

**GILBERT AMERICAN LEGION AUXILIARY
MERRELL MITCHELL UNIT 39
DEPARTMENT OF ARIZONA**

**PREAMBLE TO THE CONSTITUTION
CONSTITUTION
BYLAWS
STANDING RULES**

APPROVED NOVEMBER 8, 2022, AND DECEMBER 13, 2022

GILBERT AMERICAN LEGION AUXILIARY

UNIT 39

DEPARTMENT OF ARIZONA

CONSTITUTION

PREAMBLE TO THE CONSTITUTION

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 ASSOCIATION 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 SANTIFY OUR ASSOCIATION BY OUR DEVOTION TO
MUTUAL HELPFULNESS.

CONSTITUTION

CONSTITUTION:

Article I - Name

The name of this organization shall be Gilbert American Legion Auxiliary, Merrell-Mitchell Unit No. 39, Department of Arizona, Inc.

Article II - Nature

Section 1:

The American Legion recognizes an auxiliary organization, known as the American Legion Auxiliary.

Article III – Object

Section 1:

The object of the Gilbert American Legion Auxiliary, Merrell-Mitchell Unit No. 39, Department of Arizona shall be as stated in the Preamble of the Constitution.

Article IV: – Eligibility

Section 1:

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

- a. grandmother, mother, sisters, spouses and direct and adopted descendants of the American Legion; and
- b. grandmother, mother, sisters, spouses and direct and adopted female descendants of all men and women who served in either of the following periods: April 16, 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 her 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;
- c. grandmother, mother, sisters, spouses and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941, who served on active duty in the Armed Forces of the United States during either eligibility periods and died in the line of duty or after honorable discharge; and
- d. 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 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 the age of eighteen 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.

Article V: - Unit Officers

Section 1:

The Unit shall elect annually a President, First Vice President, Second Vice President, Secretary, Treasurer, Chaplain, Historian, Sergeant-at-Arms and Members-at-Large who shall serve until their successors are duly elected or as otherwise provided.

Article VI: – Executive Committee

Section 1:

There shall be an Executive Committee, which shall consist of the officers, past president, and members-at-large elected by the Unit. There shall be 7 Members-at-Large to serve the Unit. The term of office for members of the Executive Committee shall be for one year.

Article VII: Parliamentary Authority

Section 1:

This Unit shall be governed by the current issue of “Robert’s Rules of Order Newly Revised”, on all points not covered by this constitution and bylaws.

Article VII: Fiscal Year

Section 1:

The fiscal year shall be June 1st to May 31st, inclusive.

Article IX: Amendments

Section 1:

This Constitution may be amended by a two-thirds vote of the members present at a regular Unit meeting, provided the proposed amendments shall have been read at the previous meeting.

Section 2:

This Constitution shall be automatically amended to conform to the National and Department Constitution and Bylaws and Standing Rules of the American Legion Auxiliary.

Constitution & Bylaw Committee 2022-2023

Erica Bailey & Dionna Lopez

Presented at general meeting on November 8, 2022 & December 13, 2022, approved.
Standing Rules updated per General meeting November 8, 2022

BYLAWS

Bylaws

Article I: – EXECUTIVE COMMITTEE

Section 1:

Between meetings the government and management of this Unit shall be entrusted to the Unit Executive Committee and all proceedings of said committee shall be presented to the Unit at the next meeting for approval.

Section 2:

A vacancy existing in the Unit Executive Committee from any cause other than the expiration of a term shall be voted on by General Membership at the soonest possible General Meeting. A person so elected shall hold office for the unexpired term of the member she/he succeeds.

Section 3:

One-third of the members of the Unit Executive Committee shall constitute a quorum.

Section 4:

Special meetings may be called by order of the Unit President or on written request of at least three members of the Unit Executive Committee. Uniform notice of such special meeting shall be given to all members of the Unit Executive Committee; and, except in extreme emergency, shall be given at least forty-eight hours in advance. At special meetings only business specified shall be transacted. Special meetings may be held in person, via videotelephony (i.e., Zoom) or email

Article II: ELECTIONS

Section 1:

All Unit officers and members of the executive committee, with exception of Past President shall be elected at the regular meeting in May.

Section 2:

Nominations shall be made from the floor during the regular general meetings in March and April.

