



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 all 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 patriotic service organization that supports the mission of the American Legion.

SECTION 2: The American Legion Auxiliary shall be absolutely nonpolitical and shall not be used for the dissemination of any 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 as stated in the Preamble of this Constitution.

ARTICLE IV **ELIGIBILITY**

SECTION 1: Eligibility for membership in the American Legion Auxiliary is determined by The American Legion and shall be, as stated in the National Constitution of the American Legion Auxiliary, limited to: 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 on active duty in the Armed Forces of the United States during any eligibility time period as stated in the National Constitution of the American Legion Auxiliary and died in the line of duty or after honorable discharge and; 3) 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 comprised of members age eighteen and older; provided however, a spouse eligible under Section 1 of this Article who is under the age of eighteen, shall be classified as a Senior member.
- (B) Junior membership shall be comprised of members 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 be automatically 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 annually elect a President, Vice President, Secretary, Treasurer, Chaplain, Historian, and Sergeant-At-Arms. The President may annually appoint a Parliamentarian.

ARTICLE VI
EXECUTIVE COMMITTEE

SECTION 1: The Unit shall have an Executive Committee comprised of all elected officers plus the immediate Past President of the Unit. All members of the Executive Committee shall have one vote.

ARTICLE VII
RECORDS

SECTION 1: Financial and historical records of the Unit shall be archived and shall not be destroyed without explicit approval of the Executive Committee. The Unit fiscal year shall be in alignment with that of the Department of New Mexico, July 1 through June 30.

ARTICLE VIII
AMENDMENTS

SECTION 1: This Constitution may be amended by majority vote of the members present at a regular Unit meeting provided the proposed changes have been read at a previous meeting.

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

SECTION 3: This Constitution shall automatically be amended to conform to the relevant National and Department governing documents of the American Legion Auxiliary.

BYLAWS

ARTICLE I **EXECUTIVE COMMITTEE**

SECTION 1: The government and management of the Unit shall be entrusted to the Executive Committee. Executive Committee proceedings shall be presented to the membership at the next regular Unit meeting.

SECTION 2: In the event an emergency situation arises that prevents conducting regular Unit operations and business, the Executive Committee is granted temporary authority to take action and approve expenditures deemed necessary for the Unit. Any action taken or expenditures made shall be presented and justified to the membership at the next regular Unit meeting. This emergency authority terminates immediately upon resumption of regular Unit operations.

SECTION 3: Vacancy on the Executive Committee from any cause other than term expiration shall be filled by appointment by the President with majority approval of the Executive Committee and majority vote of the members present at the next regular Unit meeting.

SECTION 4: Three (3) members of the Executive Committee shall constitute a quorum.

SECTION 5: The Executive Committee shall meet once a month prior to regular Unit meetings. Special meetings may be called by the President or by request of three (3) or more Executive Committee members for a specific purpose.

ARTICLE II

DUTIES OF THE OFFICERS

SECTION 1: Duties of the President

It shall be the duty of the President to preside over Executive Committee and regular Unit meetings; to enforce adherence to the Unit Constitution, Bylaws, and Standing Rules; to appoint members to the Core Standing Committees of Veterans Affairs & Rehabilitation, Children & Youth, Americanism, National Security, Membership, and Constitution & Bylaws; to establish other committees deemed beneficial to the Unit and appoint members thereto; to perform duties incidental to the office of President; and to appoint officials 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; to perform the duties of the President in their absence; and to succeed as President in case of death, resignation or removal.

SECTION 3: Duties of the Secretary

It shall be the duty of the Secretary to record proceedings and transactions of all regular Unit meetings; to serve as custodian of the Unit books, papers, and records; to send out notices as directed by the President; to conduct Unit correspondence; to keep file copies of all correspondence sent and received; and to perform other duties as requested by the President.

SECTION 4: Duties of the Treasurer

It shall be the duty of the Treasurer to receive, account, and disburse all monies belonging to the Unit; to pay all orders authorized by the budget and the membership; to keep account of all receipts and expenditures and report monthly to the Executive Committee and membership thereon; and to provide other reports needed by the Executive Committee. Payments shall be recorded and disbursed by check.

