



**CONSTITUTION OF THE
AMERICAN LEGION AUXILIARY
GAINES T. EVANS UNIT 44**

PREAMBLE

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations during the great wars; to inculcate a sense of individual obligation to the community, state and Nation; to combat the autocracy of both the classes and masses; to make right the master of might; to promote peace and goodwill on earth; to safeguard and transmit to posterity, the principles of justice, freedom and democracy; to participate in and contribute to the accomplishment of the aims and purposes of The American Legion; to consecrate and sanctify our association by our devotion to mutual helpfulness.

**ARTICLE I
NAME**

SECTION 1. The name of this organization shall be the American Legion Auxiliary, Gaines T. Evans Unit 44, Department of New Mexico.

**ARTICLE II
NATURE**

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

SECTION 2. The American Legion Auxiliary shall be absolutely nonpolitical 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 III
OBJECT

SECTION 1. The object of the American Legion Auxiliary, Gaines T. Evans Unit 44, Department of New Mexico, shall be stated in the Preamble of the Constitution.

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 all men and women who are members in The American Legion, or who were eligible for such membership and died in the line of duty or after Honorable Discharge; and to those women who are eligible in their own right for membership in the American Legion. They must have served in the Armed Forces of the United States during any of the following periods: World War I- April 6, 1917 to November 11, 1918; World War II – December 7, 1941 to December 31, 1946; Korean War – June 25, 1950 to January 31, 1955; Vietnam War – February 28, 1961 to May 7, 1975; Lebanon/Grenada – August 24, 1982 to July 31, 1984; Panama – December 20, 1989 to January 31, 1990; Persian Gulf – August 2, 1990 to date of cessation. This eligibility includes step-relatives.

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; provided however, that a wife under the age of eighteen years, who is eligible under Section 1 of this article, shall be classed as a Senior member.
- (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, Vice President, Secretary, Treasurer, Chaplain, Historian, and Sergeant-At-Arms.

ARTICLE VI
EXECUTIVE COMMITTEE

SECTION 1. There shall be an Executive Committee which shall consist of all elected officers plus Immediate Past President with vote.

ARTICLE VII
EXECUTIVE COMMITTEE

SECTION 1. The Fiscal year shall be from July 1 to June 30, the same as Department of New Mexico. No records can be destroyed without the approval of the Executive Committee.

ARTICLE VIII
AMENDMENTS

SECTION 1. This Constitution may be amended by 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 the unanimous vote of the members.

SECTION 3. This Constitution shall be automatically amended to conform to the National and Department Constitutions 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 and all proceedings of said Executive Committee shall be presented to the Unit at the next General membership meeting.

SECTION 2. A vacancy existing in the Executive committee from any cause, other than the expiration of a term, shall be filled by appointment by the President and with the approval of two-thirds (2/3) vote of the Executive Committee (5) plus two-thirds (2/3) vote of the members present at the General Membership meeting.

SECTION 3. Two-thirds (2/3) of the Executive Committee (5) shall constitute a quorum.

SECTION 4. The Executive Committee shall meet once a month. Special meetings may be called by order of the President or on written request of three or more members of the Executive Committee, for the stated purpose only.

ARTICLE II **DUTIES OF THE OFFICERS**

SECTION 1. Duties of the President

It shall be the duty of the President to preside at all meetings of the Unit and the 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 deems advisable; to perform such other duties as are usually incident to the office; and to appoint all Officers not otherwise provided for.

SECTION 2. Duties of the Vice President

It shall be the duty of the Vice President to assist the President when called upon and in her absence perform her duties and shall succeed her in office in case of her death, resignation or removal.

SECTION 3. Duties of the Secretary

It shall be the duty of the Secretary to record the proceedings and transactions of all meetings of the Unit; to act as custodian of all books, papers, and records, to send out such notices as directed by the President; to conduct the correspondence of the Unit; to keep on file in a comprehensive manner copies of all correspondence sent and received; and to perform other duties as shall be required by the President.

