



AMERICAN LEGION AUXILIARY
Department of Ohio, Inc.
PO Box 2760
Zanesville, Ohio 43702-2760

Model Unit Constitution and Bylaws

Instructions – 2009-2010

The attached copy of the Model Unit Constitution and Bylaws is furnished as a guide to help the Unit in writing or revising the Unit's Constitution & Bylaws.

For sections marked (**Mandatory**), a similar section must be included that gives information on that subject as it pertains to your Unit. Feel free to use the same wording, although, it is not necessary to use the exact wording as long as the content is there and it does not conflict with the Department or National Constitutions & Bylaws. For sections marked (**Mandatory, exact wording must be used**) the wording must remain the same as in the model.

The Constitution must include:

- The Preamble
- The name of the Unit
- The Nature (kind of organization)
- Membership eligibility
- Officers (titles, term of office, and how and when elected)
- Provision for Executive Power
- Provision for Audit
- Provision for Amendments

The Bylaws must include:

- Name and Number of Unit
- Regular meeting location, day and time of meeting, and Unit quorum
- Annual meeting and provision for special meetings
- Provisions for the duties and replacement, and quorum of the Executive Committee
- Duties of Officers
- Finance (provide for dues, payment of bonding fee, and audit committee)
- Elections
- Transfers (provide for as in model)
- Committees (name all standing committees appointed and elected)
- Fiscal Year
- Discipline
- Miscellany (items pertinent to the Unit)
- Parliamentary Authority and Amendments

Articles and sections may be headed differently and may be numbered differently allowing a Unit to add other articles pertinent to their operation.

Additional instructions and ideas are in brackets and underlined for guidance in completing some of the sections in the model. It is not necessary to add these instructions to the Unit documents.

Standing Rules should be added at the end of the Constitution and Bylaws to be handy for all at a time of need. This saves hunting back through many years of minutes. Standing Rules may be created or changed by a vote of the members present at a Unit's regular meeting. Standing Rules do not need the approval of the Department Constitution and Bylaws Chairman.

This model includes the new eligibility as voted at National Convention 1995.

Two copies of the new, revised, or amended Unit Constitution and Bylaws are to be sent to the Department Constitution and Bylaws Chairman. One copy of the accepted documents will be sent to Department as the official copy and the second will be sent back to the Unit as the accepted copy. When submitting an amendment a copy of the complete original Constitution and Bylaws must be sent with the amendment. Deadline for submitting documents is April 30.

Please be sure to include the names of the committee members revising the Constitution and Bylaws, the date of Unit approval and a return address for contact purpose.

Constitution and Bylaws and amendments to those documents become effective only after acceptance by the Department Constitution and Bylaws Chairman and filed at Department Headquarters. The Unit Constitution & Bylaws on file at Department Headquarters is the official copy.

Susan Masten, Chairman
Department of Ohio Constitution and Bylaws
419 Young Drive
Fairborn, Ohio 45324-5749

Telephone: (937)878-8343
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(Title – Fill in Unit Name and Number)

CONSTITUTION

of

_____ Unit No. _____

District Number _____

American Legion Auxiliary

Department of Ohio

(Address)

(Date)

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 the Great 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. **(Mandatory, exact wording must be used)**

ARTICLE I

Name

(Article I, Section 1 – Fill in Unit name and number)

Section 1. The name of this organization shall be _____ Unit No.

_____ American Legion Auxiliary, Department of Ohio **(Mandatory)**

ARTICLE II

Nature

Section 1. The American Legion Auxiliary is a civilian organization of women. **(Mandatory, exact wording must be used)**

ARTICLE III

Object

Section 1. The object of _____ Unit No. _____, American Legion Auxiliary, Department of Ohio shall be as stated in the Preamble of the Constitution.

(Mandatory)

Section 2. The American Legion Auxiliary shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor the promotion of the candidacy of any person seeking public office or preferment. **(Mandatory)**

ARTICLE IV Eligibility

Section 1. Membership in the American Legion Auxiliary shall be limited to the mothers, wives, daughters, sisters, granddaughters, great granddaughters and grandmothers of members of The American Legion, and to the mothers, wives, daughters, sisters, granddaughters, great granddaughters and grandmothers of all men and women who were in the Armed Forces of the United States during any of the following periods:

April 6, 1917 to November 11, 1918,
December 7, 1941 to December 31, 1946
June 25, 1950 to January 31, 1955;
February 28, 1961 to May 7, 1975,
August 24, 1982 to July 31, 1984,
December 20, 1989 to January 31, 1990,

