

CONSTITUTION AND BYLAWS
OF
AMERICAN LEGION AUXILIARY
INDIAN RIVER UNIT 22, INC.
DEPARTMENT OF FLORIDA
241 PEACHTREE ST. COCOA, FL 32922

January 18, 2023

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 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; 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, Inc, Indian River Unit 22, Department of Florida.

ARTICLE 11- NATURE

Section 1: American Legion Auxiliary Indian River Unit 22, Inc. is a civilian patriotic service organization that supports the mission of the American Legion.

Section 2: American Legion Auxiliary Indian River Unit 22, 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 111 - OBJECT

The object of the American Legion Auxiliary Indian River Unit 22, Inc. Department of Florida, 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.

The following was in the original document however, it has been formatted differently.

- (1) grandmothers, mothers, sisters, spouses and direct and adopted female descendants of members of the American Legion; and
- (2) grandmothers, mothers, sisters, spouses, (male and female), and direct or adopted 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 of the eligibility periods and died in the line of duty or after honorable discharge;
- (3) grandmothers, mothers, sisters, spouses (male and female) 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 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 of 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 at as 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 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 (appointed by President)*, Treasurer, Chaplain, Historian and Sergeant-at-Arms, (or a combination of some of these officers) who shall serve until their successors are duly installed or otherwise provided.

ARTICLE VI- EXECUTIVE COMMITTEE

There shall be an Executive Committee, which shall consist of all officers and two 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 a two-thirds (2/3) vote of the members present 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 automatically be 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 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 on written or electronic request of at least three (3) 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 11- 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 deemed advisable to perform such other 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 President in the order named shall, when called upon, assist the President, 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 process the correspondence of the Unit; to keep on file in a comprehensive manner copies of all correspondence sent and received; to perform other duties as shall be required by the President. The Secretary is hereby vested with such authority as it is necessary to carry out the duties of the office successfully for the good of the American Legion Auxiliary.

Section 4: Duties of the Treasurer - The Treasurer shall be bonded. 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 the bonding fees determined by the Department Office. The Treasurer shall maintain (2) two separate funds, namely a General Fund and a Special Fund. All Special donations shall be placed in the Special Fund and be used to assist the veteran 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 Committee. The accounts shall be audited annually. All current bills shall pay 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 Unit Chaplain to offer prayer at the opening and closing of each meeting, and to perform such other duties as the President and to notify Department of any deceased members on a monthly basis.

Section 6: Duties of the Unit Historian - It shall be the duty of the Unit Historian to compile historical records of the Unit and make a report to Department.

Section 7: Duties of the Unit 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 requested by the President.

ARTICLE 111- DUES

Section 1: The annual Senior 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, State and National assessments, by January 31, 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 31 of the year of the delinquency shall be automatically dropped from the rolls and may be reinstated only by paying all back dues or by reestablishing eligibility and making application as a new member.

ARTICLE IV - UNIT MEETINGS

Section 1: The regular scheduled meeting of American Legion Auxiliary, Indian River Unit 22, 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: 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, by 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 her 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 a winner.

Section 3: All 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 officers, not less than ten (10) days prior to Convention, certification to be made on forms furnished by Department.

Section S: 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 - 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 VIII - 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 IX - 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.

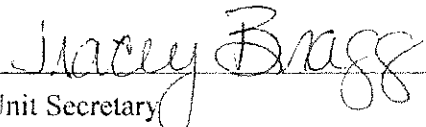
Section 3: These Bylaws shall automatically be amended to conform to the National and Department Constitution and Bylaws and Standing Rules of the American Legion Auxiliary.

THIS CONSTITUTION AND BYLAWS WERE READ, VOTED ON AND APPROVED


AT OUR REGULAR UNIT MEETING ON _____



Unit President



Unit Secretary



Unit Constitution and ByLaws Chairman

Department Constitution & Bylaws Chairman

Date Approved

STANDING RULES

Article I — Officers

Section 1. The office of Secretary may be combined with that of Treasurer and called "Secretary-Treasurer".

