

The American Legion



For God and Country

DEPARTMENT EXECUTIVE COMMITTEE
DEPARTMENT OF DELAWARE, THE AMERICAN LEGION, INC.
ASSEMBLED AT MILLSBORO, DELAWARE
SEPTEMBER 17, 2016

RESOLUTION

No: 01-2016

Title: American Legion Riders Guidelines and Chapter Constitution & By-Laws

Origin: Department Executive Committee

Whereas, On July 5, 2005 at the 87th Department Convention by resolution, the Department of Delaware, The American Legion, Inc. approved the American Legion Riders (ALR) as a Post level program; and

Whereas, In 2007, there was nationwide evidence of a growing pattern over a genuine interest in the American Legion Riders program for current and potential members of The American Legion Family; and

Whereas, There were more than 700 American Legion Riders (ALR) groups in 48 states and 3 foreign countries at the Post, District and Department levels whose membership consisted of members of The American Legion, American Legion Auxiliary or Sons of The American Legion who shared a common interest in motorcycle ownership and pleasure riding for veterans' causes; and

Whereas, By Resolution 35 as approved by the National Executive Committee of The American Legion on October 17-18, 2007 (*See Addendum #1*), the American Legion Riders (ALR) was adopted as a National program; and

Whereas, By Resolution 32 as approved by the National Executive Committee of The American Legion on May 4-5, 2011 (*See Addendum #2*), National guidelines for ALR Chapters were established and validated; and these guidelines continue to serve as the standards under which ALR Chapters are, and continue to be, established, operate and administered; and

Whereas, Since 2011, National guidelines have been revised, as exemplified in the memo, dated August 5, 2016 (*See Addendum #3*), from the National Adjutant, to further clarify the standards under which ALR Chapters are established, operate and administered; and

Whereas, Presently, there are six (6) established Delaware Chapters: Walter L. Fox Chapter #2, Callaway-Kemp-Raughley-Tee Chapter #7, Richard C. DuPont Chapter #18, Dagsboro Chapter #24, Oak Orchard/Riverdale Chapter #28, and Joseph B. Stahl Memorial Chapter #30; and

Whereas, The number of Delaware ALR Chapters established and dissolved has fluctuated over the years and conflicts have arisen amongst the Department, Posts and Chapters toward organization, operations, and administration of Chapters; and

Whereas, The Department Executive Committee has determined that it is necessary and beneficial to the Department, Posts, and Chapters to establish Department guidelines, in addition to National guidelines, and a Chapter Constitution and By-Laws template for consistent application and to further support the importance of adhering to current and future National, Department, and Post guidelines; now, therefore, be it

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Resolved, By the Department Executive Committee of the Department of Delaware, The American Legion, Inc., assembled at Millsboro, Delaware on September 17, 2016, That Department of Delaware, The American Legion, Inc. reaffirms its adoption of the American Legion Riders (ALR) as a Post level program; and, be it further

Resolved, That Delaware American Legion Rider Chapters shall be a program that is sponsored by a Delaware American Legion Post; and, such sponsored and established Chapters shall uphold the declared principles of The American Legion as well as conform to, and abide by, the regulations and decisions of the National Organization, Department, sponsoring Post, or other duly constituted governing bodies; and, be it further

Resolved, That Department of Delaware, The American Legion, Inc. shall maintain limited general oversight and administration of the ALR Post program as regards to proper use of the name and emblem of The American Legion, the ALR, and The American Legion Legacy Run and compliance with the National and Department Constitution and By-Laws; and, be it further

Resolved, That in their capacity of limited, general oversight and administration, the Department of Delaware, The American Legion, Inc. shall not be involved in any manner of whatsoever nature in the day-to-day operations of the sponsoring Post and Chapter; and, be it further

Resolved, That the National guidelines, approved, revised and published, from time to time by the National Organization, shall be adhered to, followed, and incorporated in a Chapter's establishment, operations, and administration; and, be it further

Resolved, That the following Department guidelines shall be adopted for the establishment, operations, oversight, and administration of Delaware Chapters:

