



## Black Hills Chapter Constitution

### 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 goodwill 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.

### Purpose

The American Legion Riders is formed to promote the aims and purposes of The American Legion as a family oriented motorcycling activity for members of The American Legion, The American Legion Auxiliary, and the Sons of The American Legion.

### Article I --- Name

The name of this program shall be *THE AMERICAN LEGION RIDERS of South Dakota Post 164, Black Hills, Spearfish, SD.*

### Article II --- Nature

**Section 1.** The American Legion Riders (ALR) is a program for members of The American Legion, The American Legion Auxiliary, and the Sons of The American Legion members, collectively "The Legion Family," who share an interest in motorcycling.

**Section 2.** The American Legion Riders upholds the declared principles of the American Legion as well as conforms to and abides by the regulations and decisions of the department, post, or other duly constituted governing body.

**Section 3.** The ALR maintains and protects the image of The American Legion at all times through appropriate wearing 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 4.** Members of the ALR 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 5.** The ALR will improve the public’s perception of the motorcycling community by promoting the honorable nature of service to one’s community, state, and nation through the sport of motorcycling.

**Section 6.** Members of the ALR comply at all times with the motor vehicle safety, licensing, and insurance laws or regulations of the state in which they are operating.

### **Article III --- Organization**

The ALR Chapter 9 of The American Legion Riders is a program of Post 164. The chapter exists at the discretion of the Post. The chapter officers and executive committee are responsible and accountable to the Post executive committee, who approves all officers.

### **Article IV --- Membership**

#### **A. ELIGIBILITY**

**Section 1.** Eligibility for basic membership in the American Legion Riders 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 American Legion Riders must further demonstrate individual membership in good standing in The American Legion, The American Legion Auxiliary, or The Sons of American Legion.

**Section 3.** Members will not at any time hold membership in more than one chapter of The American Legion Riders.

**Section 4.** Members must be a registered owner, or the spouse of same, of a motorcycle with at least 350 cc engine displacements, which is licensed and insured in accordance with South Dakota law, and must be a legally licensed operator of same or spouse.

**Section 5.** Members cannot have been previously expelled, or currently suspended, from any chapter or Department of the American Legion Riders.

**Section 6.** All members will obey the motor vehicle laws in any state in which they are operating a motorcycle or riding as a passenger.

#### **B. CLASSES OF MEMBERSHIP**

**Section 1.** Chapter Member. The standard membership in the chapter.

**Section 2.** Charter Member. The first 15 members or members by June 17<sup>th</sup> 2012 whichever comes first will be the CHARTER members.

**Section 3.** Special Class Member. Members may continue to be part of the Chapter, with full membership privileges, as a Special Class Member, even though they fail to meet the membership requirements of Article IV –A pursuant to the following and subject to the approval of the general membership:

- a. Death of the spouse who was the owner of the motorcycle, or disability which prevents the member from physically being able to operate a motorcycle, and ownership of the motorcycle was relinquished, due to this disability.
- b. Had been a member for at least one full year prior to seeking special class status.
- c. Agreement by member that they will not participate in any Chapter activity that would require them to operate a motorcycle.

### **C. TERM OF MEMBERSHIP**

Membership, other than Honorary, shall run for one calendar year (January-December), and must be renewed each year.

## **Article V --- Chapter Uniform and Patch Requirements**

### **A. WEAR OF AMERICAN EMBLEM**

**Section 1.** 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 members of the ALR.

**Section 2.** No other back patch or back patch design is authorized for wear.

**Section 3.** Department standards for patch sales should be on file with Emblem Sales.

**Section 4.** If Department or Post identifying information is to be embroidered on the patch, Emblem Sales must have on record authorization from the Department Adjutant that such specific identifying information may be used on the patch.

**Section 5.** Use of rockers or patches physically attached to The American Legion Riders back patch are not recommended due to trademark laws.

### **B. APPAREL**

**Section 1.** The ALR back patch must be the dominant feature on the back of the garment, and will be worn at ALR sponsored events, meetings, and group rides.

**Section 2.** No lewd or profane patches or pins may be worn on the same garment that displays the property of ALR or shall conflict in declaration or meaning with the stated ideals and motto of the American Legion.

**Section 3.** American flag patches when worn shall be orientated and placed on the front or shoulders of the garment at approximately chest-high level but not lower, in accordance with U.S. military guidelines. Additionally, no other patch resembling the flag or any foreign country may be placed on the garment at the same level or higher than the American flag patch.

## **Article VI --- Determine Elected Officers**

**Section 1.** The officers of the Chapter shall be elected annually and shall consist of Director, Assistant Director/Membership Chairman, Secretary, Treasurer, Road Captain, Sergeant-at-Arms, and Chaplain.