Article II - Dues

~~Section 1. The annual membership dues of the Unit shall be \$40.00 for Seniors paid annually which shall include Department and National per capita and will be effective for the 2024 membership dues.~~

Section 2. The annual dues of the Junior membership shall be \$ 5.00 to include the Department and National per capita.

Section 3. An Honorary Life Membership shall be given only at the discretion of Unit 22, and to a member who has continuous membership in Cocoa Unit 22.

Section 4. Unit dues shall be paid for Gold Star Mothers and any Auxiliary member of fifty (50) years or more, who has twenty-five (25) years of continuous service at Cocoa, Unit 22, Department of Florida. A Certificate of Appreciation shall be presented to fifty (50) year members.

Article III — Unit Meetings

Section 1. The regular scheduled meeting of American Legion Auxiliary Indian River Unit 22 shall be held on the second Wednesday of each month, unless otherwise specified and shall be called to order at 6:00 pm.

Section 2. An annual meeting of this Unit shall be held not more than (90) days nor less than fifteen (15) days prior to the Department Convention for the purpose of electing officers.

Section 3. An Executive Committee meeting shall be held once every two months on the second Saturday of the month unless otherwise specified and shall be called to order following the Unit General Meeting.

Section 4. Four (4) officers of the Executive Committee shall constitute a quorum at any meeting of the unit.

Section 5. Alcoholic beverages and smoking are not permitted during General Membership meetings.

Article IV — Election

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 the majority of votes cast shall be necessary to elect.

Section 2. All Officers and two (2) Board Members shall be elected annually at a meeting duly called for that purpose. The Secretary is appointed by the President.

Section 3. Installation shall be a time established by the District 12 President and/or District 12 Commander.

Article V – Transfers/New Memberships

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. New membership shall be made by application of the requesting member and reviewed and voted upon by the Membership. The requesting member shall be notified by a Unit Officer as to the outcome of their request.

Article VI — Delegates and Alternates

Section 1. Delegates and Alternates to the Department Convention shall be elected at a Unit meeting duly called for that purpose not less than two (2) weeks prior to the Convention. Delegates and Alternates shall have priority in the order of their election.

Section 2. The President and Secretary shall be first and second Delegates to the Constitutional Conference and Department Convention; the other Delegates shall be elected by the membership, preference to be given to the Unit President Elect and all incoming officers, if they plan to attend.

Section 3. Partial expenses of delegates to the Department Convention for senior members for a maximum of two (2) nights shall be voted on annually and amount set according to Unit finances. Delegates elected for junior members plus registration fee (paid from junior account), a maximum of two (2) nights. Registration fee shall be paid for attending Alternates.

Attendance at the meeting of the Department Convention is required for paid partial expenses. Non-attendance at the meetings will require reimbursement of funds to the Unit. The Chairman of the Delegation has the responsibility for enforcement. Exception for coverage being, but not

limited to, if the Auxiliary Unit 22 officer accompanies a spouse or partner who is an officer/member with any of the other entities of the Post, they shall be responsible for their own room, in order for as many Auxiliary officers/member to have an opportunity to attend the convention and or conference.

Section 4. A predetermined allowance amount shall be paid to members in good standing who attend the Department of Florida Fall Conference with attendance verified by Unit President or another officer attending in their place.

Section 5. Unit will pay mileage per IRS standards, any tolls with receipts to and from district meetings and schools of instruction. To be open to any member of the unit. Providing funds are available.

Article VII — Committees

Section 1. In addition to the Core Committees listed in the Bylaws, the Unit may 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.

Section 2. 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. Nominations are to be held open until the next meeting for further nominations from the floor. Anyone nominated for an office who cannot be present at elections of that office must notify the Auxiliary in writing of their consent to fulfill that office. Election shall be by ballot and a majority of votes cast shall be necessary to elect.

Section 3. A 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.

Section 4. Unit officers, consisting of the treasurer, First (or Second) Vice President and or Executive Committee (excluding President) are authorized to sign checks for disbursement of funds from the Unit Treasurer. All checks MUST have two of the three above signatures.

Section 5. 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.

Section 6. Where deemed necessary, a Recording Secretary and a Corresponding Secretary may be elected/appointed to carry on the duties normally performed by the Secretary.

