

# DEPARTMENT OF MICHIGAN

## UNIT BYLAWS

### **ARTICLE I - OFFICERS**

**SECTION 1.** Two weeks previous notice of such annual meeting shall be given by publication of said notice in a newspaper in the community in which the Unit is located, or by a written notice mailed to each member.

**SECTION 2.** Installation of officers may be held at any special or regular meeting. Officers shall take office immediately following the close of the Department Convention, providing the Unit has complied with the following requirements:

All Unit officers-elect shall pay their dues for the year of their term of office prior to assuming office.

The auditing committee has certified that all money taken in by committees or Unit officers of the retiring Administration have been fully accounted for and the books are in good order.

**SECTION 3.** The new officers automatically become custodian of all Unit property and the retiring officers are charged with the duty of turning over to their successors all pertinent records and property of the Unit.

**SECTION 4.** Bonding of the Units of the Department of Michigan, American Legion Auxiliary, shall be in conformity with the system as mandatory by the National Organization.

**SECTION 5.** Absence without justifiable cause from three (3) consecutive regular Unit meetings shall be deemed sufficient cause for removal of such Unit Officers from office.

### **ARTICLE II - ELECTION OF OFFICERS**

**SECTION 1.** Election of officers shall be by secret ballot and majority vote shall elect, with the exception that should there be but one candidate for any office, a motion shall be made that such candidate be elected.

**SECTION 2.** Nominations for Unit officers and members of the Executive Committee shall be made from the floor. A nominating committee is permissible.

**SECTION 3.** Any member in good standing may run for Unit office.

**SECTION 4.** At Unit elections, there shall be tellers appointed by the Unit President. Their duties shall consist of the distribution, collection and counting of ballots.

**SECTION 5.** Election of officers must be held no less than 30 days prior to the start of the Department Convention.

## **ARTICLE III - FISCAL YEAR**

The fiscal year of this Unit shall be July 1st through June 30th, inclusive.

## **ARTICLE IV - DUTIES OF OFFICERS**

**SECTION 1.** The PRESIDENT shall preside at all meetings of the Unit and the Executive Committee, be an ex-officio member of all committees except the nominating committee, make an annual report of the affairs of her Unit to the District President as requested by the Department President and perform such other duties as are usually incident to her office.

**SECTION 2.** The VICE PRESIDENT(S) shall assist the President and perform such other duties as may be assigned to them. In case of death, resignation or removal of the President, Vice President shall succeed to the office of President. If the Unit has a Second Vice President shall succeed to the office of First Vice President. In case of the absence of the President and Vice President(s), the members present may elect their presiding officer, with the Secretary temporarily in charge.

**SECTION 3.** The Secretary shall record the proceedings of the Unit and of the Executive Committee meetings, giving due notice of such meetings, care for the records of the Unit, keep a record of the membership, receive all money and pay it to the Treasurer at the close of each meeting, and perform such duties usually incident to her office.

The Secretary or designated person shall remit to the Department Secretary-Treasurer at least once a month all Department and National dues collected.

**SECTION 4.** The Treasurer shall account for all monies belonging to the Unit, make all disbursements by check only and upon authorization, make a report each month to the Unit, have her books audited, and deliver to her successor all money, vouchers, books and papers belonging to the Unit.

- (a) The Treasurer or designated person shall file with the Internal Revenue either forms 990 or 990 EZ by the 15<sup>th</sup> day of the 5<sup>th</sup> month after the close of the fiscal year. (See Unit Guidebook Federal Compliance and Tax Laws)

**SECTION 5.** The Chaplain shall offer prayer at the opening of each meeting, conduct Memorial Services, and perform such other duties as the President may direct.

**SECTION 6.** The Historian shall compile a history of the Unit, working in close cooperation with the Unit officers.

**SECTION 7.** The Sergeant-at-Arms shall preserve order at the meetings of this Unit and perform such other duties usually incident to her office.

## **ARTICLE V - EXECUTIVE COMMITTEE**

**SECTION 1.** During the interim between regular meetings, the Executive Committee shall have power and authority over the Unit affairs, excepting that of modifying any action taken by this Unit. All proceedings of said committee shall be presented to the Unit

at the next regular meeting for approval. Allowance for Unit financial emergencies shall be governed by a Unit Standing Rule.

**SECTION 2.** A vacancy existing in the Executive Committee from any cause other than expiration of a term of office shall be filled by a majority vote of the entire committee. A person so elected shall hold office for the unexpired term of the member she succeeds.

**SECTION 3.** The Executive Committee shall meet at the call of the President, or upon request of three (3) members of the Executive Committee, with due notice being sent to each of the committee.

