



## UNIT Constitution & Bylaws and Standing Rules

Unit Name and # \_\_\_\_\_

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

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

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

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

\_\_\_\_\_  
Signature of Department Constitution & Bylaws Chairman

AMERICAN LEGION AUXILIARY  
Department of New York, Inc.  
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Updated 12-2-2023

**This Constitution & Bylaws includes all amendments and changes as adopted at the Department of New York Annual Convention held in Buffalo, NY, July 18-20, 2019; The American Legion Auxiliary National Convention held in Indianapolis, IN, August 23-29, 2019; and The American Legion National Convention held in Indianapolis, IN, August 23-29, 2019; and all consequential changes and amendments required by adherence to the cited changes.**

**This is the only Unit Constitution & Bylaws template approved for use by Units in the Department of New York.**

# 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 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 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.

## ARTICLE I NAME

### SECTION 1.

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 1.

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 all 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.

### **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.**

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 a footnote to this Constitution for information purposes and shall be updated as appropriate.

### **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 spouse under the age of eighteen years who is eligible under Section 1 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 is a member of an organization which has for its aim the overthrow of the U.S. 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 or remain a member of The American Legion Auxiliary.

### **SECTION 5.**

No person who has been expelled by a Unit shall be admitted to membership in another Unit without the consent of the expelling Unit. Where such consent has been asked for and denied by the expelling Unit, the person may then appeal to the Department Executive Committee for

permission to apply for membership. Said person shall not become a member until such permission is granted by the Department Executive Committee.

## **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 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 Unit by a two-thirds vote in the affirmative of the members present, provided that a notice of the proposed amendment has been given in the call of the meeting, provided that 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.**

This Constitution shall be automatically amended to conform with any duly adopted amendments to this Constitution by National or Department Convention action.

### ***Footnote to the Unit Constitution***

*The American Legion Constitution and Bylaws, Article XIII, reads as follows:*

*Section 1. The American Legion recognizes an auxiliary organization, known as The American Legion Auxiliary.*

*Section 2. Membership in The American Legion Auxiliary shall be limited to the grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion, and to the 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 any of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941; 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 governments associated with the United States during any of said periods, and died in the 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 3. The American Legion Auxiliary shall be governed in each Department of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by such Department of The American Legion.*

*From The American Legion National Judge Advocate, October 11, 2019:*

*Per IRS regulation concerning auxiliaries to veteran service organizations states in part:*

*“At least 75 percent of its members and veterans, spouses of veterans, or related to a veteran within two degrees of Consanguinity (i.e., grandparent, brother, sister, grandchild represent the most distant allowable relationships).”*

*In order to align with IRS regulations, the most distant allowable will be granddaughter. This means no great or great-great granddaughters can join the Auxiliary. Current members whose eligibility relationship is great-granddaughter, great-great granddaughter or direct descendent can continue being a member, as long as their dues are kept current.*

# **BYLAWS**

## **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 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. No member in good standing shall lose her/his membership until given a fair trial, in accordance with the procedures prescribed by the National Organization.

### **SECTION 3.**

The Unit Executive Committee shall be empowered to remove any officer who does not satisfactorily fill her/his respective position.

### **SECTION 4.**

The Unit President, or other presiding officer, shall be empowered to remove from a meeting any member who does not conduct herself/himself according to the Code of Ethics adopted by the National Executive Committee.

## **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 provided that five days previous notice shall have been given members, specifying that an election is to be held. A person so elected shall hold office for the unexpired term of her/his predecessor.

## **ARTICLE IV DUTIES OF OFFICERS**

### SECTION 1.

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

### SECTION 2.

Vice President: It shall be the duty of each Vice President, in her/his order, to act for the President in her/his absence or disability. It shall be her/his 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, and to care for the archives of the Unit. The Secretary is hereby vested with such authority as is necessary to carry out these 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 and to keep a record of all money received from all members for per capita, assessments or other sources. All disbursements shall be made only upon approval of the Unit membership. The Treasurer's books shall be open to inspection at all times and shall be audited as prescribed by the Unit but no less often than annually. 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 reports to the County Chairman of her/his respective committee when called upon. Each committee shall follow closely the plan outlined by the Department Chairman of her/his 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-servicewomen, 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. The Chaplain 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/Risk & Compliance Committee: The Finance/Risk & Compliance Committee shall have general supervision over the financial affairs of the Unit, shall approve all bills and audit the books of the Treasurer.