August 2, 1990 to the date of cessation of all hostilities as determined by the Government of the United States; all dates inclusive, or who being citizens of the United States at the time of their entry therein, served on active duty in the Armed Forces of any government associated with the United States during any of said periods and died inline of duty or after honorable discharge; and to those women who of their own right are eligible for membership in the American Legion. **(Mandatory, exact wording must be used)**

Section 2. There shall be two classes of membership, Senior and Junior. **(Mandatory, exact wording must be used)**

- a. Senior membership shall be composed of members over the age of eighteen years; Provided, however, that a wife under the age of eighteen years, who is eligible under Section 1 of this Article shall be classed as a senior member. **(Mandatory, exact wording must be used)**
- b. Junior membership shall consist of that group under the age of eighteen years, whose Activities shall be supervised by the Senior membership. Upon reaching the age of eighteen years, Junior members shall automatically be admitted into Senior membership with full privileges. **(Mandatory, exact wording must be used)**
- c. Dues of both classes shall be paid annually or for life. **(Mandatory, exact wording must be used)**

Section 3. Each Unit of the American Legion Auxiliary shall be the judge of its own membership subject to the restrictions of the Constitution and Bylaws, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence or who subscribes to the principles of any group opposed to our form of government shall be eligible to become and remain a member of the American Legion Auxiliary. **(Mandatory, exact wording must be used)**

Section 4. A member may belong to only one Unit at the same time. **(Mandatory, exact wording must be used)**

(Article IV, Section 5 – You may add a statement if you wish to investigate the person, vote on application, or accept all applications signed by the Post)

ARTICLE V
Unit Officers and Elections

Section 1. The Unit shall elect, at a meeting in May, a President, First Vice-President, Second Vice-President, Secretary and Treasurer for a term of one year. These officers shall be installed prior to October 1st and shall not take over the duties of their Unit offices before being installed into the offices to which they have been elected in accordance with provisions for “Installation of Officers” in the Manual of Ceremonies. **(Mandatory)**

Section 2. In order to participate in the election of Unit officers, a member shall have paid her dues for the current fiscal year within which the election is held. **(Mandatory, exact wording must be used)**

(Article V, Section 3 – Unit determines if the following officers (a combination of any or all) are elected or appointed. Please state one or the other.) – (A corresponding Secretary may be added if the Unit Wishes. If added duties must be described in the Duties of Officers)

Section 3. The Unit shall _____ a Sergeant-at-Arms, Historian, Chaplain, **(Mandatory)**

Section 4. The Executive power shall be vested in an Executive Committee comprised of the President, First Vice-President, Second Vice-President, Secretary, Treasurer and at least 3 additional members-at-large elected by the Unit. The term of office for members of the Executive Committee will be one year. **(Mandatory)**

Section 5. An audit report shall be presented for approval at a regular meeting prior to the installation of new officers. **(Mandatory)**

Section 6. Each officer, committee chairman, and committee member of a Unit shall be a member of the Unit she is serving. **(Mandatory, exact wording must be used)**

ARTICLE VI
Amendments

(Article VII, Section 1 – State any other way you use to notify members

Section 1. This Constitution may be amended by a two-thirds vote of the members present at a regular Unit meeting, provided the entire Unit membership has been notified of the proposed amendment through Unit notice, press or _____ and also read at the previous meeting. **(Mandatory)**

Section 2. This Constitution shall be automatically amended to conform to the National and Ohio Department Constitution and Bylaws, Standing Rules and Policy Statement of the American Legion Auxiliary. **(Mandatory, exact wording must be used)**

(Title – Fill in Unit name and number)

**BYLAWS
of the**

_____ Unit No. _____,
**American Legion Auxiliary
Department of Ohio**

(Article I, Section 1 – State location and day. In Standing Rules indicate the time of meetings.

ARTICLE I

Meetings

Section 1. The regular meetings of this Unit shall be held at (*location*) _____
on _____ at (*time*) _____ (*example – the first Monday
of each month at 7:00 pm*). **(Mandatory exact wording must be used)**

Section 2. The Annual Meeting of the Unit shall be in May for the purpose of electing officers and receiving annual reports. **(Mandatory)**

(Article I, Section 3 – State number of members required to call a Special Unit meeting)

Section 3. Special meetings of this Unit may be called by the President; by majority of the Executive Committee; or upon written request of _____ members of the Unit. **(Mandatory)**

(Article I, Section 4 – List number of members required for a quorum. Do not make it higher than the members at your meetings under normal conditions.)