**SECTION 4.** Five (5) members shall constitute a quorum of the Executive Committee.

**SECTION 5.** Any officer or member of the Executive Committee absent from three (3) *meetings of the Executive Committee or of the Unit without notifying the President or Secretary in advance*, shall automatically cease to be either an officer or a member of the Executive Committee and her place shall be filled as specified in Article V, Section 2, of the Unit Bylaws.

## **ARTICLE VI - MEETINGS**

**SECTION 1.** There should be a minimum of nine (9) business meetings each year. Additional meetings may be business or social in nature.

**SECTION 2.** Special meetings may be called by the President or on request by a majority vote of the Executive Committee or by written request of seven (7) Unit members; provided due notice of such meetings and their purpose has been given all members in good standing. Only such business as called for in said notice shall be transacted.

**SECTION 3.** Seven (7) members in good standing shall constitute a quorum. When the Unit membership is less than fifty (50), five (5) members shall constitute a quorum.

**SECTION 4.** At least three (3) days' notice should be given of all Unit meetings.

## **ARTICLE VII - UNIT ORGANIZATION**

**SECTION 1.** Units shall be chartered by the National President and National Secretary upon receipt of the charter application properly executed with handwritten signature on original (white) sheet accompanied by per capita dues and individual membership record forms. Application for Unit Charters shall be signed by the Department President, the Department Secretary-Treasurer, the Commander and the Adjutant of The American Legion Post to which the Unit is attached, and said charter shall be closed thirty (30) days after application for same has been signed by the Commander and Adjutant of said American Legion Post. All persons in good standing whose applications were approved before this Unit closed its charter are charter members. The cost of a permanent Unit Charter shall be established by National Headquarters.

**SECTION 2.** The minimum membership of a Unit shall be ten (10) senior members. There shall be no honorary membership or associate membership of any type. Non-residents may be admitted to this Unit on the same basis as residents.

**SECTION 3.** Each Unit shall bear the same name and number as The American Legion Post to which it is attached.

**SECTION 4.** Each Unit of the Department of Michigan shall be the judge of its own membership, except that no person who is a member of an organization which has for its aim to overthrow the United States 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.** The Department of Michigan shall prescribe the Constitution and Bylaws of the Units therein. When a Unit ceases to function from one Department Convention to another, it shall be given a hearing by the members of the District at a regular or a special meeting and in case the Unit then refuses to function, upon a consenting vote of the District, the charter shall be revoked. The District Secretary shall advise Department Headquarters in writing of the date and result of the vote. When a charter is revoked or canceled, all records and funds shall be forwarded to the Department Headquarters by the District President.

**SECTION 6.** Persons may hold membership in only one Unit at any one given time.

**SECTION 7.** A member who is not subject to suspension or membership revocation under due process is eligible to transfer her membership to another unit if she has paid her membership dues to her current unit for either the current year or immediate past membership year. A member transferring to a new unit must pay current year dues to either her current unit or to the unit into which she wishes to transfer.

**SECTION 8.** Unit member may withdraw providing her current dues are fully paid. Upon withdrawal, however, she 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 her membership from one Unit to another during the current year, it shall be done by transfer and not by withdrawal.

**SECTION 9.** Each Unit shall have application forms for membership, same to be filled out by the applicants. This must be countersigned by a Post Officer certifying the eligibility of the applicant and affiliation of American Legion member. The original of said form shall be sent to Department Headquarters.

**SECTION 10.** Membership cards will be distributed to Units through Department Headquarters. Additional membership cards will be sent from Department Headquarters upon request.

**SECTION 11.** Each Unit Secretary or designated person shall remit to the Department Secretary-Treasurer at least once a month all Department and National dues collected, as instructed by the Department Secretary-Treasurer.

**SECTION 12.** The Secretary and the Treasurer, or the Secretary-Treasurer, shall be bonded in conformity with the system mandatory by the National Organization.

**SECTION 13.** Members under eighteen (18) years of age shall not be eligible to vote at any meeting of the American Legion Auxiliary, except as provided in Article III, Section 2 (a), Department Constitution.

**SECTION 14.** Each Auxiliary Unit shall adopt the Unit Constitution and Unit Bylaws as prescribed by the American Legion Auxiliary, Department of Michigan. Evidence of their adoption shall be filed with Department Headquarters, together with current copies of Unit Standing Rules and amendments thereto; these to be submitted to the Department Constitution and Bylaws Chairman for approval. These shall become effective only after approval by the Department Constitution and Bylaws Chairman; in order to assure that the Units are operating with proper Standing Rules.

**SECTION 15.** Units in good standing and holding regular meetings shall not lose their membership in the Department because the Post to which they were attached when chartered has disbanded. A member in good standing in the Unit shall not lose her membership because the member relative is no longer a member in The American Legion.