- 1. A Post forming a Chapter shall provide to Department a copy of the Post membership meeting Minutes where the formation and sponsorship of a Chapter as a Post program is approved.**
- 2. Written certification from the sponsoring Post, signed by the Post Commander with the Post Adjutant attesting that:**
 - a. Receipt of National and Department guidelines and their attachments shall be acknowledged;**
 - b. The Post has reviewed the guidelines and associated addendums;**
 - c. The Post has formed and shall manage, operate, oversee, and administer the Chapter per the guidelines and per any future revisions**
 - d. The Post Finance Officer or Treasurer shall be a signatory on all accounts of the Chapter; and**
 - e. The Post has reviewed its liability insurance to ensure adequate coverage is available to cover the Post and Chapter and to include coverage for any specific activities or special riding events.**
 - f. All financial assets of the Chapter shall be reported, and included in, the Post's annual income Form 990tax filing to IRS.**
 - g. To form and maintain a Chapter, the number of officers is three (3); the officers shall be Director, Secretary, and Treasurer.**
 - h. Each ALR member shall establish and maintain membership by owning, individually or through marriage, a motorcycle licensed and insured as required**

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by state law; the minimum size engine for such owned, licensed, and insured motorcycle shall be 800 cc.

3. If Chapter Constitution & By-Laws have been prepared, the Post shall provide to Department in the form of the Minutes of the Post membership meeting where the proposed Chapter Constitution & By-Laws were approved and shall forward the proposed Chapter Constitution & By-Laws to Department for approval; and
4. If Chapter Constitution & By-Laws have been prepared, they shall not be effective until Post and Department approval.
5. The Post shall provide to Department the name, address, member ID, Post/Unit/Squadron number, Department/Detachment attached, telephone and email, if available, for the Chapter Director and Assistant Directors, if any; and, be it further

Resolved, That by adoption of this resolution, a Department template (*See Addendum #4*) for a Chapter Constitution & By-Laws shall be approved and any existing or drafted Chapter Constitution & By-Laws are null and void until such time as approved by the Post and Department; and, be it finally

Resolved, That this Resolution shall remain in effect until superseded by action of a future approved resolution; and any and all previous resolutions by the Department of Delaware toward American Legion Riders Guidelines and Chapter Constitution & By-Laws are hereby superseded.

Approved

Date of Action: September 17, 2016

Rejected

Referred To

Other Action



Richard J. Santos, Adjutant

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ADDENDUM 1

NATIONAL EXECUTIVE COMMITTEE OF THE AMERICAN LEGION INDIANAPOLIS, INDIANA October 17-18, 2007

Resolution No. 35: American Legion Riders as a National Program Submitted by: Finance Commission

WHEREAS, American Legion Riders (ALR) was established in 1993 as a Post level activity at Garden City American Legion Post 396, Department of Michigan; and

WHEREAS, Today there are more than 700 The ALR groups at the Post, District and Department levels whose membership consists of members of The American Legion, The American Legion Auxiliary or Sons of The American Legion who share a common interest in motorcycle ownership and pleasure riding for veterans' causes; and

WHEREAS, The ALR groups exist in at least 48 states and three foreign countries and evidence a growth pattern over the last five years that reflects a genuine interest in ALR for both current and potential members of The American Legion Family; and

WHEREAS, The purpose of ALR is to use their common interest and association to promote the aims and purposes of The American Legion as well as the promotion of motorcycle safety and awareness; and

WHEREAS, During the 2006 and 2007 calendar years, ALR raised more than \$500,000 for The American Legion Legacy Scholarship while at the local level ALR groups contributions were valued at more than \$75,000 in contribution or volunteer hours to support the programs of The American Legion; and

WHEREAS, Membership growth in The American Legion has increased in many Posts that have supported ALR and in some cases these members now serve in leadership positions within The American Legion; and

WHEREAS, ALR support those serving in uniform today through participation in such activities as the Patriot Guard, which was founded by the Department of Kansas ALR to provide escorts for our fallen heroes returning from war and taking care of the needs of the families left behind; and

WHEREAS, Many Posts and Departments of The American Legion have already acknowledged their ALR groups as a program and have established guidelines for ALR to follow; and

WHEREAS, In April 2007 an Ad-Hoc Committee appointed by the National Commander met in Indianapolis to discuss the future of ALR as a program based on guidelines developed by the Internal Affairs Commission in 2003; and

WHEREAS, These guidelines, which were validated with minor additions by the Ad-Hoc Committee, will serve as the standard under which all current and future The ALR groups will operate; and

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WHEREAS, As The ALR groups continue to increase in number it would be beneficial to both The American Legion and ALR to establish basic guidelines for consistency in all aspects of The ALR groups; and