**Section 2.** Between Chapter meetings, the administrative power of the Chapter shall be vested in the Chapter at the first business meeting after the annual Department Convention. Executive Committee: whose voting members shall consist of all elective officers for the current year and the immediate Past Chapter Director.

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

## **Article VII --- 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 Executive Committee.

**Section 2.** The amount of such membership or initiation fees and the amount of such annual Chapter dues shall be fixed and determined by majority vote of the members during the annual meeting.

**Section 3.** The Chapter will provide a monthly financial report to the sponsoring department/post executive committee.

## **Article VIII --- 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. Any amendment to the National, Department, or Post Constitution that is in conflict with any provision hereof shall be regarded as automatically repealing or modifying the provisions of the constitution and bylaws of this Chapter to the extent of such conflict.

**Section 2.** This Constitution may be amended at any regular Chapter meeting by a vote of two-thirds of the membership attending such regular meeting provided that the proposed amendment shall have been submitted in writing, and read at the immediate preceding Chapter meeting. Further, that traditional mail or electronic mail notice shall have been sent to all members' addresses of record at least 5 days in advance of the date which such amendment is to be voted upon, notifying said members that at such meeting there will be a proposal to amend the Constitution.

# **Black Hills Chapter By-Laws**

## **Article I --- Name**

**Section 1.** The Chapter existing under these Chapter By-Laws is to be known as American Legion Riders, **Post 164, Black Hills Chapter # 9**, The American Legion, Department of South Dakota.

**Section 2.** The name and nature of this Chapter are as set forth in the Constitution.

## **Article II --- Management**

**Section 1.** The officers (7) of the Chapter shall be Director, Assistant Director/Membership Chairman, Secretary, Treasurer, Road Captain, Sergeant at Arms, and Chaplain.

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

**Section 3.** Officers of this Chapter shall be elected annually at the last meeting of each year and take office at the first meeting following that of the election, known as the "Annual Meeting." All elections of officers shall be by ballot and the candidates receiving the highest number of votes shall be elected to the respective offices for which they are candidates.

**Section 4.** 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 remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer whose position was vacated.

**Section 5.** A vacancy shall exist when a member 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 Chapter by the remaining members of the Executive Committee

**Section 6.** All Past Chapter Directors shall be members of the Executive Committee with voice but without voting privileges.

### **Article III --- Meetings**

**Section 1.** The regular meeting shall be held at a location mutually agreed upon by the membership each month 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 Chapter 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 written request of four members, the Executive Committee shall call a special meeting of the Chapter.

**Section 4.** Seven members shall constitute a quorum.

### **Article IV --- Chapter Executive Committee**

**Section 1.** The Chapter Executive Committee shall meet for organizational or such other business as may come before it at the call of the Chapter Director within 10 days after the installation of the new officers. Thereafter the Chapter Executive Committee shall meet as often as Chapter Director may deem necessary. The Chapter Director shall call a meeting of the Chapter Executive Committee upon the joint written request of four or more committee members of said Chapter Executive Committee, and four members of the committee shall constitute a quorum thereof.

**Section 2.** The Chapter Executive Committee, based on a majority vote, shall hire such employees as maybe deemed necessary; shall authorize and approve all expenditures; shall hear the reports of chapter committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this chapter.

### **Article V --- Duties of Officers**

#### **Section 1. Director.**

- a. Serves as Chief Administrative Officer of the Chapter and presides over all meetings
- b. Supervises all affairs of the Chapter
- c. Performs such other duties as directed by the general membership
- d. Approves all orders directing the disbursement of funds
- e. Makes an annual report covering the business of the Chapter for the year

**Section 2. Assistant Director/Membership Chairman.**

- a. Assumes the duties of the Director in his/her absence
- b. Assists the Director in the performance of his/her duties when called on to do so by the Director
- c. Relieves Secretary of responsibility for maintenance of membership records as may be required by the general membership
- d. Collects membership dues as determined by the Chapter by-laws, and provides same to Treasurer on a regular basis
- e. Reviews and/or collects eligibility documentation as required by the general members, sponsoring Post Executive Board, Department, or State and Local laws
- f. Provides detailed membership reports at regular meetings of the Chapter

**Section 3. Secretary**

- a. Keeps a full and accurate record of all proceedings at the meetings
- b. Keeps membership records as may be required by the general membership
- c. Provides detailed minutes of prior meeting at each regular meeting
- d. Handles all correspondence of the Chapter

**Section 4. Treasurer**

- a. Is responsible for all finances of the Chapter and see that they are safely deposited in the bank of the sponsoring Post
- b. Disburses and collects funds as directed by the general membership
- c. Provides detailed financial reports at each regular meeting
- d. Provides financial audit data on the ALR Chapter line item from the sponsoring Post if requested

**Section 5. Road Captain**

- a. Responsible for all logistics of organized runs of the Chapter, including determination of dates, times, routes, and meeting places for those taking part in a run activity
- b. Appoints, directs, and dismisses additional assistant road captains and/or security personnel as may be required by activities and/or circumstances of the Chapter
- c. Responsible to plan for the safety of Chapter members during participation in any run or activity; and to plan for the safety of other participants in any Chapter-sponsored run or activity

**Section 5. Sergeant at Arms**

- a. Maintains order during chapter meetings.
- b. Ensures eligibility of those participating in Chapter elections, and ensures ineligible persons are not allowed to participate in the vote.

