

**CONSTITUTION and BYLAWS**

**of**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, NEW JERSEY**

**\_\_\_\_\_\_\_\_\_\_\_ 2023**

**AMERICAN LEGION AUXILIARY**

**\_\_\_\_\_\_\_\_\_\_\_\_ (insert Unit name and number)\_\_\_\_\_\_\_\_\_\_\_\_\_**

**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 percent Americanism;

To preserve our memories and incidents of our association in 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 accomplishments 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 the organization shall be American Legion Auxiliary, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Unit # \_\_\_\_\_\_\_, Department of New Jersey.

**ARTICLE II**

***Nature***

**Section 1.** The American Legion Auxiliary is a civilian patriotic service organization that supports the mission of The American Legion.

**Section 2.** The American Legion Auxiliary shall be non-political and shall not be used for dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

**ARTICLE III**

***Object***

**Section 1.** The object of the American Legion Auxiliary, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Unit \_\_\_\_, Department of New Jersey shall be stated as in the Preamble to the Constitution.

**ARTILCE 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.

Membership in the American Legion Auxiliary shall be limited to the:

**1.** Grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion:

**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 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 served in 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\*.

\*A woman who is eligible for American Legion membership is eligible to join the American Legion Auxiliary regardless of whether or not she is a member of The American Legon. However, eligibility of her female relatives (sister, mother, direct descendants) and/or spouse depends upon her membership in The American Legion.

**Section 2.** There shall be two (2) classes of membership, Senior and Junior.

a. Senior membership shall be composed of members over the age of eighteen (18) years and older; provided however, that a member under the age of eighteen (18) 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 (18) years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen (18) years, Junior members shall automatically be admitted into Senior membership with full privileges.

c. Dues of both classes shall be paid annually or for life.

d. The per capita tax shall apply to all members. There shall be no exceptions from the per capita tax. The responsibility of paying the per capita tax of a “life member” rests with the Unit.

e. The responsibility of paying the per-capita tax of a “life” member rest upon the Unit.

The Unit members shall be the judge of whom it will admit to membership. Eligibility does not constitute acceptance.

f. An applicant will be accepted into membership when 2/3 of the members present at a regularly scheduled Unit meeting vote to accept the applicant.

**Section 3.** The conferring of “honorary” membership in the American Legion Auxiliary upon any person not falling within the eligibility provisions is prohibited.

**ARTICLE V**

***Unit Officers***

**Section 1.** The Unit shall elect bi-annually a President, Vice President, Secretary, Treasurer, Historian, Chaplain, and Sergeant at Arms, who shall serve until their successor is duly elected or otherwise provided. The position of Secretary/Treasurer can be combined.

**ARTICLE VI**

***Executive Committee***

**Section 1.** There shall be an Executive Committee which shall consist of Unit Officers, and three (3) additional members at large. The term of office for members of the Executive Board will be\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_..

**Section 2.** Unit Officers, the Senior Past Unit President and the elected at-large members in attendance shall have the privilege of voting. Other Past Unit Presidents attending a meeting shall not have a vote unless they are an officer or elected as a member-at- large.

**ARTICLE VII**

***Powers***

**Section 1.** The Unit shall be subjected to all provisions of the National and Department Constitutions of the American Legion Auxiliary.

**ARTICLE VIII**

***Fiscal Year***

**Section 1.** The fiscal year for the Unit shall be July 1 – June 30 of any given year.

**ARTICLE IX**

***Amendments***

**Section 1.** This Constitution may be amended by a two-thirds (2/3) vote of the members present at a regular Unit meeting, provided the proposed amendments shall have been read at the previous meeting.

**Section 2.** Amendments not having been previously read, may be adopted by a unanimous vote of the member’s present.

**Section 3.** This Constitution shall be automatically amended to conform to the National, Department and County Constitution and Bylaws and 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, the proceedings of which shall be presented to the Unit at the next regular monthly meeting for approval.

**Section 2.** A vacancy existing in the Executive Committee from any cause other than the expiration of a term, shall be filled by the majority vote of the entire Committee. A person so elected shall hold office for the unexpired term of the member whom they succeed. In the event of the death or resignation of the President during their term, the Vice Presidents shall automatically advance in office.