Section 4. _____ members shall constitute a quorum at any meeting of the Unit. **(Mandatory)**

ARTICLE II

Executive Committee

Section 1. The Executive Committee shall be comprised of the President, First Vice-President, Second Vice-President, Secretary, Treasurer, and at least three (3) other members to serve on this committee. This Committee shall act in emergencies between meetings of the Unit and may offer recommendations to be acted upon at the Unit meetings. All proceedings of said committee shall be presented to the Unit at the next regular meeting for approval. **(Mandatory)**

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 she succeeds. **(Mandatory)**

Section 3. The President may call a meeting of the Executive Committee as needed or on written request of at least three of its members. Uniform notice of special meeting shall be given to all members of the Executive Committee. **(Mandatory)**

Section 4. A majority of the members of the Executive Committee shall constitute its quorum. **(Mandatory)**

Section 5. Unexcused absence from _____ regular Unit meetings or Executive Committee meetings shall be sufficient cause for removal of an Executive Committee member from office.

ARTICLE III Duties of Officers

Section 1. The President shall preside at all Unit regular and special meetings and at meetings of the Unit Executive Committee; appoint members of standing and other special committees except the nominating committee; appoint all officers not otherwise provided for with the approval of the Executive Committee; serve as ex-officio member of all committees except the nominating committee; enforce strict observance of the Constitution and Bylaws; bring to the Unit's attention all pertinent communications; and perform such other duties as custom and parliamentary usage require. **(Mandatory)**

(Article III, Section 2 – Designate duties of First and Second Vice President)

Section 2. The First and Second Vice President in the order named, when called upon, shall assist the President and in her absence perform her duties and shall succeed her in office in case of death, resignation or removal and assume such duties as the Unit determines. **(Mandatory)**

(Article III, Section 3 – You may have a Corresponding Secretary. If so specify whether she is elected or appointed. Also explain duties for each Secretary)

Section 3. The Secretary shall conduct all official Unit correspondence; shall keep a record of proceedings and transactions of all Unit and Executive Committee meetings; shall act as custodian of all books, paper, applications, and records; shall keep a roster of names and address of all the members, showing the source of their eligibility. The Secretary shall send out such notices as are directed by the President; process correspondence of the Unit; keep on file copies of all correspondence sent and received; and perform other such duties as shall be required of her by the President. In the event of absence of the President, First and Second Vice-President, the Secretary shall call the meeting to order and preside until the Unit members select a temporary chairman. **(Mandatory)**

(Article III, Section 4 – If you require two (2) signatures on your checks, specify who is to countersign checks)

Section 4. The Treasurer shall receive all money belonging to the Unit and to account for them. She shall maintain two separate funds, namely a General 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. She shall keep an accounting of receipts and expenditures, making reports as requested and have a report for annual audit. She shall pay over and deliver promptly to her successors all money, voucher, books and papers belonging to the Unit to her successor. **(Mandatory)**

Section 5. The Chaplain shall offer prayer at opening and closing of each meeting and perform such duties as the President or custom may direct.

Section 6. The Historian shall compile pertinent records of all Unit and American Legion Auxiliary activities having historical value and to report to Department.

Section 7. The Sergeant-at-Arms shall preserve order at Unit meetings and perform such duties as the President or custom may direct. She may be designated as custodian of Unit colors and other property.

ARTICLE IV

Finance

(Article IV, Section 1 – Standing Rules should contain the dollar amount of the Annual dues for Senior and Junior membership as determined by a vote of the membership)

Section 1. The Annual dues for Senior and junior membership shall be determined by vote of membership upon recommendation of the Unit Executive Board. These dues shall include the Department and National per capita, and the Department assessments for Veterans Affairs and Rehabilitation and Children and Youth and are listed in the Unit Standing Rules. The annual Department and National per capita and assessments shall be transmitted to the Department. **(Mandatory)**

Section 2. Dues shall be payable annually for the succeeding calendar year or for life. A member failing to pay such annual dues by January thirty-first of that year 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 thirty-first 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.

Section 3. The Unit shall transmit **annually** to Department Headquarters money for coverage by the mandatory National Schedule Blanket Position Bond for the loss of money, securities and other property up to \$5,000.00, which the Unit sustains through any fraudulent or dishonest act by handling funds. **(Mandatory)**

Section 4. The President shall appoint an Auditing committee of three members who shall audit the books of the Secretary and Treasurer. This report shall be presented for approval at a meeting prior to the installation of new officers. **(Mandatory)**

(Article IV, Section 5 – Specify the dollar amount of initiation fee if you have one)

(Article IV, Section 6 – If expenses are allowed to members attending functions away from Post, specify how this is authorized.)