**Section 6. Chaplain**

Provides invocation at regular meetings or other activities as may be required by the general membership (i.e. dedications, funerals, public functions, etc.)

## **Section 7. Additional Roles**

The Chapter may, at their discretion, appoint or elect individuals to fulfill various other roles required for operation of the Chapter. These appointments or elections may be intended to relieve Chapter Officers of certain roles, or to fulfill Chapter-specific requirements.

- a. These roles and the manner of filling them must be defined in the Chapter by-laws at inception or through amendment
- b. Examples of such roles include separation of the Sgt. at Arms and Run Coordinator duties; addition of Communications or Liaison Officer; Store Keeper, etc.
- c. These individual roles will be considered Chapter officers or committee chairmen at the discretion of the Chapter, and as defined within the Chapter by-laws

## **Section 8. Considerations for Office**

Any full member in good standing is eligible to serve in any office of their Chapter, with the following exceptions:

- a. No one shall hold office in more than one Post-level Chapter of the ALR. This provision does not preclude a member from holding office in any Governing or Guiding Chapter organized from amongst groupings of Post-level Chapters, including County, District, Department, Regional, or National Chapters, as seen fit by any commensurate organizational level within the American Legion. This is in keeping with the constitution and structure of the American Legion and its family of organizations.
- b. To ensure that prospective members are fully aware of the personality of, and issues at their Chapter, no member having been so for less than one calendar year shall be considered for any office of their Chapter, unless the Chapter itself has been in existence for less than one calendar year.

## **Section 9. Delegates**

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

## **Article VI --- Resolutions**

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

## **Article VII --- Notices**

**Section 1.** Every member shall furnish the Chapter Membership Chair with a valid email and/or postal mailing address and a valid telephone number.

**Section 2.** The Chapter Secretary shall cause notice of the annual election to be given at least two weeks prior thereto. (The month of December)

## **Article VIII --- Rules of Order**

**Section 1.** Meetings will be conducted under "Roberts Rules of Order".



(ref: [www.constitution.org/rror/rror--00.htm](http://www.constitution.org/rror/rror--00.htm))

**Section 2.** The Chapter may elect to adopt a set of standing rules to govern its membership. These standing rules shall be no less than those contained in these by-laws nor can they be in any conflict with the National Constitution and Chapter By-laws of the American Legion.

### **Article IX --- Finances**

**Section 1.** Chapter finances will be held in such manner as allowed by the rules of the sponsoring Post.

**Section 2.** As a Post-level activity of the American Legion, it is recognized that all funds and property of the Chapter is ultimately property of the Post, and must be reported and/or surrendered upon demand of the Post Executive Board.

**Section 3.** As a Post-level activity of the American Legion, the Chapter enjoys the tax-exempt status of the Post and must manage its finances in accordance with applicable Federal (IRS), State, and local laws applicable to nonprofit organizations.

**Section 4.** Disbursement of funds will be only those authorized at any regular meeting of the Chapter. As noted above, each Chapter is a nonprofit organization and may only disburse funds in a manner in accordance with all Federal (IRS), State, and local laws applicable to nonprofit organizations.

**Section 5. Compensation.** No part of the net earnings of the Chapter shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the Chapter shall be authorized and empowered to pay reasonable compensation for services rendered.

### **Article X --- Limitations of Liabilities**

This Chapter shall not incur, or cause to be incurred, liability nor obligation to liability in any other Chapter, subdivision, members of The American Legion, post, departments, or other individuals, corporations or organizations.

### **Article XI --- Amendments**

**Section 1.** These Chapter By-Laws may be amended at any regular Chapter meeting by a vote of two-thirds of the members of said Chapter attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting. Any changes will be reported to the sponsoring department and/or post.

**Section 2.** Written notice to the addresses (postal or email) of record shall have been given to all members at least two weeks in advance of the date when such amendment is to be voted upon, notifying said members that such meeting there will be presented a proposal to amend the By-Laws.

### **Article XIII --- Discipline & Expulsion**

**Section 1.** Any member may be expelled or suspended from the Chapter by majority vote of the general membership at a regular Chapter meeting.