**Section 3.** \_(Insert % or number)\_\_of the members of the Executive Committee shall constitute a quorum.

**ARTICLE II**

***Duties and Powers of the Officers***

**Section 1A. Unit President:**

It shall be the duty of the Unit President to:

a. Preside at all meetings of the Unit and Unit Executive Committee.

b. Enforce strict observance of the Constitution & Bylaws.

c. To appoint, with the approval of the Organization, the appointed officers and

all Standing and Special committees

d. Appoint an Ad-Hoc Committee when deemed necessary.

e. Call a meeting of the Organization in the event of death, removal or

resignation of the Chaplain, to have an election to fill the vacancy.

f. Familiarize themself with all bulletins and notices received from the County

and Department office, Department Officers, or County Committee Chairman

so they can explain their contents to the Unit Members.

g. Distribute copies of notices and bulletins to the Unit Chairman for use in their

respective programs.

**Section 1B.** The President shall be ex-officio, and a voting member of every committee

except for the Nominating Committee, and shall perform such

duties that may be indicative to the office.

**Section 2. Unit Vice-Presidents:**

The Vice-President shall, when called upon, assist the President, and in their absence, perform the duties of the office of President. The Vice- President shall succeed the President in office in case of health, resignation, or removal.

**Section 3. Unit Secretary:**

It shall be the duty of the Unit Secretary to record the proceedings and transactions of the Unit meetings and Executive Committee meetings; to act as custodian of all books, papers and records; to keep a record of names and addresses of members, showing the source of their eligibility; to send out such notices as directed by the President; to address the correspondence of the Unit; copies of all correspondence sent and received shall be kept in a comprehensive manner; and perform other duties as shall be required of them by the President.

**Section 4. Unit Treasurer:**

a. It shall be the duty of the Unit Treasurer to receive and account for all monies belonging to the Unit and account for them.

b. They shall be bonded through the National Headquarters. Bonding will be paid every three (3) years by the Unit through the Department Headquarters.

c. They shall maintain two (2) separate Funds namely a General and Rehabilitation Fund.

d. All Poppy donations shall be placed in the Rehabilitation Fund to be used to assist veterans and his/her children.

e. The Treasurer shall pay all orders signed by the President or Secretary and shall retain these orders as their vouchers.

f. They shall keep a record of all receipts and expenditures, making monthly report thereon, and such reports as may be deemed necessary by the Unit Executive Committee.

g. The accounts shall be audited annually.

h. They shall pay all current bills before transferring all funds, books and papers belonging to the Unit to their successor.

**Section 5. Unit Historian:**

It shall be the duty of the Historian to compile historical records of the Unit and to make a report to the County HIstorian.

**Section 6. Unit 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 the President may direct.

**Section 7. Unit Sergeant at Arms:**

It shall be the duty of the Sergeant at Arms to preserve order at the meetings of the Unit and such other duties as may be prescribed by the President.

**ARTICLE III  
*Membership Dues***

**Section 1.** The annual Senior and Junior Membership Dues of the Unit shall include National, Department and County per capita assessments.

1. The Membership year is January 1st to December 31st

**Section 2.** A member failing to pay annual dues, including the Unit, Department, and National Assessments by January 31st, shall be classified as delinquent and shall be suspended from all membership privileges, provided, that said member shall have been notified in writing by the Secretary of the Unit of such suspension prior thereto

.

**Section 3.** Any member delinquent to December 31st of the second consecutive year, shall automatically be dropped from the rolls and may be reinstated only by paying all back dues or by re-stablishing eligibility and making application as a new member.

**ARTICLE IV**

***Unit Meetings***

**Section 1.** The Regular Unit Meetings of the American Legion Auxiliary \_\_\_\_\_\_\_\_\_\_ Unit #\_\_\_\_\_ shall be held on the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of each month and be called to order at \_\_\_\_\_\_\_\_\_\_\_\_\_\_(AM or PM).

1. A meeting date may be changed by a majority vote of the membership present at a regular meeting.
2. There shall be no regularly scheduled unit meetings in the months of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (for example-June, July or August.)

**Section 2**. An Annual Meeting of the Unit shall be held in \_\_\_\_\_\_\_\_\_\_ for the purpose of electing officers (bi-annually) and receiving annual consolidated committee reports

.

**Section 3.** The President may call special meetings of the Unit, by majority of the Executive Committee, or upon written request of four (4) members of the Unit.

**Section 4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** members shall constitute a quorum.

**ARTICLE V**

***Elections***

**Section 1.** Election may be by voice vote if there is only one (1) candidate; but where there is more than one candidate for the same office, election shall be by ballot and the majority of votes cast shall be necessary to elect.

