention 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.

Section 5. Electronic meetings and voting on motions may be held during an emergency situation. Notification of an electronic meeting and/or voting on motions must be sent to each member of the Unit via email or regular mail, when possible, should be sent to each member and shall contain an agenda and any documents that participants will need to reference in advance so that participants can follow the flow of the meeting and/or voting procedure. Minutes of the electronic meeting must be created as well as recording the motions and votes.

Section 6: There will be no smoking or drinking permitted at Unit 72's meetings.

Section 7: No current member of the Unit 72 is permitted to be in the Canteen during Auxiliary meetings.

Section 8: In order to hold an office on the Executive Committee, member shall not miss more than four meetings during their term of office unless they have an excusable absence. An excusable absence would be illness, death in the family, vacation or work*. All other reasons for missing a meeting will have to be presented to the Executive Committee for approved or denied. If an Executive Committee member misses more than four unexcused absences during their term, they are requested to resign from their position.

**Occasional work but not routine schedule of working on meeting nights.*

ARTICLE V: ELECTIONS:

Section 1. Election may be by voice vote if there is only one candidate; but when 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 will be elected annually. The meeting of this Unit shall be held not more than 90 days nor less than 15 days before convention each year.

ARTICLE VI: COMMITTEES:

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

Section 2. A Nominating Committee composed of three (3) members shall be appointed by the President of the Unit for the purpose of presenting a slate of officers for the ensuing year.

Section 3. An Auditing Committee composed of three (3) members shall be appointed by the Unit President for the purpose of auditing the Treasurer's accounts at the close of each term, 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. Nominations from the floor may be made at these meetings. Election of officers is held no more than 90 days nor less than 15 days prior to Department Convention. Nominations will only be made at a regular meeting.

Section 6. Vacancies in office between annual elections shall be filled by the Executive Committee.

ARTICLE VII: 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.

ARTICLE VIII: 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 the American Legion, any member may be expelled from membership or any officer may be removed from office by 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: Any member may report a violation of bullying in writing without fear of retaliation to the Department Office. The organization considers all inquiries and complaints about actions of members to be strictly confidential. The complaint will provide a process for the Department Executive Committee to investigate and act on the violation.

- A. Such process shall be a committee of three (3) members consisting of the National Executive Committee person, the Department First Vice President and one Past Department President (from a different District than the complaint) who shall be appointed by the Department President with the National Committee person serving as the Chairman. This committee will investigate and recommend disciplinary action to the full Executive Committee for a vote.

Section 3. No member or group of members shall subject the Unit to liability without authorization of the Unit.

ARTICLE IX: 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 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 X: 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 meeting.

Section 2. Amendments not having been read may not 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 Authority.

THIS CONSTITUTIONAL AND BYLAWS WERE READ, VOTED ON AND APPROVED AT OUR REGULAR UNIT MEETING ON APRIL 19, 2022