It shall be the duty of the Treasurer to be present at any financial reviews of Unit accounts conducted by the Review Committee; and to deliver to any successor all monies, vouchers, books, papers, electronic media, and accesses belonging to the Unit. The Treasurer shall be bonded by the National ALA organization, the premium of which shall be paid annually to Department by the Unit.

SECTION 5: Duties of the Chaplain

It shall be the duty of the Chaplain to offer prayer at all regular Unit meetings; to convey by mail, well wishes or condolences to members known to be with illness or death; and to perform such other duties as directed by the President.

SECTION 6: Duties of the Historian

It shall be the duty of the Historian to compile the historical records and memorabilia of the Unit in accordance with the outlines and rules conveyed by the Department Historian; and to report annually to Department such Unit history.

SECTION 7: Duties of the Sergeant-At-Arms

It shall be the duty of the Sergeant-At-Arms to preserve order, to check membership cards to ensure attendees are current members, and to be in charge of advancing and retiring the Colors at all regular Unit meetings. The Sergeant-At-Arms may appoint an assistant if necessary.

SECTION 8: Duties of the Parliamentarian

The Parliamentarian is appointed by the President and serves as a subject matter expert on “Robert's Rules of Order, Newly Revised”, parliamentary procedure, and the Unit governing documents. The Parliamentarian may be called upon by the President to provide an opinion on such matters. The President may then, by right, follow or disregard the opinion of the Parliamentarian in making a final decision on the matter in question.

ARTICLE III

DUES

SECTION 1: Annual Senior membership dues to this Unit is payable after the annual Department Convention in the amount stated in the Unit Standing Rules.

SECTION 2: Annual Junior membership dues of this Unit is payable after the annual Department Convention in the amount stated in the Unit Standing Rules.

SECTION 3: A member failing to pay their annual dues, including the Unit, Department, and National assessment, by January 31, shall be deemed delinquent and will be suspended from all membership privileges provided the member has been notified in writing of such action prior thereto. Full payment of all delinquent dues shall reinstate such member to active 'good standing' membership.

ARTICLE IV

UNIT MEETINGS

SECTION 1: The Unit shall hold regular scheduled general membership meetings.

SECTION 2: Special Unit meetings may be called by the Unit President, by a majority of the Executive Committee, or upon written request of four (4) current Unit members.

SECTION 3: Two (2) Officers plus any number of current Unit members present at a Unit meeting shall constitute a quorum of such meeting.

ARTICLE V

ELECTIONS

SECTION 1: Elections shall be by voice unless more than one candidate is running for the same office. In such case, voting shall be by written ballot with a the majority electing. There shall be no write-in votes.

SECTION 2: The President shall appoint a Nominating Committee at the regular March Unit meeting. The Committee will compile a slate of candidates for office and present the slate to the membership at the regular April Unit meeting.

SECTION 3: Election of officers is held at the regular May Unit meeting. Installation of officers will be conducted at the June meeting. Officers assume duties July 1 of the year elected through June of the following year.

SECTION 4: Annual Department Convention delegates are selected at the regular May Unit meeting. The current President shall be the principal delegate and Chair 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 an official transfer form.

SECTION 2: Transfer of membership to Unit 44 requires the applicant to present their current membership card and to submit an official transfer form.

ARTICLE VII

DISCIPLINE

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

SECTION 2: Neither this Unit nor any member thereof shall canvass or poll/publicize with circulars any other Unit or member thereof without the consent of the Department Executive Committee.

SECTION 3: No member or group of members shall subject this Unit to liability without the express authorization of the Executive Committee and the Unit membership.

ARTICLE VIII

PARLIAMENTARY AUTHORITY

SECTION 1: The Unit shall be governed by "Robert's Rules of Order, Newly Revised" on all points not covered by Unit governing documents.

ARTICLE IX

AMENDMENTS

SECTION 1: These Bylaws may be amended by majority vote of the members present at a regular Unit meeting provided the proposed changes have been read at a previous meeting.

SECTION 2: Amendments not previously read may be adopted by unanimous vote of those present.