WHEREAS, The ALR status has been reviewed by the Internal Affairs Commission, which recommends the ALR become a National program; and

WHEREAS, National Finance Commission has reviewed ALR and the need for funding and insurance for the National organization for this program, recommends this program to the National Executive Committee; now, therefore, be it

RESOLVED, By The National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on October 17-18, 2007, That The American Legion adopt American Legion Riders (ALR) as a national program; and, be it further

RESOLVED, That all The American Legion Rider groups must be a program supported by a Post or Department of The American Legion and shall uphold the declared principles of The American Legion as well as conform to and abide by the regulations and decisions of the Department, Post or other duly constituted Department governing body; and, be it further

RESOLVED, That the following guidelines are recommended for The ALR program of The American Legion:

- 1. All members of The American Legion Riders shall be current members of The American Legion, American Legion Auxiliary or Sons of The American Legion**
- 2. Each ALR member shall own a motorcycle**
- 3. Each ALR member shall be properly licensed and insured as required by state law**
- 4. All ALR members shall strive to maintain the image of The American Legion, at all times upholding The American Legion name and emblem, which symbolizes the integrity and principles of this great organization**
- 5. All The ALR groups shall avoid the perception of being a “motorcycle club” or biker club”**
- 6. The only recognized The American Legion Rider logo is that which is copyrighted and sold through The American Legion National Emblem sales**
- 7. All Members will obey the motorcycle laws of their state**
- 8. No use of rockers with the ALR patch because touching the patch violates trademark laws of the ALR patch**
- 9. Sponsoring organization (Post and Department) will review liability insurance coverage to ensure that adequate coverage is available to cover the organization to include coverage for any specific special riding events; and, be it further**

RESOLVED, That American Legion Rider groups shall abide by The American Legion Constitution and By-laws as well as the established Post and Department directives; and, be it finally

RESOLVED, That The American Legion National Headquarters and the respective Departments shall maintain general oversight of ALR Program as regards to proper use of the name and emblem of The American Legion, ALR and The American Legion Legacy Run, and compliance with the National Constitution and By-Laws of The American Legion.

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ADDENDUM 2

NATIONAL EXECUTIVE COMMITTEE OF THE AMERICAN LEGION INDIANAPOLIS, INDIANA MAY 4 – 5, 2011

Resolution No. 32: Amend Resolution 35: “American Legion Riders as a National Program” National Executive Committee, October 17-18, 2007
Origin: Internal Affairs Commission
Submitted by: Internal Affairs Commission

WHEREAS, American Legion Riders (ALR) was established in 1993 as a Post level activity at Garden City American Legion Post 396, Department of Michigan; and

WHEREAS, The ALR groups have since expanded to more than 1,200 local chapters in all 50 domestic departments and in two foreign departments; and

WHEREAS, Membership in the ALR has grown to include more than 100,000 members of The American Legion, The American Legion Auxiliary, and the Sons of The American Legion; and

WHEREAS, Resolution 35: “American Legion Riders as a National Program”, NEC, October 17-18, 2007 has been a guiding document for the formation of post and department ALR programs under the support of the hosting posts and departments; and

WHEREAS, The third resolve clause in Resolution 35 contains recommended guidelines for such programs; and

WHEREAS, The National Commander’s ALR current Ad Hoc Committee to The Internal Affairs Commission has identified ambiguous content regarding eligibility criteria for The American Legion Riders and made specific recommendations for improving such content; and

WHEREAS, It is in the best interest of The American Legion to review and amend, from time to time, such guidelines in efforts to provide more effective direction to The American Legion Riders programs; now, therefore, be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on May 4-5, 2011, That guideline numbers 2 and 3 of the third resolving clause of Resolution 35: “American Legion Riders as a National Program”, NEC, October 17-18, 2007, which states:

“2. Each ALR member shall own a motorcycle

3. Each ALR member shall be properly licensed and insured as required by state law”

Shall be amended as follows:

“2. Each ALR member shall establish and maintain membership by owning, individually or through marriage, a motorcycle licensed and insured as required by state law

3. ALR programs may allow for continued membership for those members who have given up motorcycle ownership because of age, illness, injury, or other reasons outside the member’s control”.