Section 7. An Audit committee composed of three members not including the Treasurer or a signer on the account 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 8. The Executive Committee shall have an investigating committee before any monetary assistance is provided.

Section 9. Color Guard

- (A) The color Guard shall be a committee subject to the rules and regulations of the Unit's constitution and By laws.
- (B) Eligibility: Shall be a member in good standing in Unit #22 for a period of (3) months.
- (C) Selection of new members shall be voted on by Unit membership. The Color Guard committee has the right to recommend or decline an application at monthly executive committee meetings. All formal voting of applications shall be held by ballot.
- (D) The full Color Guard uniform is the property of the American Legion Auxiliary Cocoa Unit #22 and upon distribution of the uniform and accessories; a signed receipt from the applicant is required. At such time the member retires or is no longer able to fulfill their duties to the Color Guard, they must return all property to the Unit. The full uniform returned must be cleaned and in good condition, all accessories must be accounted for, or there will be an assessed replacement fee. A member of the Color Guard, who has not been in attendance at a Color Guard meeting or function and has not responded to phone calls or a letter mailed certified, return receipt requested within one (1) year period will be terminated.
- (E) The Color Guard may not have their own separate banking account.
- (F) All members of the Color Guard while in uniform are subject to disciplinary action for unbecoming conduct. Any disciplinary action must be presented in writing to the Executive Committee within fifteen (15) days of the incident.
- (G) The election of a Color Guard commander shall be held annually to coincide with Auxiliary election.

Article VIII — Membership

Section 1. All new applicants and transfers shall be voted upon by the Membership at the next regular meeting following the making of such application, and shall be at such meeting accepted, rejected or referred for further investigation and consideration. The vote can be either oral or ballot. Applicants should not be present during vote. Majority rules.

Article IX — Treasury

Section 1. An annual budget must be presented to the general membership by the second monthly meeting of the new administrative year.

Section 2. Unit audit of the treasurer's records shall be conducted annually or more frequently if desired by the Audit Committee.

Section 3. The President shall select three (3) members to perform an internal wellness audit of the Unit's finances to be performed annually. The selections will not include the President, Treasurer or anyone who is an authorized signer on the bank accounts. The results of the objective audit will be presented to the President for discussing at the following month's regular meeting.

Article X — Chairman

Section 1. All Chairman shall be appointed by the President.

Article XI — Get Well and Bereavements Cards

Section 1. Cards will be sent to members who are ill or bereaved. Cards may also be sent to other persons known to the Unit members. A gift of flowers not to exceed \$60.00 in cost may be sent to a locally hospitalized member, but only once per year (office year). Food trays, flowers or Memorial Scholarships not to exceed \$75.00 for a funeral of a member or immediate family member of a Unit member. The Chaplain may spend up to \$50.00 for a token gift of goodwill gift for an ill or deceased member as needed. (Example, Plant, Flowers, Card, etc.). Providing funds are available.

Article XII — Scholarships

Section 1. All scholarship grants require the student to be a graduating senior at an accredited Brevard County high school and attending a college within the United States.

Section 2. The standard scholarship application must be used in considering applicants; any scholarship not used by December 15 of the current year of grant shall be forfeited.

Article XIII— Assistance

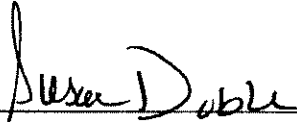
Section 1. The maximum assistance to a non-member shall not exceed \$100.00. Member assistance shall not exceed \$300.00 provided the member has been in good standing for 3 or more years. Assistance will not be given to a member who meets the requirement more than once every two years.

Article XIV— Amendments


Section 1. These Standing Rules may be amended by a two-thirds (2/3) vote of the members present at a regular Unit meeting, or if notice has been given, by a majority vote.

THESE STANDING RULES WERE READ, VOTED ON AND APPROVED AT OUR

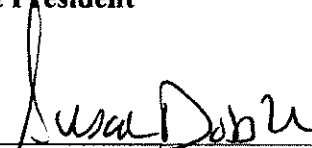
REGULAR UNIT MEETING HELD ON _____



Unit President



Unit Secretary



Unit Constitution and Bylaws Chairman

Department Constitution & Bylaws Chairman

Date Approved