



SUGGESTED UNIT  
Constitution  
and  
Bylaws

Name & Unit # \_\_\_\_\_

Date of Unit C/B Approval \_\_\_\_\_

\_\_\_\_\_  
Signature of Unit President

\_\_\_\_\_  
Signature of Unit Secretary

Date of Department Approval \_\_\_\_\_

\_\_\_\_\_  
Signature of Department C/B Chairman

AMERICAN LEGION AUXILIARY  
Department of New York, Inc.

2009

# CONSTITUTION

## 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 per cent 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 good will 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.

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## ARTICLE I

### NAME

SECTION I. The name of this organization shall be the American Legion Auxiliary Unit of \_\_\_\_\_ Post No. \_\_\_\_\_, The American Legion, Department of New York, Inc.

## ARTICLE II

### OBJECTS

SECTION I. To serve The American Legion in all its activities, to support it in all its interests, and to promote its welfare; to hold in sacred remembrance the names of all who gave their lives in defense of civilization in the Great Wars; to lend its united efforts to the task of impressing the minds of the youth of our land, and through them the generations to come, with the necessity of a staunch and steadfast support of the Constitution of the United States, with a deep, abiding love and reverence for our Flag and all that it represents, so that the noble sacrifice and service to the whole world, by those who are now forming The American Legion, may not have been rendered in vain.

## ARTICLE III

### NATURE

SECTION 1. The American Legion Auxiliary is a civilian organization of women.

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

## 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 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 of the governments associated with the United States during any of said periods, and died in line of duty or after honorable discharge; and 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 over the age of eighteen years; provided, however, that a wife under the age of eighteen years, who is eligible under Section I of this Article shall be classed as a Senior Member.
- (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 age of eighteen years, Junior members shall automatically be admitted to Senior membership with full privileges.
- (c) Dues of both classes shall be paid annually or for life.

SECTION 3. No person may be a member at any one time of more than one Unit.

SECTION 4. No person, who has been expelled by a Unit shall be admitted to membership in another Unit without the consent of the expelling Unit, except, that where such consent has been asked for and denied by such Unit, she may then appeal to the Department Executive Committee for permission to apply for membership until such permission is granted.

## ARTICLE V

### UNIT OFFICERS

SECTION 1. The Officers of a Unit shall be a President, a First Vice President, Second Vice President, a Secretary and a Treasurer. These Officers with not less than three (3) additional elected members shall comprise the Unit Executive Committee. These Officers shall be elected at least thirty (30) days prior to County elections.

## ARTICLE VI

### POWERS

SECTION 1. This Auxiliary Unit shall be subject to all provisions of the National and Department Constitutions of the American Legion Auxiliary.

## ARTICLE VII

### AMENDMENTS

SECTION 1. Amendments to this Constitution may be made at any meeting of the Auxiliary Unit by a two-thirds vote of the members present, provided that a notice of the proposed amendment has been given in the call of the meeting, provided the amendment has been read at the previous regular meeting and further provided that Constitution shall not be amended to conflict with any rules or regulations adopted by the National or Department American Legion Auxiliary.

SECTION 2. The Executive Committee of this Unit shall have full power to amend this Constitution whenever it is necessary to immediately conform to any changes in the National or Department Constitution.

## BY-LAWS

### ARTICLE I

#### ADMINISTRATION

SECTION 1. Between meetings, the administration affairs of this Unit shall be under the supervision of an Executive Committee, which shall consist of at least three elected members in addition to the Unit Officers (President, two Vice Presidents, Secretary and Treasurer).

## ARTICLE II

### POWERS

SECTION 1. This Auxiliary Unit shall have full power to admit candidates for membership.

SECTION 2. Members may be suspended or expelled from the Unit only upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duties, dishonesty and conduct unbecoming a member of the American Legion Auxiliary.

All charges must be under oath, in writing, by the accusers and no member in good standing shall lose her membership until given a fair trial, in such manner and form as the National Executive Committee has prescribed.

SECTION 3. The Unit Executive Committee shall be empowered to remove any officer who does not satisfactorily fill her respective position or any member who is a disturbant factor of a Unit.

## ARTICLE III

### ELECTIONS

SECTION 1. The annual election of Officers, members of the Executive Committee and members of the \_\_\_\_\_ County Committee shall be held at least thirty (30) days prior to the County Election.