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ADDENDUM 3

**THE AMERICAN LEGION
NATIONAL HEADQUARTERS
INDIANAPOLIS, INDIANA**

DATE: August 5, 2016

TO: Department Commanders Department Adjutants
National Executive Committeemen National Vice Commanders

FROM: Dan Wheeler, National Adjutant

AMERICAN LEGION RIDERS© PROGRAM RECOMMENDATIONS

Re: Resolution No. 35: American Legion Riders as a National Program"
Resolution No. 32: Amend Resolution 35: American Legion Riders as a National Program
Resolution No. 11: Rules and Regulations Governing Use of the Name and Emblems of The American Legion

The National American Legion Riders Advisory Committee, meeting in Indianapolis March 5- 6, 2015, recommended to the national headquarters that additional program guidance be provided to the departments and posts regarding the subject resolutions.

1. Patch wear and uniformity of ALR clothing and apparel.

The American Legion has long held the position that patch wear is an intensely personal statement by our members, similar in tradition to the right side of the Legion Cap itself. Generally, we should not tell a Rider how to arrange his or her patches, or what they can or cannot wear, unless such arrangement or display brings discredit upon the ALR program, implies an improper association with an outside organization, or infringes on our trademarks. If ALR chapters or department programs wish to adopt a uniform dress code for vests and patches, that is their decision. National will not mandate a dress code other than to take the appropriate action to protect the trademarks of the organization.

2. Councils of Clubs (CoC) affiliations.

American Legion posts and ALR chapters do not have authority to enter into any formal association or club/council membership with any outside organization that may act or vote in any

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manner outside the control of The American Legion. A copy of the pertinent Resolution No. 37, May 4-5, 1988, is appended to this memo and available at www.legion.org/riders/resources.

3. Rockers and Trademarks.

Rockers may seem to be discouraged or unauthorized by Resolution 35 for fear of trademark infringement. In fact, rockers do not violate the trademarked ALR logo and are available from Flag and Emblem Sales. Emblem also sells patches with custom embroidery on the field of the patch outside of the trademark area. Such rocker patches and lettering is outside the trademark image (below) and does not infringe on the mark itself. Rockers cannot encircle or touch the emblem of The American Legion Riders®.



This is the protected logo artwork, available at www.legion.org/emblem/download for use on websites, Facebook pages, and other social media under the direct control of the post or department. No other design is authorized as a logo of The American Legion Riders unless authorized by the National Adjutant. Surrounding text or lettering may not encircle or touch the emblem.



Examples of trademark infringement, unapproved logos, or improper display because they are different from the trademark. The words "American Legion Riders" are trademarked protected as is The American Legion logo itself. The third image has an improper (multicolored) background behind the mark

Rockers and placement of patches are sensitive in some parts of the country and may often be misinterpreted. The decision to wear rockers (additional patches above and/or below the main patch) should be left to the local chapters and/or department ALR programs consistent with local preference and subject to final approval of the department executive committees. Many departments have developed standardizations for patch wear and rockers and have coordinated with Emblem Sales to help control patch sales within their boundaries. A growing number of programs have also dropped requirements for rockers or additional embroidery on the main patch (largely because of the high cost to their members).

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4. "Support," "Volunteer," and/or "Honorary" Categories.

American Legion Rider "Supporter" status is a post or department determination granted only to those Legion Family members who go "beyond the call" to support the ALR program.

Supporting, honorary, or volunteer categories are allowable-but only for current members of The American Legion, American Legion Auxiliary, or The Sons of The American Legion. At the discretion of the department or post the decision to provide them with limited voting privileges or other privileges, or an identifying "support" patch, is discretionary. Further, the departments and/or posts may decide to restrict any association with the American Legion Riders to motorcycle owners and operators only. Under no circumstances will non-Legion Family be offered the status of supporter, honorary member, or volunteer, since all of these terms imply a form of membership not defined in The American Legion national constitution.

5. Special rules that apply to subsidiary programs of The American Legion.

The American Legion Riders programs, like The Sons of The American Legion detachments and squadrons, American Legion Baseball programs and all other programs that wear identifying marks and names are subject to Resolution No. 11, *"Rules and Regulations Governing Use of the Name and Emblems of The American Legion,"* adopted by the National Executive Committee, May 4-5, 2005.

The American Legion has no choice or room to maneuver in the area of trademark law, which requires "constant and continuous control" over all subsidiary programs wearing our trademarks and using our name.