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

STANDING RULES

1. Regular Unit meetings are held at 10:30 a.m. the 3rd Saturday of each month except in December when there is no meeting.
 - a. If the time or date of a regular Unit meeting needs to be changed, the change shall be announced at a previous meeting and advertised in the monthly newsletter no later than one month prior to said change.
2. Annual Senior membership dues including Unit, Department, and National, are set at \$40.00. Annual Junior membership dues including Unit, Department, and National, are set at \$10.00. Payment of dues prior to September 30th is deemed Early Bird with all the privileges of such membership.
3. Alcoholic beverages and smoking are prohibited during Executive Committee and all Unit meetings.
4. The Unit Bond and Insurance shall be paid to Department from the Unit treasury by August of each fiscal year in the amount assessed by Department.
5. Initiation of new members shall be held at least once a year during a regular Unit meeting.
6. A financial review of Unit funds and transactions shall be conducted after the close of each fiscal year or upon appointment of a new Treasurer due to vacancy in the office. The President shall appoint a Review Committee of ALA members, not to include the Unit Treasurer. The Unit Treasurer shall be present during the review. If the Unit Treasurer is newly elected or appointed, the immediate past Unit Treasurer shall be requested to be present at the review. The results of the review shall be reported to the membership at the next regular Unit meeting.
7. If a Unit officer is absent for three (3) consecutive Unit meetings without reasonable cause, the officer may be replaced by the Executive Committee after the officer has been notified of such forthcoming action.
8. The President is budgeted \$50.00 per month for discretionary spending for Unit programs and functions.

9. Checks written from the Unit treasury shall have two signatures. Any two (2) of the following officials shall have signature authority: Unit Treasurer, Unit President, Unit Vice President, Unit Secretary, or Unit Membership Chair.
10. The Unit may reimburse its officers and, if Unit 44 members, District and Department officers and Department program chairs, for official ALA business travel expense. Reimbursement depends on availability of funds and is limited to \$100.00 per official per fiscal year. To receive reimbursement, the official shall submit to the Unit Treasurer, a Reimbursement Request form authorized by the Unit President, along with the receipts of the expense. A Unit official whose spouse receives reimbursement from The American Legion, Sons of American Legion, or American Legion Riders for the same travel expense is ineligible for reimbursement by the Unit.
11. Two (2) members-at-large may be appointed by the President to serve on the Executive Committee as advisors. They shall have a voice, but no vote.
12. The Unit Membership Chair is authorized, as funds permit, to pay the annual dues of up to ten (10) members for reasons deemed appropriate by the Executive Committee. (i.e. financial hardship, illness, gift)
13. The number of delegates to the annual Department Convention shall not exceed that allotted to the Unit by Department. All delegates have an equal vote.
14. Junior Unit members are guaranteed a scholarship to the school of their choice provided they are in “good standing” for a minimum of two years prior to graduation and apply for said scholarship.
15. When the Executive Committee is notified that a Unit 44 member is a Gold Star Mother, the Unit may pay her annual membership dues.

These Standing Rules are adopted and may be amended by majority vote of the members present at any regular Unit meeting.

History of Unit 44 Constitution, Bylaws, and Standing Rules

- 1) Constitution and Bylaws changes were read at Feb09 meeting. Notice of vote at the next meeting in March09 newsletter. Changes passed unanimously at March09 meeting.
- 2) Standing Rule changes as a matter of housekeeping at the 7/18/09 meeting.
- 3) Standing Rule 13 voted on at the 11/21/09 meeting.
- 4) Document reviewed at the September, 2010 meeting. No changes necessary.
- 5) Document reviewed in August, 2011. At the 8/20/11 meeting, Standing Rule 14 was voted upon and passed unanimously.
- 6) At the 2/18/12 Unit meeting, proposed changes to Bylaws Article III, Section 1 were read. Proposed changes to Standing Rule 12 were also read. Proposed changes were posted in the March 2012 newsletter. At the 3/17/12 Unit meeting, both passed unanimously.
- 7) At the 1/19/13 Unit meeting, proposed changes to the Constitution, Bylaws and Standing Rules were read. The proposed changes were posted in the February 2013 newsletter. Notice of the vote on said changes at the next meeting was posted in the February 2013 newsletter. The changes passed unanimously at the February 2013 meeting.
- 8) At the 10/19/13 Unit meeting, proposed changes to the Constitution, Bylaws and Standing Rules were read. The changes were again read at the November 2013 meeting, were subsequently voted on, and passed unanimously.