SECTION 2. When a vacancy occurs in the Executive Committee in any office of the Unit or in the County Committee, it shall be filled by a majority vote of the members present at the next regular meeting. A person so elected shall hold office for the unexpired term of her predecessor.

## ARTICLE IV

### DUTIES OF OFFICERS

SECTION 1. *President:* It shall be the duty of the President to preside at all meetings of the Auxiliary Unit and Executive Committee. She shall be its Chief Executive Officer, exercising a general supervision over the welfare and interest of the Unit and shall perform such other duties as pertain to her office. She shall be a member ex-officio of all committees. The President, with the Secretary, shall decide upon all matters for publication.

SECTION 2. *Vice-President:* It shall be the duty of the Vice-President, in her order to act for the President in her absence or disability. It shall be her duty to keep in touch with activities and progress of the Unit.

SECTION 3. *Secretary:* It shall be the duty of the Secretary to record all proceedings of the Unit and of the Executive Committee meetings, to keep all books that are needed to successfully carry on the work of the office, to receive and answer all official mail under the direction of the President, to send and give proper notice of all meetings, to care for the archives of the Unit and keep a record of all money received from all members for per capita, assessments or other sources. She is hereby vested with such authority as is necessary to carry out her duties successfully for the good of the American Legion Auxiliary.

SECTION 4. *Treasurer:* It shall be the duty of the Treasurer to receive all money belonging to the Unit and deposit same at such bank institutions as shall be designated by the Unit. All disbursements shall be made only upon order signed by the President. The Treasurer's books shall be open to inspection at all times and shall be audited quarterly. All persons shall be bonded by a National policy payable through Department Headquarters.

## ARTICLE V

### DUTIES OF COMMITTEES

SECTION 1. Every Committee Chairman shall present a report upon request of the Unit President and shall send an annual report to the County Chairman of her respective committee when called upon. Each committee shall follow closely the plan outlined by the Department Chairman of her committee.

SECTION 2. *Veterans Affairs and Rehabilitation and Committee on Children and Youth:* The Veterans Affairs and Rehabilitation Committee and Committee on Children and Youth shall have jurisdiction over the giving of relief to indigents, funerals of members and their relatives, care of the families of ex-servicemen, ex-service women and compensation.

SECTION 3. *Historian:* It shall be the duty of the Historian to prepare for posterity the records of the Unit and to make a report at the annual meeting.

SECTION 4. *Chaplain:* It shall be the duty of the Chaplain to conduct divine, but nonsectarian service at all meetings of the Unit as required. She shall keep a record of all deaths and shall perform such other duties as are prescribed by the President.

SECTION 5. *Sergeant-at-Arms:* It shall be the duty of the Sergeant-at-Arms to guard the door, allowing no one to enter during the opening, the initiation or the closing ceremonies and to perform such other duties as the President may direct.

SECTION 6. *Color Bearers:* It shall be the duty of the Color Bearers and Guards to have charge of the flags and perform whatever ceremonies are customary in meetings of the Unit.

SECTION 7. Finance/Audit: The Finance/Audit Committee shall have general supervision over the financial affairs of the Unit, shall approve all bills and audit the books of the Treasurer.

(a) a) Each Unit shall include the sum of eighty cents in the annual dues for each of its members to the Department Treasurer of which fifteen cents is sent to the National Organization and sixty-five cents is kept by the Department to be used for the Department Valentine gift for hospitalized veterans and Veterans and Rehabilitation.

(b) The Fiscal year shall begin August 1st and end July 31st.

SECTION 8. *Membership:* The Membership Committee shall have supervision over the procuring of new members and the reinstatement of members.

## ARTICLE VI

### DUES

SECTION 1. The dues of Senior Members shall be \_\_\_\_\_dollars per year. From such dues the Treasurer shall pay to the Department Treasurer for each of its Senior Members, the sum of eleven dollars and eighty cents. Distribution of these dues shall be as follows: five dollars and twenty five cents to the Department (fifty cents of which shall be in a special fund to defray the expenses of the ten District Presidents and twenty-five cents of which shall be allocated to the Children and Youth fund), five dollars to the National Organization (which shall include a subscription to the National News), eighty cents for Department and National Rehabilitation taxes, and seventy-five cents to the County Treasurer.