SECTION 4. Duties of the Treasurer

It shall also be the duty of the Treasurer to receive all money belonging to the Unit and to account for the same. The Treasurer shall pay all orders authorized by the budget and the membership, such bills to be paid by check. She shall keep account of all receipts and expenditures, making monthly reports thereon, and other reports as may be deemed necessary by the Executive Committee. A financial review of accounts shall be done yearly by a committee of 2 members appointed by the President with the Treasurer present.

She shall pay over to and deliver to her successor all money, vouchers, books and papers belonging to the Unit.

She shall be bonded by the National Organization, the premium of aforesaid Bond to be paid by the Unit.

SECTION 5. Duties of the Chaplain

It shall be the duty of the Chaplain to offer Prayer at the opening and closing of each Unit meeting; to send get well or sympathy cards to members of which she has been notified of illness or death and to perform such other duties as the President may direct.

SECTION 6: Duties of the Historian

It shall be the duty of the Historian to compile Historical records of the Unit according to the History outline and rules from the Department Historian of the American Legion Auxiliary. She shall make a report to Department annually.

SECTION 7: Duties of the Sergeant-At-Arms

It shall be the duty of the Sergeant-At-Arms to preserve order at the meeting of the Unit. She shall check the membership cards before each meeting making sure members have their current card with them. She will be in charge of advancing and retiring the Colors. She shall appoint an assistant, if necessary.

SECTION 8: Duties of the Parliamentarian

“Should be seen and not heard”. Should be one who is completely familiar with Robert's Rules of Order, Newly Revised, specifically, and Parliamentary Law, in general, as well as the Constitution and Bylaws of the organization. The Parliamentarian will be an appointed officer. After the Parliamentarian has expressed an opinion to the Chair, at the Chair's request, the Chair makes the final ruling and in so doing has the right to follow or disregard the advice of the Parliamentarian.

ARTICLE III
DUES

SECTION 1. The annual Senior membership dues of this Unit shall be \$5.00 in addition to the Department and National dues, payable annually after the Department Convention. This change is to take affect with plan year 2012-2013.

SECTION 2. The annual Junior membership dues of this Unit shall be \$4.00 in addition to the Department and National dues, payable after the Department Convention.

SECTION 3. A member failing to pay annual dues, including the Unit, Department and National assessments by January 31st, shall be classed as delinquent and shall be suspended from all membership privileges; provided, however, such suspended members shall be notified in writing by the Secretary of the Unit of such suspension prior thereto. Payment of back dues, after suspension, shall reinstate such member to active membership. A member delinquent to December 31st of the year of delinquency shall automatically be dropped from the rolls and be reinstated only by paying all back dues or by reestablishing eligibility and making an application as a new member.

ARTICLE IV
UNIT MEETING

SECTION 1. The regular meeting of this Unit will be held the 3rd Saturday of each month.

SECTION 2. A special meeting of this Unit may be called by the President, by a majority of the Executive Committee, or upon written request of 4 members of the Unit.

SECTION 3. Two elected current officers and whoever is present shall constitute a quorum of any meeting of the Unit.

ARTICLE V
ELECTIONS

SECTION 1. Election shall be by voice except where there are two or more candidates, in which case the voting shall be by ballot, and a majority shall elect. There shall be no write-in votes.

SECTION 2. A Nominating Committee shall consist of three (3) members asked to volunteer by the President at the March Meeting to present a single slate of Officers to fill all vacancies. A slate of officers shall be presented to the membership at the April meeting.

SECTION 3. The Unit meeting held in the month of May of each year, shall be for the purpose of electing Officers. Installation of said Officers shall be during the June meeting of that election year. New officers shall assume duties of the office in July of that election year and shall continue in that office through June of the following year.

SECTION 4. Delegates and Alternates to the Department Convention shall be elected at the June meeting not less than two (2) weeks prior to the Convention. Alternates shall have seniority in order of their election. The Outgoing President shall be the first Delegate and Chairman of the Delegation.

ARTICLE VI
TRANSFERS

SECTION 1. Transfer of membership from Unit 44 shall be upon presentation of the applicant's current membership card to the new Unit and execution of the official transfer form.

SECTION 2. Transfer of membership to Unit 44, the applicant shall present current membership card and execute the official transfer form.

