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**CONSTITUTION AND BYLAWS
OF
AMERICAN LEGION AUXILIARY
JENSEN BEACH UNIT 126, INC.
DEPARTMENT OF FLORIDA
P.O. BOX 126
JENSEN BEACH, FLORIDA 34958**

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 Jensen Beach Unit 126, Inc., Department of Florida.*

ARTICLE II – NATURE

Section 1: American Legion Auxiliary Jensen Beach Unit 126, Inc. is a civilian patriotic service organization that supports the mission of The American Legion.

Section 2: American Legion Auxiliary Jensen Beach Unit 126, 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 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 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 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, 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; 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 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.
- (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, Chaplain, Historian, Sergeant-at-Arms, and Assistant Sergeant-at-Arms. The office of secretary may be combined with that of treasurer and called “secretary-treasurer.” The term of office for elected officers shall be for one year.

ARTICLE VI – EXECUTIVE COMMITTEE

There shall be an Executive Committee, which shall consist of all elected officers and (3) three 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 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 the 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: Four (4) members of the Executive Committee shall constitute a quorum.

Section 4: Special meetings may be called by order of the President, or on written 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 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 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.

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 in two separate checking accounts. 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. 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 report to the District.

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. If action is needed to control a meeting, no physical contact is permissible.

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 January 31st 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, Unit 126, 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: Five members of a Unit that shall constitute a quorum at any regular scheduled meeting of the Unit.

Section 3: Special meetings of the Unit may be called by the President, by four (4) members of the Executive Committee, with the President notified, or upon written request of three (3) members of the Unit. All members of the Unit must be notified of such meeting.

Section 4: Voting may be held during an emergency situation or at any time a Unit's officers deem necessary. Notification of voting must be sent to each member of the Unit via email or regular mail if no email address is available 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.

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 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 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 elected Officers 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 notify the Department Secretary of the names and addresses of such newly elected and appointed 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. The President shall present member's name to fill a vacancy for approval by the Executive Committee. Upon approval, the action shall be presented at the next general membership meeting.

Section 6: Unit 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 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: 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.

Such process shall be a committee of three (3) members consisting of the National Executive Committeeperson, 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 Committeeperson serving as the Chairman. The committee will investigate and recommend disciplinary action to the full Executive Committee for a vote.

The committee shall render discipline appropriate to the violation. Said discipline shall be binding. However, the disciplined member has the right to appeal the discipline and it's ultimate actions shall be final.

Section 3: 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 3-21-22.

Susan Gibson
Unit President

Lara Brinley
Unit Secretary

Patricia Obwohwe
Unit Constitution and Bylaws Chairman

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24. District dues of twenty (\$20.00) dollars, payable to the District President, shall be given to the District President at the time of installation.

25. Lunch, not to exceed ten (\$10.00) dollars, for delegates and alternates attending 12th District Constitutional Conference shall be paid by the Unit. If lunch is provided by the Unit no funds will be expended.

SCHOLARSHIPS

26. Two scholarships, not to exceed \$1,500.00 each, shall be awarded annually.

27. Applicants shall complete Unit 126 application and attach a certified transcript from their high school.

28. All scholarship grants require the student to be a graduating senior at an accredited Martin County high school and attending an accredited Florida University or College full time.

29. Scholarship awards shall be paid directly to the institution, payable in two (2) equal payments, the second payment contingent on student meeting GPA requirement of 2.0.

OTHER

30. Past President's pin, or gift of equal value, shall be given to all unit Presidents retiring from office.

31. Officers' badges must be returned to the President at the last meeting of the Auxiliary year prior to installation. Each officer is responsible for their badge of office and, if not returned, shall reimburse the Unit at the current Emblem Sales price.

32. The Unit shall be guided by the Code of Ethics as published in the National Auxiliary Standing Rules.

33. The National Constitution

The National Constitution, Bylaws, Standing Rules and the acts of the National Conventions constitute the fundamental law of the Auxiliary and the Department Constitutions. The acts of the Department Convention and the Department Executive Committees must conform to them or be rendered null and void. Similarly, the Constitution, Bylaws and Standing Rules of a Unit must conform to the Constitution, Bylaws and Standing Rules of the Department in which it is located (Florida). Any provision of a Unit Constitution, Bylaws or Standing Rules which conflicts with the Constitution, Bylaws or Standing Rules of the Department of Florida or with any action of the Department Convention or Department Executive Committee is invalid and without effect.

34. Relationship Between Unit and Post

The relationship between the two organizations is one of cooperation rather than regulation. The American Legion Posts and the American Legion Auxiliary Units are related but independent organizations. The National Judge Advocate of The American Legion has ruled that "It is crystal clear that The American Legion Post has no authority to control the Unit." The American Legion Post cannot revoke or threaten revocation of its Unit charter. The Unit is a separately chartered organization and exists autonomously.

AMENDMENTS

35. Standing Rules are adopted by a majority vote and may be amended by two-thirds (2/3) vote at a general meeting, or if notice has been given, by a unanimous vote.

These Standing Rules shall be automatically amended to conform to National and Department to Florida Constitution, Bylaws and Standing Rules.

THESE STANDING RULES WERE READ, VOTED ON AND APPROVED
AT OUR REGULAR UNIT MEETING ON 3-21-22

Susan Gibson

Unit President

Lora Brinley

Unit Secretary

Patricia Hloudek

Unit Constitution and Bylaws Chairman

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