Section 3:

Election shall be by ballot except when there is only one candidate for an office, the nominee may be elected by voice vote, or the President may declare her/him duly elected. If more than one candidate is running for the same office, elections shall be held from noon until 6:00 pm on the day of the May meeting. Two persons from another entity or Unit who is not running for elected office and is not related to anyone running for elected office shall count the ballots and announce election results immediately following the roll call of the May Auxiliary general meeting.

Section 4:

It shall be mandatory that the officers elected be present at said meeting unless for good and sufficient reasons the candidate is unable to be present and has by acceptance of nomination at the March or April meeting or, in writing, (to include email, fax, or text), expressed her/his willingness to serve as an officer.

Section 5:

Installation of officers shall be immediately following the close of elections at the May meeting. Said officers shall assume the duties of their respective offices on June 1st.

Article III: – DUTIES

Section 1: DUTIES OF THE UNIT PRESIDENT:

It shall be the duty of the Unit President to preside at all meetings of the Unit and Unit Executive Committee; to enforce strict observance of the Constitution and Bylaws; to appoint members of the standing committees; to create such other committees and appoint members thereof as she/he deems advisable with the approval of the Executive Committee; to perform such other duties as custom and parliamentary usage require; and to appoint all officers not otherwise provided for. She/he shall be ex-officio member of all committees. The Unit President must be an able and qualified leader for she/he represents the Auxiliary in her/his community, and its success or failure depends largely on her/him. The retiring Unit President or designee shall serve as Chairman of the Convention Delegation and attend all sessions of the convention.

Section 2: DUTIES OF THE UNIT FIRST VICE PRESIDENT:

The Unit First Vice President shall be membership chairman and shall when called upon assist the president and in her/his absence perform her/his duties and shall succeed her/him in case of death, resignation, or removal. She/he shall make a membership report to the Department Headquarters weekly and shall remit with said report all Department and National dues collected and reported. As Membership Chairman she/he shall process all applications, transfers, renewals and transmittals and maintain the membership board.

Section 3: DUTIES OF THE UNIT SECOND VICE PRESIDENT

The Unit Second Vice President shall be Ways and Means Chairman, including kitchen supervision for Auxiliary events, and shall when called upon assist the President and First Vice President, and in the absence of both the President and First Vice President shall perform the duties of the President.

Section 4: DUTIES OF THE UNIT SECRETARY

It shall be the duty of the Unit Secretary to record the proceedings and transaction of all meetings of the Unit. To act as custodian of all books, papers and records. To send out such notices as required of her/him by the Unit President.

Section 5: DUTIES OF THE UNIT TREASURER

It shall be the duty of the Unit Treasurer to receive all money belonging to the Unit and account for same. She/he shall be bonded in such amount as the Unit Executive Committee may determine the premium of said bond to be paid by the Unit. The Unit Treasurer shall make all expenditures by check. Unit checks shall be signed by two of the following: Unit President, Unit First Vice President, Unit 2nd Vice President or Unit Treasurer. She/he shall keep account of her/his receipts and expenditures making monthly reports thereon and such other reports as may be deemed necessary by the executive committee. She/he shall pay over and deliver to her/his successor all money

vouchers, books and papers belonging to the Unit. Unit Treasurer and past Unit Treasurer shall be included in the Audit and Budget Committees.

Section 6: DUTIES OF THE UNIT HISTORIAN

It shall be the duty of the Unit Historian to prepare a history of the Unit and to make a report to the Department, and to maintain a Unit scrapbook.

Section 7: DUTIES OF THE UNIT SERGEANT-AT-ARMS

It shall be the duty of the Unit Sergeant-At-Arms to preserve order at the meetings of the Unit. For proper care and posting of Unit colors, to act as liaison to all Auxiliary members and guests and such other duties as may be prescribed by the Unit President.

Section 8: DUTIES OF THE UNIT CHAPLAIN

It shall be the duty of the Unit Chaplain to pronounce the invocation and the benediction at Auxiliary meetings, as well as performing such other acts as would fall within the realm of her/his office as the spiritual leader of the Unit including, but not limited to dedication of halls, monuments or colors, Four Chaplain Services, POW/MIA recognition programs and the memorial service of a member, always lending dignity and respect to the occasion.

Section 9: DUTIES OF UNIT MEMBERS-AT-LARGE

It shall be the duty of the Unit Members-At-Large to represent general membership at all Executive Board meetings.