(a) The dues of Junior Members shall be \_\_\_\_\_dollars per year. Each Unit shall pay to the Department Treasurer for each of its Junior Members the sum of four-dollars. Distribution of these dues shall be as follows: One dollar and forty-five cents to the Department, one dollar and twenty-five cents to the National Organization, eighty cents for Department Rehabilitation taxes, and fifty cents to the County Treasurer.

## ARTICLE VII

### PENALTIES

SECTION 1. Annual dues shall be payable following Convention for the succeeding calendar year. A member failing to pay such annual dues by January 31<sup>st</sup> 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<sup>st</sup> of the year of delinquency shall automatically be dropped from the rolls and may not thereafter be reinstated without the payment of all past dues or by reestablishing eligibility and making application as a new member.

SECTION 2. An Officer failing to attend three consecutive meetings without a reasonable excuse shall be notified by the Secretary and the office be declared vacant by the president. The Secretary shall announce at each meeting the absent officers. This shall also apply to the members of the Executive Committee.

## ARTICLE VIII

### TRANSFERS

SECTION 1. Any member in good standing in a Unit shall be entitled to transfer to another Unit. Any member in good standing wishing to transfer to another Unit must present to the new Unit her current membership card. Upon acceptance of the transfer applicant by the new Unit, the Unit Secretary will complete the Certification of Transfer. The member shall then be entitled to active membership in said Unit. No dues shall be transferred.

## ARTICLE IX

### NOTICES

SECTION 1. Every member shall furnish to the Secretary an address to which all notices and documents may be sent and the same shall be held to have been duly sent to or served upon a member when posted or otherwise mailed to her at the address so furnished.

SECTION 2. Three days previous notice shall be given of all meetings of this Auxiliary Unit and three days previous notice of all meetings of the Executive Committee except when elections occur.

SECTION 3. When elections take place, five days previous notice shall be given members, specifying that an election is to be held.

## ARTICLE X

### UNIT MEETINGS

SECTION 1. Regular meetings of this Unit shall be held on the \_\_\_\_\_ of each month at \_\_\_\_\_ o'clock.

SECTION 2. Special meetings of this Unit may be called by the President, a majority of the Executive Committee or upon written request of \_\_\_\_\_ members of the Unit.

SECTION 3. \_\_\_\_\_ members shall constitute a quorum at any meeting of the Unit.

SECTION 4. Unit meetings shall not be held at the same time as County meetings.

## ARTICLE XI

### EXECUTIVE COMMITTEE MEETINGS

SECTION 1. The Executive Committee shall meet at the call of the President or upon written request of at least \_\_\_\_\_ members of the Committee.

SECTION 2. \_\_\_\_\_members shall constitute a quorum of the Executive Committee.

ARTICLE XII

DEPARTMENT CONVENTION

SECTION 1. This Auxiliary shall be represented in Department Convention by one (1) delegate and one(1) alternate for the first ten (10) members and one(1) additional delegate and alternate for each additional one hundred (100) members or major fraction thereof, whose current dues have been paid thirty (30) days prior to the date of the Convention. Unit delegates entitlements unused by Units may be elected from the respective County's membership at the June County meeting. Expenses to be at the discretion of the respective County voted at the June County meeting. The immediate Junior Past President of the Unit shall become the first delegate elected.

ARTICLE XIII

COUNTY COMMITTEE

SECTION 1. Representation in the .....County Committee shall be in accordance with the Department Constitution. This Unit shall be represented by the President and two members for the first ten members and one additional member for each additional fifty members or major fraction thereof.

ARTICLE XIV

APPOINTMENTS

SECTION 1. The President immediately upon taking office, shall appoint a Chaplain, Historian, Sergeant-at-Arms and Color Bearers who shall serve for one year or until their successors are chosen.

SECTION 2. The President shall appoint the following standing committees: Veterans Affairs and Rehabilitation, Children and Youth, Finance/Audit, Membership and such other committees as the Department requires.

ARTICLE XV

LIMITATION OF LIABILITIES

SECTION 1. This Unit shall not incur or cause to be incurred any liabilities or obligations whatever which shall subject to liability any other Unit, Post, sub-division, Department Organization, Committee or group of members of the American Legion Auxiliary or The American Legion.

ARTICLE XVI

RESOLUTIONS

SECTION 1. All resolutions of State and National scope presented to this Unit by a member or reported to this Unit by a Committee shall merely embody the opinion of this Unit on the subject, and a copy of the same shall be forwarded to Department Headquarters for its approval before publicity is given or action, other than mere passage by this Unit, is taken.