All programs (subsidiaries) of a post of The American Legion must meet the following requirements:

1. All officers, directors, trustees, etc. must be named by the post. Elections for the Sons of The American Legion and The American Legion Riders, as examples, serve only to nominate the new slate of officers-whom are then named or installed by the post commander and/or the post executive committee. The post may remove and replace officers of subsidiary programs at will.
2. All vacancies in the subsidiary program must be filled by the post.
3. The subsidiary program must report to the post no less frequently than monthly. These reports must include financial reports, if appropriate to the program.
4. The post treasurer or finance officer must be a signatory on all accounts.
5. All amendments to articles of incorporation or bylaws must be approved by the post. If the current text of such documents has not been approved by the post, it too must be so approved.

All references to posts also apply to the various departments in the appropriate situations.

For further information regarding the rules of subsidiaries under American trademark law, refer to *The American Legion Name and Emblem Use and Protection Guide*, available from the national headquarters, or contact the National Judge Advocate at (317) 630-1224.

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ADDENDUM 4

Constitution of

(Insert name and number of the Chapter)

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 in 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 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 consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Article I—Name

Section 1. The name of the program shall be the *AMERICAN LEGION RIDERS of Delaware*, (insert current chartered name and number of sponsoring Post); hereinafter referred to as the “Chapter.”

Section 2. (insert current chartered name and number of sponsoring Post) is the sponsoring Post; hereinafter known as the “Post.”

Section 3. The Post is chartered in the Department of Delaware, The American Legion, Inc.; hereinafter referred to as the “Department.”

Article II—Purpose

Section 1. The objectives and purposes of the Chapter are to promote the aims and purposes of The American Legion as a family oriented motorcycling activity for members of The American Legion, American Legion Auxiliary, and Sons of The American Legion.

Article III—Nature

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Section 1. The Chapter is a Post program for members of The American Legion, American Legion Auxiliary, and Sons of The American Legion members, collectively “The American Legion Family,” who share an interest in motorcycling.

Section 2. The Chapter and its members shall uphold the declared principles of The American Legion and shall conform to and abide by the National, Department, and/or Post Constitution & By-Laws and regulations and decisions of the National Organization, Department, Post, or other duly constituted governing body.

Section 3. The Chapter and Post shall not have the authority to enter into any formal association or club/council membership with any outside organization that may act or vote in any manner outside the control of The American Legion.

Section 4. The Chapter shall maintain and protect the image of The American Legion at all times through appropriate wear of The American Legion Emblem. The emblem of The American Legion demands "that the wearer shall ever guard the sanctity of home and country and free institutions."

Section 5. Under no circumstances shall any emblem of The American Legion be marketed, sold, or subordinated to any other organizational logo or emblem without the approval and consent of The American Legion national organization.

Section 6. Members of the Chapter shall avoid any perception of being a motorcycle or “biker” club or gang. Rather, the focus of membership is for the enjoyment of motorcycles and comradeship and furthering Legion programs in the community.

Section 7. The Chapter shall strive to improve the public’s perception of the motorcycling community by promoting the honorable nature of military service, and service to one’s community, state and nation through the sport of motorcycling.

Section 8. Members of the Chapter shall comply at all times with the motor vehicle safety, licensing, and insurance laws or regulations of the State of Delaware.

Article IV—Organization

Section 1. The Chapter is organized at the Post level, and exists at the discretion of the Post. The Chapter officers and Executive Committee are responsible and accountable to the Post. All officers of the Chapter shall be named by the Post, or if elected, shall be confirmed or installed by the Post.

Section 2. The Post shall review liability insurance coverage to ensure that adequate coverage is available to cover the Post and Chapter and to include coverage for any specific special riding events.

Article V—Membership Eligibility

Section 1. Eligibility for active membership in the Chapter shall be as prescribed by the National Constitutions of The American Legion, American Legion Auxiliary, and Sons of The American Legion.

Section 2. All members of the Chapter shall further demonstrate current individual membership in The American Legion, American Legion Auxiliary, or Sons of The American Legion.

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Section 3. Members will not at any time hold membership in more than one Chapter.

Section 4. Each member shall establish and maintain membership by owning, individually or through marriage, a motorcycle licensed and insured as required by the laws of the State of Delaware.

Section 5. The Chapter may allow for continued membership for those Chapter members who have given up motorcycle ownership because of age, illness, injury, or reasons outside the member's control.

Section 6. There shall be no form or class of membership except an active membership, and Chapter dues shall be paid as required by the Chapter.

Section 7. All members will obey the motor vehicle laws in any state in which they are operating a motorcycle or riding as a passenger.