Section 10: DUTIES OF THE UNIT PARLIAMENTARIAN

It shall be the duty of the Unit Parliamentarian to keep order in the meetings and to ensure the meetings are being conducted in accordance with current issue of "Roberts Rules of Order Newly Revised". The Unit Parliamentarian is not eligible to vote at the Executive Board meetings or the General Membership meeting.

Section 11: DUTIES OF UNIT COMMITTEE CHAIRMEN

- a. Shall oversee and be responsible for all functions of her/his committee.
- b. Shall be at the top of the chain of command within her/his committee.
- c. Shall conduct her/himself in a manner befitting a representative of her/his Unit to all organizations, individuals and members.
- d. Shall cooperate with all those that may have requests from her/his committee.
- e. Shall make inquiries on information received from any and all organizations, individuals, or members.
- f. Shall delegate inquiries and information to sub-committee chairman responsible for each inquiry.
- g. Shall be responsible to bring forth inquiries to the Unit to vote for acceptance and or assistance.
- h. Shall be responsible for all mid-year and year-end reports from each sub-committee.
- i. If at any time chairman is not available to assist an organization or individual in time of need, inquiries will be directed to the Unit President for her/him to contact the proper sub-committee chairman.
- j. Programs requiring funds must be presented to the membership and receive a 2/3 majority vote for the expenditure if it is not a budgeted item.

Article IV: Membership

Section 1:

The membership year of the Unit shall be the same as that of the Department, January 1st to December 31st, inclusive. The annual membership dues of this Unit shall be determined by Unit vote and documented in a Standing Rule. Dues shall be paid annually or for life and shall include the Department and National per capita.

Section 2:

Dues are collected in advance and are payable annually for the succeeding calendar year. A member failing to pay annual dues, including the Unit, State and National assessments, by January 31, shall be classed as delinquent and shall be suspended from all membership privileges. Payment of current dues, after suspension and before December 31 of the dues year, shall reinstate the member to active membership. Any member who is still under suspension on December 31st of the year of delinquency shall automatically be dropped from the rolls and the continuity of her/his membership is broken.

A member dropped from the rolls may reinstate her/his membership by either of the following methods.

1. If she/he is unable to establish eligibility as a new member, her/his membership may be continued by paying dues for the period of delinquency and for the current year and vote of the Unit. By this procedure she/he may be reinstated even though her/his service relative is not in good standing in The American Legion at the time of her/his application for reinstatement.
2. If she/he prefers not to pay back dues and can establish eligibility as of the date when she/he applies for reinstatement, she/he may submit a new membership application, subject to acceptance by the Unit, and payment of dues for the current year only. Reinstatement of membership by either/him #1 or #2 above does not count as continuous membership. Continuous membership is the payment of dues annually without interruption. Once continuous membership has been broken, it cannot be reinstated.

Section 3:

The Unit shall vote on all new applications and transfers presented at regular meetings. Between meetings the Unit Executive Committee is empowered to vote on new applications and transfers in order to meet Department and National deadlines. New members and transfers approved at the Unit Executive Board meetings shall be read at the next regular Unit meeting.

Article V: TRANSFERS

Section 1:

Transfers of membership from another Unit shall be upon application of the member of that Unit to and acceptance by this Unit or the Executive Committee. The applicant's dues for the current year must have been paid by her/him to the Unit from which she/he wishes to transfer. No dues shall be transferred. Upon her/his acceptance by vote of the

Unit, the transferred member shall be entitled to the same voting privileges as other members.

Article VI: UNIT MEETINGS

Section 1: Special Meetings

Special meetings of this Unit may be called by the Unit President or by a majority of the Unit Executive Committee, or any members of the Unit may request a special Unit meeting in writing to the Unit President. Unit Special Meetings may be held in person and/or via videotelephony (i.e., zoom)

Article VII: COMMITTEES

Section 1:

The Unit President shall be ex-officio member of all committees. The committees appointed shall conform to the convenience of the Unit President.

Section 2:

Audit and Budget Committees shall be appointed by the retiring Unit President, with the approval of the Unit Executive Committee. This committee shall make its report at the earliest meeting following the fiscal year end. According to Article III, Section 5, the incoming Unit Treasurer, and past Unit Treasurer shall sit on both of these committees.