ARTICLE XVII

RULES

SECTION 1. The rules of procedures of this Auxiliary Unit shall be those set forth in "Robert's Rules of Order newly revised," except as otherwise expressly provided therein.

ARTICLE XVIII

AMENDMENTS

SECTION 1. Amendments to these Bylaws may be made at any meeting of the Auxiliary Unit by a two-thirds vote of the members present, provided that notice of the proposed amendment has been given in the call of the meeting, provided the amendment has been read at the previous regular meeting and further provided that this Constitution shall not be amended to conflict with any rules or regulations adopted by the National or Department American Legion Auxiliary.

SECTION 2. The Executive Committee of this Unit shall have full power to amend these Bylaws whenever it is necessary to immediately conform to any changes in the National or Department Bylaws.

**COUNTY COMMITTEE  
RULES**

1. A County Committee shall consist of members duly elected by the units as prescribed in the Constitution and Bylaws and shall be known as.....County Committee of the American Legion Auxiliary, Department of New York, Inc.
  - (a) The Units in the County shall be represented on the County Committee by the President of the unit and two members for the first ten (10) members and one additional fifty (50) members or major fraction thereof.

2. The County Committee shall elect a President, two or more Vice-Presidents, a Secretary and a Treasurer, the same to be elected annually at a regular or special County meeting at least thirty (30) days prior to the opening of Department Convention from the newly elected members to the County Committee. At the close of the Annual Meeting, those elected to office shall assume their respective positions. Wherever possible these positions should be distributed among the Units in the County.
- (a) In the event of the death or resignation of a County Officer, an election to fill the vacancy shall be held within thirty (30) days of such death or resignation and all County Committee members shall be properly notified of the proposed election.
3. The Vice Presidents of the County may assume the duties of Children & Youth Committee and the Veterans Affairs and Rehabilitation Committee.
4. The County President shall appoint Chairmen of standing committees to conform with those named by the Department President and she shall name such other committees as she shall deem advisable, subject to the ratification of the County Executive Committee. Wherever possible, the County Chairmen of standing committees should be selected from members of the County Committee. If such appointed Chairmen are not members of the County Committee, they do not become voting members.
5. Each County shall have what is known as an Executive Committee which shall be composed of three or more elected members, together with the County President, Vice President, Secretary and Treasurer.
6. The County President shall be under the direction of the District President and shall refer to her all disputed points.
7. In a County with two or more Units NO County President shall be eligible for election to that office for more than two (2) consecutive terms.
8. The County Secretary shall keep minutes of all meetings and shall send to the District President and all Units in her County PROMPTLY the names and addresses of the newly elected officers.
9. At each meeting of the County Committee, the County Secretary shall call the roll, members responding. This roll call shall be for the purpose of recording the attendance only. The absence of any member of the County Committee from two consecutive meetings of the County shall be reported by the County Secretary to the Executive Committee of the Unit she represents. The Executive Committee of the Unit shall give notice to said member to appear before said committee and answer therefor. In case she does not appear or in case her answer is not considered satisfactory, said Unit shall declare her election void and shall elect another member in her place.

10. The County Treasurer shall receive all money and send to the Department Treasurer as promptly as possible. They should not be held until any definite date. The County Treasurer shall disburse all money except dues, poppy money and Empire Girls State and send to Department headquarters.
11. There shall be a County Finance/Audit Committee composed of three (3) members. Of these three (3) members the first appointed one shall serve for three (3) years, one for two (2) years, and one for one (1) year. Thereafter one member shall be appointed yearly to a term of three (3) years by the County President, subject to ratification by the County Executive Committee.
12. Meetings of the County Committee shall be held at least once every two months.
13. Any Auxiliary member in good standing in her Unit may attend County meetings, but only duly elected members to the County Committee shall vote. No one, not a member of the Auxiliary or Legion should be admitted to these meetings.
14. ALL DEPARTMENT BULLETINS SHALL BE REVIEWED AT COUNTY MEETINGS AND DISCUSSED.
15. The immediate Junior Past County President, or her alternate elected for, the purpose, shall be the delegate to the Department Convention and likewise Chairman of the County Delegation. Expenses to be at the discretion of the respective County voted at the June County Meeting.
16. Installation of those elected to County positions is not required by the Department.
17. A member of the County Committee shall be known as a Committee member, not a delegate. There are no alternates to members of Committees, therefore, there are to be no alternates to the members of the County Committee, in accordance with the action of the Department Convention, in session assembled September 9, 10,11, 1926 at Niagara Falls, New York. In case of the absence of the President of the Unit, the Vice- Presidents, in their order, automatically become, as is, for time and purpose, under such a definition, the President of the Unit, and would, therefore, act on the County Committee. She shall not use her position at this time to become a candidate for County office.
18. The Installing Officer for the Units may be a Department Officer, President of the District, President of the County in which the Unit is located, a Past President of the Unit or anyone vested with such authority by the Department. (In Counties where it is impossible for the County President to do the work in her County, she has the right to designate a Vice- President of the County to install for her.)