ARTICLE VII
DISCIPLINE

SECTION 1. For any violation of the Unit, Department or National Constitution or for conduct improper and prejudicial to the welfare of the Auxiliary; or of the American Legion, any member may be expelled from membership or any Officer removed from office by two thirds (2/3) vote at a Unit meeting duly called for that purpose, said expulsion or removal to be binding only in the event said member or Officer shall have been given at least fifteen (15) days notice in writing by the Executive Committee of the charges and hearing thereon. Either party may have the right to appeal to the Department Executive Committee, and their action thereon shall be final. The expense of said appeal shall be borne by the appellant.

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

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

ARTICLE VIII
PARLIAMENTARY AUTHORITY

SECTION 1. This Unit organization shall be governed by "Robert's Rules of Order, Newly Revised", on all points not covered by this Constitution and Bylaws.

ARTICLE IX
AMENDMENTS

SECTION 1. These Bylaws may be amended by a two thirds (2/3) vote of the members present at a regular Unit meeting, provided the proposed Bylaws shall have been read at the previous Unit meeting.

SECTION 2. Bylaws not having been previously read may be adopted by the unanimous vote of the members present.

SECTION 3. These Bylaws shall be automatically amended to conform to the Department and National Bylaws of the American Legion Auxiliary.

STANDING RULES

1. Unit meetings shall begin at 10:30am, on the 3rd Saturday of each month.
2. Anyone paying their dues before September 30th will be considered an Early Bird and will be due all privileges of Early Bird membership.
3. No alcoholic beverages or smoking will be allowed during the Unit meeting.
4. The Unit will pay the Bond (\$6.00) and D & O Insurance (\$15.00) annually as per the Department Constitution and Bylaws.
5. There will be an allowance for up to \$25.00 for the Department President and District President if they make an official visit to the Unit plus food.
6. Initiation Ceremonies shall be held at least once a year for new members.
7. An annual financial review of the Treasurer books will be done each year in the month of July after the close of the books. A committee of three (3), not to include the treasurer, will be appointed by the President. A District 7 Officer may be asked to do the audit. The Unit Treasurer must be present for the audit.
8. If an Officer is absent from three (3) consecutive regular meetings without reasonable cause, she may be replaced by the Executive Committee. She will be notified in writing by the Secretary before replacement.
9. The President shall have a spending cap of \$50.00 between meetings for Auxiliary programs or functions.
10. All checks shall require two signatures; they shall be signed by the Unit Treasurer and/or the Unit President or Vice President or Membership Chairman.
11. The Unit shall not have a regular meeting in the month of December each year.

12. The Unit may reimburse Officers of the Unit who attend the annual convention, depending upon availability of funds and a vote of the membership prior to convention. A maximum of \$100.00 may be reimbursed after turning in an Expense Reimbursement form with the appropriate attachments to the Unit Treasurer. Members whose spouses/mates receive reimbursement from either the Post, the SAL, or the Riders will not be eligible for reimbursement by the Unit.

This Constitution and By Laws was read at the 2/21/09 meeting of Unit #44. Notice of the vote at the next meeting was posted in the March, 2009 Newsletter. The changes passed unanimously at the 3/21/09 meeting.

Standing Rule was a matter of housekeeping at the 7/18/09 meeting. Standing Rule #13 was voted upon at the 11/21/09 meeting.

This document was reviewed at our September 2010 meeting. No changes were necessary.

This document was reviewed in August, 2011. At the 8/20/11 meeting, standing rule #14 was voted upon and passed unanimously.

At the 2/18/12 meeting of Unit #44, proposed changes to Article III, Section 1 were read. Proposed changes to Standing Rule 12 were also read. Proposed changes were posted in the March newsletter. At the 3/17/12 membership meeting, both passed unanimously.

At the 1/19/13 meeting of Unit #44 proposed Changes to the Constitution and By Laws and the Standing Rules were read. The proposed changes were listed in the February 2013 newsletter . Notice of the vote on said changes at the next meeting were posted in the February 2013 newsletter. The changes passed unanimously at the February 16, 2013 meeting.

**Sharon Pierson, Chairman
Constitution & By Laws Committee**