Section 3:

The Unit Emergency Fund Committee (not to be confused with Department AEF) will consist of Unit President, Unit First Vice President, Unit Treasurer and Unit Secretary. The Unit shall establish a fund as determined by membership vote in accordance with the Unit's standing rule. Criteria for disbursement:

- a. Extreme emergency.
- b. Must be a member in good standing for a period of two years.
- c. A one-time limit established in accordance with the Unit's standing rule unless there is an extreme catastrophe.
- d. Approvals by committee after all other avenues have been exhausted for financial assistance.
- e. Checks will be made payable to the debtor and will not be paid to member.
- f. Member should make an attempt to repay.

Article VIII: BONDING

The premium on the National Membership Bond shall be paid by the Unit.

Article IX: CONVENTION DELEGATES

Section 1:

Delegates and alternates to a Department Convention shall be elected at a Unit meeting prior to the Department Convention. Alternates shall have priority in order of their election. The retiring Unit President or designee shall be delegation chairman.

Section 2:

Mandates to District, Department and National Convention must be paid 30 days prior to the Department Convention to ensure delegates are entitled to vote.

Article X: DISCIPLINE

Section 1:

For any violation of Unit, Department or National Constitutions, or conduct improper and detrimental to the welfare of the Auxiliary or The American Legion any member may be expelled from membership by two thirds vote at a Unit meeting duly called for that purpose. Said expulsion from, shall be binding, only in the event said member shall be given fifteen (15) days' notice in writing by the Unit Executive Committee of the charges and hearing thereof. Either party may have the right to appeal to the Department Executive Committee. Its actions shall be final. The expense of said appeal shall be borne by the appellant.

Section 2:

No member or group of members shall subject this Unit to liability, financially or otherwise, without authorization of the Unit.

Article XI: Amendments

Section 1:

The Bylaws may be amended by a two-thirds vote of the members present at a regular Unit meeting, provided the proposed amendments shall have been read at a previous meeting.

Section 2:

The Bylaws shall be automatically amended to conform to the National and Department Constitution and Bylaws and Standing Rules of the American Legion Auxiliary.

Constitution & Bylaw Committee 2022/2023:

Erica Bailey, Dionna Lopez

Present at general meeting on November 8, 2022 & December 13, 2022, approved.
Standing Rules updated per General meeting January 10, 2023.

STANDING RULES

STANDING RULES:

1. The dues for senior membership in Unit 39 starting with the year 2023 are \$35.00 as approved by the membership in the January 2018 General meeting. The dues for junior membership in Unit 39 for 2023 are \$10.00. Any increase must be approved by the membership at a general meeting.
2. A Memorial donation of \$25.00 shall be sent to the American Legion Child Welfare Fund when a Unit member dies. A \$25.00 memorial will also be sent in the event of the death of her/him spouse or her/him child.
3. A memorial not to exceed \$55.00 in the form of flowers or gift shall be allocated for a deceased unit member.
4. A valid American legion Auxiliary Membership Card shall reflect the member's current pertinent membership information and may either/him be:
 - a. A preprinted Auxiliary membership card conveyed by a unit or department;
 - b. A preprinted Auxiliary membership card mailed via the United States Postal Service or couriered via a professional delivery service;
 - c. An Auxiliary membership card is electronically or digitally printed from a new membership generated online or a renewed membership paid online or by phone via the American Legion Auxiliary website online membership system; an official American Legion Auxiliary membership card printed online must bear the electronic signature of the American Legion Auxiliary National Secretary and be hand-signed by the member.

An American Legion Auxiliary membership card electronically printed online as described above in the subsection 4.c carries all of the American Legion Auxiliary rights and privileges the same as does a pre-printed stock Auxiliary membership card as described above in subsections 4.a and b.
5. No member of the Unit may conduct fund raising in the name of the Unit without prior Unit and Executive Committee approval. This rule shall not prevent any Auxiliary member from assisting as an individual in any Post approved project, fund raising or otherwise.
6. The Unit Emergency Fund Committee one time limit will be \$500.00.
7. All monies collected must be counted by at least two Legion Family members and turned over to the Treasurer for deposit. The Treasurer will count and give a receipt for all monies received. In case of the necessary absence of the Unit Treasurer, the Unit President shall accept this responsibility. In case of the absence of both Treasurer and President, the Unit 1st Vice President or 2nd Vice President may accept monies and make deposits.
8. As soon as possible after election of officers, the newly elected Membership Chairman shall furnish up to date membership list to the Unit President, Unit Secretary, the Unit 2nd Vice President and the Unit Chaplain.
9. The Unit shall pay the required annual fee to Department for the President and Vice President to maintain access to the American Legion Auxiliary Membership Information System [ALAMIS].
10. A receipt shall be given to each person paying dues, whether a new member or a renewal. Members collecting dues should at the same time obtain the correct address, email address and phone number of the paying member.
11. The Unit shall sponsor any member for attendance at a Leadership Seminar sponsored by the Department and National Leadership Development Committee.