- a) 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 and Junior Members shall be as specified in the Unit Standing Rules.

### **SECTION 2.**

The Unit Treasurer shall pay the per capita amounts as provided in the Department Standing Rules to the Department Treasurer for each of its members.

### **SECTION 3.**

Modification to the dues for members may be made at any meeting of the Unit by a two-thirds vote in the affirmative of the members present, provided that notice of the proposed dues change has been given in the call of the meeting and that the proposed dues change has been read at the previous regular meeting.

## **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 31st shall be classed as delinquent and shall be suspended from all membership privileges, provided, however, such suspended member shall be notified by the Secretary of the Unit in writing of such suspension prior thereto. Payment of back dues after suspension shall reinstate such member to active membership. Any member delinquent to December 31st of the year of delinquency shall automatically be dropped from the rolls and may not thereafter be reinstated without 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. No person who has been expelled by a Unit shall be admitted to membership in another Unit without the consent of the expelling Unit. Where such consent has been asked for and denied by the expelling Unit, the person may then appeal to the Department Executive Committee for

permission to apply for membership. Said person shall not become a member until such permission is granted by the Department Executive Committee.

## SECTION 2.

A member who is not subject to suspension or membership revocation under due process is eligible to transfer her/his membership to another unit if she/he has paid membership dues to the current unit for either the current or immediate past membership year. A member transferring to a new unit must pay current year dues to either the current unit or to the unit into which she/he wishes to transfer. Transfer is final upon verification of eligibility, evidence of paid membership, and acceptance of the transferee by the new Unit. Evidence of paid membership shall be as defined in the National Standing Rules. Such member shall be considered in good standing and shall be entitled to full membership rights, privileges, and benefits in the new Unit. No dues shall be transferred.

## SECTION 3.

A Unit member may withdraw providing the current dues are fully paid. Upon withdrawal, however, such individual shall be prohibited from joining any other Unit as a new member during the remainder of the current year for which said dues are paid. In the event a member wishes to remove membership from one Unit to another during the current year, it shall be done by transfer and not by withdrawal.

# 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 the member at the address so furnished.

## SECTION 2.

Three days previous notice shall be given of all meetings of this 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 \_\_\_\_\_ a.m./p.m.

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 Unit 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. The immediate Junior Past President of the Unit shall become the first delegate elected. The Unit's unused delegate entitlements may be elected from the respective County's membership at the June County meeting. Expenses for these delegates to be at the discretion of the respective County, voted at the June County meeting.

**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 (2) members for the first ten (10) members and one (1) additional member for each additional fifty (50) 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, The American Legion or the Sons of 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 passage by this Unit, is taken.

## **ARTICLE XVII RULES**

### **SECTION 1.**

The rules of procedures of this 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 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 that the amendment has been read at the previous regular meeting and further provided that these Bylaws 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.

## STANDING RULES

1. The dues of Senior Members shall be current per capita (plus unit portion \$ \_\_\_\_\_ dollars) per year. As provided in the Unit Bylaws, modification to the dues for Senior and Junior members shall require a two-thirds vote in the affirmative by the members present at the meeting.
2. The dues of Junior Members shall be current per capita (plus unit portion \$ \_\_\_\_\_ dollars) per year. As provided in the Unit Bylaws, modification to the dues for Senior and Junior members shall require a two-thirds vote in the affirmative by the members present at the meeting.

***NOTE: A Unit may have Standing Rules in addition to rules #1 and #2 above, subject to the approval of the Department Constitution & Bylaws Chairman.***