Section 8. "Support," "Volunteer," and/or "Honorary" Membership Categories.

- A. American Legion Rider "Supporter" status shall be a post determination, granted only to those Legion Family members who have gone "beyond the call" to support the American Legion Riders program.
- B. At the discretion of the Post, the decision to provide them with limited voting privileges or other privileges, or an identifying "support" patch, shall be discretionary.
- C. The Department and/or Posts may decide to restrict any association with the American Legion Riders to motorcycle owners and operators only. Under no circumstances shall non-Legion Family be offered the status of supporter, honorary member, or volunteer since all of these terms imply a form of membership not defined in The American Legion National Constitution.

Article VI—Wear of American Legion Emblem

Section 1. The Chapter shall be subject to "Rules and Regulations Governing Use of the Name and Emblems of The American Legion," adopted by the National Executive Committee Resolution No. 11, May 4-5, 2005.

Section 2. The American Legion Riders back patch, as copyrighted and sold by The American Legion's Emblem Sales Division, is authorized for wear by all current Chapter members. American Legion logos and emblems may also be authorized by the Post for wear by selected volunteers performing work on behalf of the local Post or Post programs.

Section 3. No other back patch or back patch design is authorized for wear as an American Legion Riders emblem.

Section 4. Department standards and specifications for patch sales shall be on file with Emblem Sales.

Section 5. If Department or Post identifying information is to be embroidered on the patch, Emblem Sales shall have on record authorization from the Department Adjutant that such specific identifying information shall be used on the patch.

Section 6. No other patch, tab, rocker, text, background art or color that is in conflict with an American Legion protected trademark shall be used on clothing, banners, flags, posters or advertisements.

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Article VII—Determine Elected Officers

Section 1. The officers of the Chapter shall be Director, Assistant Director, Secretary, Treasurer, Sergeant-at-Arms, Road Captain, Historian, Safety Officer, and Membership Chairman, elected annually. *[Note that the titles “President” and “Vice-President” are permissible replacements for “Director” and “Assistant Director.” The Post can determine which officers to have and listed permanently in the Constitution & By-Laws.]*

Section 2. Between meetings, the administrative power of the Chapter shall be vested in the Executive Committee, whose voting members shall consist of all elective officers for the current year and the immediate past Director.

Section 3. All other past Directors shall be members of the Executive Committee with voice but no vote.

Article VIII—Finance

Section 1. The revenue of the Chapter shall be derived from such membership fees or dues and from such other sources as may be approved by the Chapter.

Section 2. The amount of such membership or initiation fees and the amount of such annual dues shall be fixed and determined by the February meeting of each year for the ensuing year as approved by a majority of the members present and voting.

Section 3. The Chapter will provide a monthly financial report to the Post.

Section 4. All expenditures shall be approved by the Chapter membership and the Post unless provided otherwise.

Section 5. No individual, group of persons, or subordinate organization of the Chapter is authorized to contract or incur any bills or obligations in the name of the Chapter or Post nor act as the agent of the Chapter or Post for any such purpose whatsoever.

Article IX—Gender Neutral

Section 1. The Chapter Constitution is intended, and shall be deemed, to be gender neutral. The use of any gender term is for illustrative purpose only.

Article X—Amendments

Section 1. This Constitution is adopted, subject to the provisions of the National Constitution, Department Constitution, and Post Constitution of which this Chapter is a subordinate program.

Section 2. Any amendment to the National, Department, or Post Constitutions that is in conflict with any provision hereof shall be regarded as automatically repealing or modifying the provisions of the Constitution of the Chapter to the extent of such conflict.

Section 3. This Constitution may be amended at any regular Chapter meeting by a vote of two-thirds of the Chapter membership attending such regular meeting, provided that:

- (1) The proposed amendment shall have been submitted in writing, and read at the immediate preceding meeting, and

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(2) Written or electronically transmitted notice to the addresses of Chapter members' record indicated in Article X, Section 1, of the By-Laws, shall have been given to all Chapter members at least thirty (30) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting there will be presented a proposal to amend the Constitution.

Section 4. Any amendments to this Constitution shall be reported to the Department and Post, and such amendments will not be effective until approved by the Department and Post.

Section 5. The provisions of all other Chapter Constitutions adopted prior to this Constitution shall be completely superseded hereby.