Sharon Pierson, Chairman
Constitution & Bylaws Committee

- 9) At the 02/20/16 Unit meeting, proposed changes to the Bylaws (Article 1, Section 3) and the Standing Rules (#11) were read. The changes were again read at the March 2016 meeting, were subsequently voted on, and passed unanimously.

Lucinda (Cyndi) Wipf, Chairman
Constitution and Bylaws Committee

- 10) At the November 2016 Unit meeting, proposed changes to the Standing Rules were read, voted on, and passed unanimously. Changes included 1) wording clarification, 2) deletion of SR re: reimbursement to Dept. and District Presidents for Unit visits, 3) modification to SR re: check signatures, and 4) addition of SR re: appointment of members-at-large. With these changes, there are 11 Standing Rules.

Martha Thibeau, Chair
Constitution and Bylaws Committee

- 11) At the May 2017 Unit meeting, proposed changes to Bylaws Article III Section 1 and Section 2 and Standing Rule #2 were proposed and unanimously passed by those members present. Changes included redacting references to specific dues dollar amounts in both Sections of Bylaws Article III and adding specific dues dollar amounts to Standing Rule #2.

Martha Thibeau, Chair
Constitution and Bylaws Committee

- 12) At the October 2017 Unit meeting, a Standing Rule was proposed and unanimously passed by those members present that authorized the payment by the Unit of a member's dues due to certain extenuating circumstances deemed appropriate by the Executive Committee. With this addition, there are 12 Standing Rules.

Martha Thibeau, Chair
Constitution and Bylaws Committee

- 13) At the January 2018 Unit meeting, 3 Standing Rules were presented and adopted by unanimous vote of those members present; 1) clarifying annual Department Convention delegate and alternate numbers and voting rights, 2) stating eligibility requirements for Junior members applying for scholarship funds, and 3) paying annual dues for Gold Star Mothers. With these adoptions, there are 15 Standing Rules. A clause was added to Standing Rules regarding voting requirements for adopting and amending Standing Rules.

Martha Thibeau, Chair
Constitution and Bylaws Committee

- 14) At the October 2018 Unit meeting, changes to the Constitution and Bylaws were presented and adopted by unanimous vote of those members present. Change 1) Constitution Article IV Section 1 Eligibility added a clause in accordance with National and Department wording; Change 2) Constitution Article VIII Section 2 added the word 'present' at the end of the sentence; and Change 3) Bylaw Article II Section 1 Duties of the President identified the Core Unit Standing Committees.

Martha Thibeau, Chair
Constitution and Bylaws Committee

- 15) At the February 2020 Unit meeting, changes were presented and adopted by unanimous vote of those members present. Change 1) Preamble in compliance with National AL wording; Change 2) Constitution Article II Section 1 Nature in accordance with Department wording; Change 3) Constitution Article IV Eligibility Section 1 & 2 replace 'wives' with 'spouses' in compliance with National wording; Change 4) Standing Rules #4 re: bond & insurance, #6 re: financial review, and #10 re: official travel reimbursement. Wording, spelling, punctuation housekeeping throughout.

Martha Thibeau, Chair
Constitution and Bylaws Committee

- 16) At the July, 2020 emergency situation Executive Committee meeting, a new 'Bylaw Article I Executive Committee Section 2:' was presented. The new Section grants temporary Executive Committee authority to conduct Unit business and expend Unit funds without membership approval during an emergency situation. The new Section was required in order to address the extended shutdown of Unit operations and business due to the Covid-19 pandemic. The proposed amendments adopted by unanimous vote of the Executive Committee and by email vote of the membership. Also approved were changes for the majority approval of amendments rather than the specific 2/3 vote.

Martha Thibeau, Chair
Constitution and Bylaws Committee