19. The Department Executive Committee may prescribe provisions governing a County Committee. Additional rules desired by a County Committee shall be submitted to the Chairman of the Department Constitution and Bylaws Committee for approval before becoming effective.

*County Rules as amended at Department Convention in session assembled July, 2006 at Rochester, New York*

#### DISTRICT RULES

1. This District shall be known as \_\_\_\_\_ District of the American Legion Auxiliary, Department of New York, comprising the counties of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Its officers shall be a President and a Vice President who will be elected, and a Secretary who shall be appointed by the President. The Vice President shall serve as a District Membership Chairman. Additional officers or committees may be elected or appointed at the discretion of the District.

3. The President and Vice President shall be elected in a District Caucus at Department Convention on the day designated by the Department President.

(a) Any member in good standing in her Unit may sit in the District Caucus and may be nominated and elected to office, but only duly elected delegates may vote.

(B) No longer shall a majority of delegates give a County its full voting strength. ONLY DELEGATES PRESENT IN THE CAUCUS MAY VOTE.

4. The newly elected District President shall automatically become a member of the Department Executive Committee at the close of the Convention.

5. In the case of the death or resignation of the District President, a Caucus of the previous Convention delegates shall be called within thirty (30) days of such death or resignation for purpose of electing a District President and a District Vice-President.

(a) In case of the disability of the District President, the District Vice President shall take her place only until such disability ceases.

6. In the case of the death or resignation of the District Vice-President, a Caucus of the previous Convention delegates shall be called within thirty (30) days of such death or resignation for purpose of electing a District Vice-President.

(a) In case of the disability of the District Vice-President, the District President shall assume the responsibilities of the District Vice-President.

7. The District President shall be the Liaison Officer between her District and the Department.
  - (a) She shall transmit to her Counties all programs as ordered by the Department President.
  - (b) She shall be responsible to the Department for the success of those programs in her District.
  - (c) It shall be her duty to instruct all Counties and Units who need help in the understanding of their work.
  - (d) She shall attend all meetings called by the Department President.
  - (e) She shall be a delegate-at-large to the National and Department Conventions, with vote.
  - (f) Her expenses shall be paid by the Department from the District President's fund.
8. The District Vice-President shall act for the District President in her absence and perform such other duties as District President may prescribe.
9. The District Secretary shall record all minutes. She shall attend to all correspondence and help the District President in any other way she may direct. The District Secretary's expenses to the District Conferences shall be paid by the District President.
10. There shall be at least one District Conference during the year, which the District President shall call and at which time she shall preside.
  - (a) The District President shall instruct her counties that the County President and each Unit President, or their duly elected alternates, must attend these Conferences.
  - (b) A representation of a majority of the Counties shall constitute a quorum
  - (c) The County President and Unit Presidents, or their duly elected alternates, preferably one of the County Vice- Presidents in their respective order or a Unit Vice- President, have the right to vote in District Conference.
  - (d) Department Officers and Past Department Presidents who are members of a Unit within the District shall be delegates-at-large to the District Conferences, voting with the Units. (Department Officers are President, three Vice-Presidents, Secretary/Treasurer and ten (10) District Presidents.)
  - (e) District Conferences shall be self supporting. At no time is the Department responsible for any District expense pertaining to the Conference. At the conclusion of the administrating year, a financial report shall be given by the President to her District. Cost of transportation and housing of visiting Department Officers is provided by the Department.

*District Rules as amended at Department Convention in session assembled  
July, 2006 at Rochester, New York*