By-Laws of (Insert name and number of the Chapter)

Article I—Name

Section 1. The Chapter, existing under these By-Laws, is to be known as (name same as Post name and number).

Article II—Purpose

Section 1. The objectives and purposes of the Chapter are as set forth in the Constitution.

Article III—Management

Section 1. The officers of the Chapter shall be Director, Assistant Director, Secretary, Treasurer, Sergeant-at-Arms, Road Captain, Historian, Safety Officer, and Membership Chairman. *[Note that the titles "President" and "Vice-President" are permissible replacements for "Director" and "Assistant Director". The Post can determine which officers to have and listed permanently in the Constitution & By-Laws.]*

Section 2. Between meetings, the administrative power of the shall be vested in the Executive Committee, which shall consist of all elective officers for the current year, and in addition the immediate past Director.

Section 3. Officers of this Chapter shall be elected annually on (insert specific month and day) and take office upon being elected. All elections of officers shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates. All such officers shall be confirmed by vote at a regular Post meeting.

Section 4. A ceremonial or ritual installation of Chapter officers may be conducted in conjunction with a ceremonial or ritual installation of the Post officers.

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Section 5. All vacancies existing in any office of the Chapter from any cause other than the expiration of the term shall be filled by a majority vote of the members of the Chapter, and a person so appointed shall hold office for the unexpired term of the officer whose position was vacated. Any person so appointed or elected to fill a vacancy shall be confirmed or installed by the Post.

Section 6. A vacancy shall exist when a member or officer is absent from the Chapter due to resignation, loss of qualifications, incapacity from injury or illness, or for a continuous period of unexcused absences considered detrimental to the interest of the by the remaining members of the Chapter.

Section 7. All past Directors, except the immediate past Director, shall be members of the Executive Committee with voice but without voting privileges. The immediate past Director is a voting member of the Executive committee as provided in the Chapter Constitution.

Article IV—Meetings

Section 1. The regular meeting of the Chapter shall be held at (insert location) on (insert month and day) at which may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed agreeable by the officers of the Chapter.

Section 2. The Director or a majority of the Executive Committee shall have power to call a special meeting of the Chapter at any time.

Section 3. Upon the written request of (insert number) Executive Committee members, the Executive Committee shall call a special meeting of the Chapter.

Section 4. (Insert number) members shall constitute a quorum at Chapter meetings.

Article V— Executive Committee

Section 1. The Executive Committee shall meet for organizational or such other business as may come before it at the call of the Director within 14 days after the installation of the new officers. Thereafter, the Executive Committee shall meet as often as Director may deem necessary. The Director shall call a meeting of the Executive Committee upon the joint written request of three or more members of said Executive Committee. At Executive Committee meetings, (insert number) members of the Executive Committee shall constitute a quorum thereof.

Section 2. The Executive Committee, based on a majority vote, shall authorize and approve all expenditures; shall provide or require adequate bonds or money & securities insurance coverage for all persons having custody of Chapter funds; shall hear the reports of committee chairs; and generally, shall have charge of, and be responsible for, the management of Chapter affairs.

Article VI—Duties of Officers

Section 1. Duties of Director. It shall be the duty of the Director to preside at all meetings of the Chapter and to have general supervision over the business and affairs of the Chapter. The Director shall be the chief executive officer of the Chapter. The Director shall approve all orders directing the disbursement of funds and shall provide a monthly report covering the business and

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finances of the Chapter at each regular meeting of the Post, with a copy thereof immediately forwarded to the Post Adjutant. The Director shall perform such other duties as directed by the Chapter membership.

Section 2. Duties of Assistant Director. The Assistant Director shall assume and discharge the duties of the office of Director in the absence or disability of, or when called upon by, the Director.

Section 3. Duties of Secretary. The Secretary shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Post and Department organizations may require, render reports of membership annually or when called upon at a meeting, and under direction of the Director handle all correspondence of the .

Section 4. Duties of the Treasurer. The Treasurer shall have charge of all finances and, under the oversight of the Post Finance Officer or Treasurer, shall see that they are safely deposited in a local bank or banks, and shall report once a month to both the Executive Committee and the Post the condition of the finances of the Chapter, with such recommendations as he or she may deem expedient or necessary. The Treasurer and Director, and at least one other member of the Executive Committee and the Post Finance Officer or Treasurer, shall be signatory on any and all accounts of the Chapter. The Treasurer shall be provide, under the oversight of the Post Finance Officer or Treasurer, such surety bonds or money & securities insurance coverage in such amounts as shall be fixed by the Post which shall be obtained through the Post. The Treasurer shall prepare the Chapter's monthly financial report to be rendered to the Post at a regular Post meeting.