ARTICLE V

Elections

Section 1. Elections shall be by ballot at the annual meeting in May. A plurality vote shall elect. When there is only one candidate, the ballot may be dispensed with and the nominee elected by voice

(Article V, Section 2 – If you have a Nominating Committee, make provisions for its ELECTION by the membership at a designated meeting, you must also specify when they are to report)

Section 2. The Nominating Committee composed of three members shall be elected by the membership at the regular meeting held (date) _____. The Nominating Committee shall present a slate of officers for the ensuing year at the regular meeting held (date) _____.

(Article V, Section 3 – Selection process of District Summer and Department delegates to Conventions should be included here.)

(Article V, Section 4 – Make provision for Unit representatives at District Conference, Mid-Winter and other meetings.)

ARTICLE VI

Initiation

(Article VI, Section 1 – Use only if this applies to your Unit)

Section 1. New members should be initiated singly or in groups in accordance with “Initiation Ceremony” in the “Manual of Ceremonies”

ARTICLE VII

Transfers

Section 1. Any member presenting a membership card for the current year may make request for transfer to another Unit. Upon acceptance by the transferee Unit, the member shall be entitled to active membership in said Unit. No dues shall be transferred. **(Mandatory)**

Section 2. The Unit may receive members by transfer from another Unit at any time during the administration year, in accordance with regular Unit procedures. **(Mandatory)**

Section 3. A Unit member may withdraw providing her current year’s dues are fully paid. Upon withdrawal, however, she shall be prohibited from joining any other Unit as a new member during the remainder of the current year for which her dues are paid. In the event a member wishes to move her membership from one Unit to another during current year, it shall be done by transfer and not withdrawal. **(Mandatory)**

ARTICLE VIII

Committees

Section 1. The following shall be Standing Committees **(any combination)**: Americanism, Children and Youth, Community Service, Education, Finance, Junior Activities, Legislative, Membership, National Security, Poppy, Public Relations, Veterans Affairs and Rehabilitation. **(Mandatory)**

Section 2. A nominating committee shall be elected for the purpose of presenting a slate of officers to the Unit for the ensuing year. **(Mandatory)**

Section 3. The President shall appoint an Auditing Committee of three (3) members who shall audit the books of the Secretary and Treasurer at the close of each term. This report shall be presented

for approval at a regular meeting prior to the installation of new officers. **(Mandatory, exact wording must be used)**

Section 4. Committees shall report as required.

(Article VIII, Section 5 – List other committees the Unit has)

ARTICLE IX

Fiscal Year

Section 1. The fiscal year shall extend from _____ to _____.
(Mandatory)

ARTICLE X

Discipline

Section 1. For willful violation of the National, State, Unit Constitution or Bylaws 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 Unit officer removed from office by two-thirds of the vote at a Unit meeting duly called for that purpose, after the member shall have been given at least fifteen (15) days written notice by the Unit Executive Committee of the charges and a hearing thereon. Either party may have the right of appeal to the Department Executive Committee and their action thereon shall be final. The expense of said appeal shall be borne by the appellant. **(Mandatory, exact wording must be used)**

Section 2. Neither this Unit in the Department or any member thereof shall circularize any other Unit or member thereof without the consent of the Department Executive Committee.

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

Article XI

Miscellany

(Article XI – Use this for any special matters that apply to your Unit only, and not covered elsewhere)

ARTICLE XII

Parliamentary Authority Section 1. The Unit shall be governed by the current edition of “Robert’s Rules of Order Newly Revised” on all matters to which they are applicable and not covered by the National, the Department of Ohio and this Unit’s Constitutions and Bylaws, Standing Rules and Policy Statement. **(Mandatory)**

ARTICLE XIII

Amendments

(Article XIII, Section 1 – State you need a majority or a two-thirds vote to pass a change. At the end of paragraphs state how members are notified.)

Section 1. These Bylaws may be amended at a Unit meeting by a two-thirds vote of the members present at a regular Unit meeting provided the proposed amendments have been read at a previous meeting and the entire membership has been notified of the proposal by medium of the press or Unit notice, _____ (Mandatory)

Section 2. These Bylaws shall be automatically amended to conform to the National and Department of Ohio Constitution and Bylaws, Standing Rules and Policy Statement of the American Legion Auxiliary. (Mandatory)

Approved by Vote of Unit Membership

Date: _____

Constitution, Bylaws Committee:

1. _____
2. _____
3. _____

Contact Name, Title, and Address

Accepted and Filed at Department Headquarters:

Date: _____

Chairman's Name: _____