Attending member shall pay cost. Upon proof of attendance, member shall be reimbursed her/his registration cost.

12. When a junior member reaches the age of eighteen years, the Unit shall pay for a junior's first year of senior membership.

13. Delegates to the Department Convention shall be paid the budgeted amount provided they attend all sessions of the convention, and provided they provide proof of attendance.

14. Special funds shall be set up and designated for projects and programs. These funds shall be held as allocated funds and not to be disbursed on other items or programs other than as designated.

15. Unit 39 shall annually make available the Alwine St. Germaine Scholarship to a Gilbert female if all required criteria have been met. This scholarship will be \$500.00 and sent directly to the school of her/him choice.

16. The term "written notice" as used in the Constitution and By Laws shall include letter, FAX, or email.

17. The Standing Rules may be amended by a two-thirds vote of the members present at a regular Unit meeting.

18. The Executive Committee shall have authority to distribute up to \$500 for expenses that may arise in between general meetings that have deadlines prior to the next general meeting. These expenses shall be noted in the Executive Committee Minutes for approval at the next general membership meeting.

19. Unit 39 will waive annual dues for female Legionnaires provided:

a. The female Legionnaire is a current member with American Legion Merrell Mitchell Post 39;

b. The Unit will pay the portion of dues owed to Department and National for dual members who meet the above criteria.

20. Any officer or executive committee member who cannot attend any meeting, whether electronic or in person meeting needs to communicate that to the President via text or email at least 24 hours prior to the meeting if possible. To not do so will constitute an Unexcused Absence. Three unexcused absences during the course of a term [June 1 through May 31] shall be considered a resignation of the elected or appointed position held by that member.' This shall become effective on September 1, 2020.

21. Regular Meetings; The regular meetings of the Gilbert American Legion Auxiliary Unit 39 shall be held on the second Tuesday of each month, unless otherwise specified, and shall be called to order at 6:00 p.m. Meetings will be held in person and/or via videotelephony (i.e., zoom), unless otherwise specified.

22. Executive Meetings; The Executive Committee meetings of the Gilbert American Legion Auxiliary Unit 39 shall be held on Emergency Motion only and will be called to order at 6:00 pm on the date specified by the Auxiliary President. Said motion can be made by any Member or Officer in good standing.

23. To qualify to be elected as an officer, the candidate must have the ability to pass a background check prior to installation. Any candidate that has a criminal history consisting of a felony conviction within the last 10 years may not be installed and will not be eligible to chair a committee. Any candidate that has a criminal history consisting of

a felony or misdemeanor for any of the following types of crimes in their lifetime is not eligible to be installed as President, 1st Vice President, 2nd Vice President, or Treasurer. Additionally, said candidate will not be eligible to chair any committee that consists of handling a unit bank or investment account or that consists of contact with members of the community that are under the age of 18 or over the age of 65.

- Financial Crime including but not limited to Forgery, Taking Identity of Another, Fraud (personal or business/commercial), Theft
- Crimes against children including but not limited to child abuse, molestation of child, sexual exploitation of a minor, and kidnapping
- Crimes against the elderly including but not limited to vulnerable adult abuse.

If an officer is properly installed and thereafter a criminal history in violation of these Standing Rules arises, whether a prior or a new conviction, that officer or chair will immediately resign their position in writing to the President.

The Standing Rules shall be automatically amended to conform to the National and Department Constitution and Bylaws and Standing Rules of the American Legion Auxiliary.

Constitution and Bylaws Committee 2022/2023

Erica Bailey, Dionna Lopez

Present at general meeting on November 8, 2022 & December 13, 2022, approved.
Standing Rules updated per General meeting November 8, 2022