Section 5. Duties of Historian. The Historian shall be charged with the individual records and incidents of the Chapter and members, and shall perform such other duties as may properly pertain to the office as may be determined by the Chapter or the Executive Committee.

Section 6. Duties of Chaplain. The Chaplain shall be charged with the spiritual welfare of the comrades and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

Section 7. Duties of Road Captain. The Road Captain shall plan all tours, runs, activities, and events; lead the Chapter in formation riding or parades; arouse interest in activities; enforce all rules of safe motorcycle operation and group riding. Additionally, the Road Captain may select assistants to aid in special tasks and may chair appropriate activities committee as directed by the Director or Executive Committee.

Section 8. Duties of the Safety Officer. The Safety Officer shall work closely with the Road Captain and Sergeant-At-Arms to maximize the safety of all participants at all events. The Safety Officer shall also prepare and present safety training or present a safety tip to the membership at every regular meeting, and assist the Road Captain and Treasurer with event planning and event insurance issues.

Section 9. Duties of the Sergeant-At-Arms. The Sergeant-At-Arms shall preserve order at meetings and gatherings, assist the Road Captain and Safety Officer in enforcing all rules of safe riding during rides and runs; and perform such other duties or chair such committees as may be from time to time assigned by the Director or Executive Committee.

Article VII—Delegates

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Section 1. Delegates and alternates to a Department American Legion Riders meeting, convention, regional gathering, or other activities shall be elected by ballot by the Chapter membership at a regular meeting of the Chapter to be held prior to the date of such event.

Article VIII—Appointments

Section 1. The Director, immediately upon taking office each year, may appoint standing committees or commissions for the furtherance of programs.

Section 2. Such standing committees shall consist of such persons, and the chair thereof, as nominated by the Director and approved by the Chapter membership.

Article IX—Resolutions

Section 1. All resolutions of Department or National scope presented to the Chapter by a member or reported to this Chapter by a committee shall merely embody the opinion of the Chapter on the subject and copy of same shall be forwarded to the Post and Department Headquarters for its approval before any publicity is given or action other than mere passage by the Chapter is taken.

Article X—Notices

Section 1. Every member shall furnish the Secretary with a valid postal mailing address, and, optional, an e-mail address.

Section 2. The Secretary shall cause notice of the annual election to be given at least thirty (30) prior thereto.

Article XI—Rules of Order

Section 1. All proceedings of the Chapter shall be conducted under and pursuant to Roberts' Rules of Order (Newly Revised), except as herein otherwise provided.

Article XII—Limitations of Liabilities

Section 1. The Chapter shall not incur, or cause to be incurred, any liability or obligation whatever which shall subject to liability any other Chapter, subdivision, members of The American Legion, Post, Department, or other individuals, corporations or organizations.

Section 2. This Chapter shall take such steps necessary to secure appropriate event insurance for all organized rides, events, celebrations and functions undertaken under the name of the Post.

Article XIII—Gender Neutral

Section 1. The Chapter By-Laws are intended, and shall be deemed, to be gender neutral. The use of any gender term is for illustrative purpose only.

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Article XIV—Amendments

Section 1. These By-Laws are adopted, subject to the provisions of the National, Department, and/or Post By-Laws of which this Chapter is a subordinate program.

Section 2. Any amendment to the National, Department, or Post By-Laws that is in conflict with any provision hereof shall be regarded as automatically repealing or modifying the provisions of the By-Laws of the Chapter to the extent of such conflict.

Section 3. These By-Laws may be amended at any regular Chapter meeting by a vote of two-thirds of the Chapter membership attending such regular meeting; provided that:

(1) The proposed amendment shall have been submitted in writing, and read at the immediate preceding meeting, and

(2) Written or electronically transmitted notice to the addresses of Chapter members' record indicated in Article X, Section 1, of these By-Laws, shall have been given to all Chapter members at least thirty (30) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting there will be presented a proposal to amend the By-Laws.

Section 4. Any amendments to these By-Laws shall be reported to the Department and Post, and such amendments will not be effective until approved by the Department and Post.

Section 5. The provisions of all other Chapter By-Laws adopted prior to these By-Laws shall be completely superseded hereby.