

CONSTITUTION AND BYLAWS OF  
AMERICAN LEGION AUXILIARY MELVIN COWART UNIT 274, INC.  
DEPARTMENT OF FLORIDA  
899 BUTTONWOOD DRIVE - FORT MYERS BEACH, FLORIDA 33931

**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, Melvin Cowart Unit 274, Inc., Department of Florida.*

**ARTICLE II – NATURE**

Section 1. American Legion Auxiliary Melvin Cowart Unit 274, Inc. is a civilian patriotic service organization that supports the mission of the American Legion.

Section 2. American Legion Auxiliary Melvin Cowart unit 274, Inc. shall be absolutely non-political 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**

Section 1. The object of the American Legion Auxiliary Melvin Cowart Unit 274, 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.

(1) Grandmothers, mothers, sisters, spouses and direct and adopted female descendants of all men and women 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; who, 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 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 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, Vice President, Secretary, Chaplain, Treasurer, Historian, Sergeant-at-Arms who shall serve until their successors are duly installed or as otherwise provided. (or a combination of some of these officers).

#### **ARTICLE VI – EXECUTIVE COMMITTEE**

- Section 1. 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 office for members of the Executive Committee shall be for one (1) year. The outgoing President will automatically be on the Executive Committee along with three (3) additional members-at-large elected by the Unit.

#### **ARTICLE VII – FISCAL YEAR**

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

#### **ARTICLE VIII – AMENDMENTS**

- Section 1. This Constitution may be amended by a two-thirds (2/3) vote of the members at a regular meeting, provided the proposed amendments 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 the 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 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.

### **ARTICLE II – DUTIES AND POWERS OF OFFICERS**

Section 1. Duties of the President – It shall be the duty of the President to preside at all meetings of the Unit and the Unit Executive Committee 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 Vice President 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. The Secretary is hereby vested with such authority as it is necessary to carry out the duties successfully for the good of the American Legion Auxiliary.

Section 4. Duties of the Treasurer – It shall be the duty of the Treasurer to receive all monies belonging to the Unit and to 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 a 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 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 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 historical records of the Unit and 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 requested by the President.

#### **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 December 31 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 the American Legion Auxiliary Melvin Cowart Unit 274, 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 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 in the order of their election.

## **ARTICLE VI – COMMITTEES**

- Section 1. The Unit shall have the following Core Committees: Americanism, Children & Youth, Constitution and Bylaws, Membership, National Security, Audit, Veterans Affairs and Rehabilitation (VAR), and such other mission and member and organizational support committees as provided in the Standing Rules.

## **ARTICLE VII – TRANSFERS**

- Section 1. 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 American Legion Auxiliary or of The American Legion, any member may be expelled from membership or any officer 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 a fifteen (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 V – PARLIAMENTARY AUTHORITY**

Section 1. 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 VI – 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.

THESE CONSTITUTION AND BYLAWS WERE READ, VOTED ON AND APPROVED AT OUR REGULAR UNIT MEETING ON JANUARY 9, 2023.

**Judy Pitts**  
Unit President

**Kathleen Downs**  
Unit Secretary

**Pam Wynne**  
Unit Constitution and Bylaws Chairman

APPROVED BY:

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Department Constitution & Bylaws Chairman

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Date

STANDING RULES OF  
AMERICAN LEGION AUXILIARY MELVIN COWART UNIT 274, INC.  
DEPARTMENT OF FLORIDA  
899 BUTTONWOOD DRIVE - FORT MYERS BEACH, FLORIDA 33931

1. The regular scheduled meetings of the American Legion Auxiliary Melvin Cowart Unit 274 Inc. shall be held on the second Monday of each month, and shall be called to order at 6:30 pm, unless otherwise specified. An Executive Committee meeting may meet once a month. Special meetings may be called by order of the President or on written request of at least three (3) members of the Executive Committee. Notice of such a special meeting 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.
2. Three (3) members shall constitute a quorum at any meeting of the Unit.
3. The annual membership dues of this unit shall be \$40.00 for Senior and \$5.00 for Junior (until the age of 18 years) paid annually or for life and shall include the Department and National per capita.
4. In addition to the Core Committees listed in the Bylaws, the Unit shall 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.
5. The Treasurer, President and Vice President are authorized to sign checks for disbursements of funds from the Unit treasury. All checks MUST have two (2) signatures. If the Treasurer is out of town or unable to perform her duties, the checkbook will be turned over to the Unit President or Vice President.
6. 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.
7. The Treasurer shall automatically pay reasonable expenses incurred by Officers and Chairmen of standing committees including unit members for ex: postage, stationary etc. Receipts must be submitted for any reimbursement to be paid.
8. 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. The committee shall have the permission of each candidate for an office in order to be presented by this committee. This committee is to form no later than two (2) months prior to election.
9. 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, and making a report of the audit to the Unit.
10. A Budgeting Committee composed of three (3) members shall be appointed by the President for the purpose of presenting a budget for the ensuing year.
11. Incoming officers will take over their duties at the meeting following the installation.
12. The outgoing officers shall leave a minimum of \$2,000 in the General Fund for the incoming officers to pay their initial obligations, if possible.

13. Past Presidents' pin shall be given all Presidents retiring from office. In case of a President succeeding herself, the President will be given a suitable gift in the amount of the Past Presidents' pin.
14. The outgoing President shall be responsible for organizing the installation program for the newly elected officers. No more than \$100 shall be expended without being voted on by the Unit.
15. In the event of hospitalization of a Unit member, in good standing, a flower will be sent. The cost will be no more than \$25.00. This will be done one (1) time per year per member. The chaplain for each successive illness will send cards.
16. In the event of the death of a Unit member, the Charter will be draped at the next regular meeting. The chaplain will send a sympathy card. A ten-dollar (\$10.00) donation in the name of the deceased member will be sent to the Department Memorial Scholarship Fund. The Unit must approve further expenditures.
17. The Unit shall reserve rooms to Department Convention/Conference at the expense of said unit, providing funds are available. Delegates will share rooms or be responsible for half the cost of the room. Expense money will be limited to \$75 per day, excluding Sunday. Any member attending Department Convention/Conference at unit expense must attend ALL meetings and workshops each day the Department Convention/Conference is in session. For days not attended, a portion of expense money will be forfeited. An oral report will be given at the next regularly scheduled unit meeting. Failure to follow these rules shall be cause for forfeiture of expense money provided by the unit. CONVENTION/CONFERENCE ELIGIBILITY REQUIREMENTS: All members must have actively participated in unit functions and attended unit meetings on a regular basis before being eligible to receive monetary compensation for attending Department Convention/Conference.
18. In order for a Unit member to be presented and elected for the Honorary Life Membership, she must have been a member for at least 10 years and served at least two (2) full terms as Unit President.
19. A letter of resignation must be submitted if you can no longer perform the duties of your office.
20. All charitable donations shall remain in the State of Florida with the exception of yearly donations made through the Department of Florida.

THESE STANDING RULES WERE READ, VOTED ON AND APPROVED AT OUR REGULAR UNIT MEETING ON JANUARY 9, 2023.

***Judy Pitts***

Unit President

***Kathleen Downs***

Unit Secretary

***Pam Wynne***

Unit Constitution and Bylaws Chairman

APPROVED BY:

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Department Constitution & Bylaws Chairman

\_\_\_\_\_  
Date