**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,*** (insertcurrent 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**

***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.

***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 Departments 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.

**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

 (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.

***Section 5.*** All vacancies existing in any office of the 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 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 my 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**

***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.

**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.