**SECTION 16.** All questions of Unit administrative policy which require information or clarification shall be referred to the respective Districts. Districts may refer such questions to Department if necessary.

## **ARTICLE VIII - DUES**

**SECTION 1.** The Unit Secretary or designated person shall remit to the Department Secretary-Treasurer the Department and National Dues as specified for all members.

**SECTION 2.** The fiscal year of this Department shall be from July 1st through June 30th, both dates inclusive. A member failing to pay annual dues by January 31st, shall be classified as delinquent and shall be suspended from all membership privileges, provided, however, such suspended member shall be notified by the Secretary of the Unit 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 any year of delinquency shall automatically be dropped from the rolls and may be reinstated only by paying all back dues or by re-establishing eligibility and making application as a new member. Dues may be remitted to Department Headquarters on or after July 1st.

**SECTION 3.** This Unit shall pay such special assessments as may be levied from time to time by National Headquarters or the Department of Michigan.

## **ARTICLE IX - CONVENTION DELEGATES**

**SECTION 1.** Delegates and alternates to the Department Convention shall be elected by ballot at a meeting to be held at least thirty (30) days prior to the date of the Convention. Majority shall elect. Should there be only enough delegates and alternates nominated as required by Department, a motion shall be made that such delegates and alternates be elected. The Secretary shall notify the Department Secretary-Treasurer, listing the names of elected delegates on forms provided for that purpose by the Department Office.

**SECTION 2.** Unit mandatory funds must be paid thirty (30) days prior to Convention to provide Convention rights to Unit delegates, and also to make Units eligible for Department awards.

**SECTION 3.** Each Unit of ten (10) or more members shall be entitled to one (1) delegate and one (1) additional delegate for each one hundred (100) members or major fraction thereof. The Unit shall pay a delegate fee for each authorized delegate to the Department Convention.

- (a) The same number of alternates shall be elected and priority given in order of election.
- (b) Delegates and alternates shall be elected at a Unit meeting duly called for that purpose, notice of meeting having been given two (2) weeks prior to said elections.
- (c) Delegates' and alternates' Department and National dues must have been received by the Department Secretary at least thirty (30) days prior to the Department Convention.
- (d) No woman member of both an American Legion Post and Auxiliary Unit shall be a delegate or alternate to the Department Convention at the same time in both organizations.

## **ARTICLE X - COMMITTEES**

**SECTION 1.** The President shall, subject to the approval of the Executive Committee, appoint committees to correspond to and cooperate with the Department Committees, and create such other committees as are deemed necessary.

**SECTION 2.** Committees shall be appointed only from members in good standing.

**SECTION 3.** All committee reports shall be made in writing by the Chairman and after presentation to the Unit shall be given to the Secretary for the records.

**SECTION 4.** The books of the Secretary and/or Treasurer shall be audited annually and in the event of change of officers. This should be done by the Finance or Auditing Committee.

**SECTION 5.** A current copy of the Unit Standing Rules shall be submitted to the Department Constitution and Bylaws Chairman for approval, at least once every three (3) years.

## **ARTICLE XI - OBLIGATIONS**

**SECTION 1.** No member or group of members shall subject this Unit to liability without authorization of the Unit. The Unit may incur no obligation or liabilities of any kind whatsoever which shall subject the Post to which it is attached, or any other Auxiliary Unit or Post, to any liability.

**SECTION 2.** Neither this Unit in the Department nor any member thereof shall circulate any material without the written consent of the Department President.

## **ARTICLE XII - DISCIPLINE**

**SECTION 1.** "PROCEDURE IN THE EXPULSION OR SUSPENSION OF A MEMBER OF THE AMERICAN LEGION AUXILIARY" as found in the Unit Handbook of the American Legion Auxiliary will be followed in all disciplinary actions involving expulsion and suspension of any member of the American Legion Auxiliary.

### **ARTICLE XIII - PARLIAMENTARY AUTHORITY**

The Unit organization shall be governed by the current edition of "Robert's Rules of Order, Newly Revised" in all questions not governed by the National Bylaws, the Department Bylaws and the Unit Bylaws.

### **ARTICLE XIV - AMENDMENTS**

These Bylaws may be amended at a Department Convention by a two-thirds ( $\frac{2}{3}$ ) vote of delegates present and voting, provided the proposed amendment be written in resolution form and has been read in the Convention at a previous meeting before action is taken, or has been distributed to all Units in printed form at least forty-five (45) days before the annual Department Convention. Triplicate copies of proposed resolution pertaining to the Bylaws shall be in Department Headquarters not later than sixty (60) days prior to the opening of Department Convention for circulation to the Units.