**Section 2.** Delegates and Alternates to the Department Convention shall be elected at a Unit meeting duly called for that purpose not less than thirty (30) days prior to the convention.

a. Alternates shall have priority in order of their election.

**Section 3.** To participate in the election of Unit Officers, a member shall have paid their dues for the current fiscal year, within which the election is held, at least two (2) weeks prior to the election.

**Section 4**. Unit Officers shall take office immediately following the close of Department Convention and shall serve until the close of the succeeding Department Convention or

until their successors are chosen.

**Section 5**. All Officers and Executive Board members shall be elected (either) annually or bi-annually at a meeting duly called for that purpose. The Secretary may be either elected or appointed according to the rules prescribe by the Department.

**ARTICLE VI**

***Committees***

**Section 1.** The following Standing Committees may be included in the Unit’s Program: Americanism, Audit, Children & Youth, Finance and Budget, Governing Documents, Membership, National Security and Veterans Affairs and Rehabilitation.

a. The following shall be the Special Unit Committees: Advisory, Auxiliary Emergency Fund, Education, Gold Star Mothers, Hospitality, Jersey Girl State, Junior Activities, Leadership, Legislative, Membership, Past President’s Parley, Poppies, Public Relations and Resolutions.

**Section 2**. Ad-hoc Committees shall be created as the need arises.

**Section 3.** The Finance Committee shall consist of three (3) members appointed by the President and one (1) of whom shall be the Treasurer. Its duties shall include:

a. Preparation of the yearly budget to be presented at the first Unit meeting of the new administration.

b. Supervision of the expenditure of funds under the approved budget.

**Section 4**. The President may appoint a Nominating Committee.

a. A Past Unit President shall serve as the Chairman and two (2) additional members, preferably Past Unit Presidents shall also be appointed to serve.

b. The Committee shall meet prior to the regular meeting in the month of \_\_\_\_\_\_and present to the members present at the meeting, a slate of one (1) nominee for each office.

c. The Committee is dismissed after presenting the slate.

d. Members of the Nominating Committee may be nominees for office.

**Section 5.** All committee chairmen shall furnish written monthly reports and an annual report to the Unit.

**Section 6.** Committee chairman shall file written monthly reports to their respective county committee chairman by the county chairman’s deadline.

**ARTICLE VII**

***Transfers***

**Section 1.** Transfer of membership from one (1) Unit to another shall be upon application of the member to and acceptance by, the other Unit.

**Section 2.** Any member in good standing wishing to transfer to another Unit must present their current membership card to the new unit. Upon acceptance of the transfer application by the new Unit, the Unit Officer/and or Membership Chairman will complete the transfer section of the Member Data Form. The new Unit Officer/and or Membership Chairman and transferring member must sign and date the Member Data Form to be valid. The member shall be entitled to active membership and all privileges in the new unit.

**Section 3.** No dues shall be transferred.

**Section 4.** A transfer of membership from another Unit will take place after two-thirds (2/3) of the membership present at a regularly scheduled Unit #\_\_\_\_\_\_ meeting have voted to approve the transfer.

**ARTICLE VIII**

***Discipline***

**Section 1.** For any violation of the Unit, County, Department or National Constitution and Bylaws, or for conduct improper and prejudicial to 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 is binding only if said member or Officer shall receive in writing thirty (30) days’ notice of the charges and the hearing. The Unit Secretary shall send such notifications.

a. Either party may have the right to appeal to the Department Executive Committee. The Department President shall appoint a sub-committee for finding the facts. Their recommendations shall be acted upon by the full Department Executive Committee, and their action shall be final.

b. The expense of said appeal shall be borne by the appellant.

**Section 2.** Neither this Unit, nor any member thereof shall circularize any other Unit or member thereof without consent of the Department Executive Committee.

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

**Section 4.** All requests for information regarding the Unit and County matters shall come in writing from the Unit President or Secretary to the County President or Secretary before any action can be taken.

**ARTICLE IX**

***Parliamentary Authority***

**Section 1.** The Unit organization shall be governed by the current edition of “Roberts Rules of Order, Newly Revised”, on all points not covered by the Constitution and Bylaws.

**ARTICLE X**

***Amendments***

**Section 1.** The Bylaws may be amended by a two-third (2/3) vote of the members present at a regular Unit meeting, provided the proposed amendments shall have been read at the previous Unit meeting.

**Section 2.** Amendments not having been previously read, may be adopted by a unanimous vote of the members present a regular Unit meeting.

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Unit C&B Chairman

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Unit President

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approved By:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

Department Constitution and Bylaws Chairman