**Section 2.** The American Legion Post 164 will handle all appeals.

**Section 3.** Charter members can only be expelled or suspended at an American Legion Post 164 meeting.



**Section 4. Suspensions – Temporary**, member may not wear back patch but may attend functions.

**Section 5. Discipline** - The Chapter Director and Executive Committee are in charge of disciplining the Chapter members when warranted.

## **Article XVI --- Uniform**

### **A. THE AMERICAN FLAG**

**Section 1.** When worn by an ALR member, the Flag must not be subjugated by any other emblem or standard on the item of apparel to which it is affixed.

**Section 2.** When worn by an ALR member, the Flag must not be obscured or covered by any other emblem or standard on the item of apparel to which it is affixed.

**Section 3.** Established standards for the display and wearing of the Flag must be observed:

- a. When worn on the shoulder of a garment, the field of stars must be forward, as if the Flag is carried into the wind on a pole.
- b. When worn on the back or front of a garment, the field of stars is to be on the left (as viewed by another person).
- c. When worn in conjunction with one (1) flag of another organization, sovereignty, territory, or nation, the Flag must be in a numerically superior position (to the left of the other flag when viewed from the front).
- d. When worn in conjunction with several flags of other organizations, sovereignties, territories, or nations, the Flag must be worn in the center and above any other flag in the grouping.
- e. No graphic or slogan is ever to appear across the Flag.
- f. The Flag is never to be worn on the seat of the pants, or on any other location that could be considered disrespectful to the Flag.
- g. When garments bearing the Flag are to be discarded, the Flag is to be removed from the garment and retired in a manner appropriate to the Flag of The United States of America.

### **B. THE ALR BACK PATCH**

**Section 1.** The ALR Back Patch, configured as put forth by the Founding Members copyrighted by The American Legion, and available through The American Legion Emblem Sales, is to be worn by all members of the ALR in good standing.

**Section 2.** The Back Patch must be the dominant feature of the back of the garment upon which it is worn; i.e., the ALR back patch must not be subjugated to the patch of any M/C or motorcycle owners' group.

**Section 3.** No other Back Patch or Back Patch Design is authorized for use to represent the American Legion Riders. Variations upon the original theme, aside from the addition of Department, City, Post Number or similar designating text, are not authorized.

**Section 4.** If desired by the Chapter, the following lower rocker configurations may be worn with the Back Patch, assuming the listed provisions are met:

- a. The designation **Veteran** is only to be worn by those who satisfy the requirements for ALR eligibility and can produce a DD214 indicating they have served on Federal active duty during the periods of conflict prescribed for Legion membership, were honorably

discharged, and are members in good standing of The American Legion. A current, valid Legion membership card shall suffice as evidence of these requirements

- b. The designation **Squadron** is only to be worn by those who satisfy the requirements of Paragraph 1.1 and are members in good standing of the Sons of The American Legion. A current, valid SAL membership card shall suffice as evidence of these requirements.
- c. The designation **Auxiliary** is only to be worn by those who satisfy the requirements of Paragraph 1.1 and are members in good standing of The American Legion Auxiliary. A current, valid Legion Auxiliary membership card shall suffice as evidence of these requirements.

**Section 5.** It is recommended and the intent of these bylaws that those who are not Full ALR Members do not wear the ALR Back Patch.

**Section 6.** Specification of the garment upon which the Back Patch is to be worn is left to the discretion of the Chapter.

### **C. DRESS**

**Section 1.** The ALR is a program of The American Legion, and as such, members are representatives of The American Legion. It is strongly recommended that members dress in a manner that promotes a positive image for The American Legion, particularly when operating in group activities or interacting with the community.

**Section 2.** The ALR Back Patch and other related articles of clothing incorporate The American Legion emblem, and must be worn in a manner consistent with The American Legion emblem requirements.

## **Article XVII --- Repeal and Saving Clause**

- a. These Constitution & By-laws, adopted at the American Legion Riders of South Dakota, Post 164, Black Hills Chapter meeting held in Spearfish, South Dakota on the 18<sup>th</sup> day of April, 2012.
- b. Submitted for approval to the sponsoring Post (164) on the 2<sup>nd</sup> day of May, 2012.
- c. Submitted for approval of the American Legion Riders, Department of South Dakota at their meeting during the Annual Department Convention, June 17 of 2012.

## **STANDING RULES**

### **ARTICLE I: Membership**

- a. Membership is in accordance with the Constitution, Article IV. The chapter has full authority for the administration of membership.
- b. Membership by application shall be available at each regular chapter meeting.
- c. Membership application shall be completed by the applicant and returned to the membership chairman.
- d. The Membership chairman shall review the application for recommendations for membership and prepare to present the candidates' names to the chapter general membership.
- e. The general membership will vote by secret ballot to accept a prospective member.

- f. The recording secretary shall record in the chapter or executive board meeting minutes the name of any member whose membership is suspended or terminated. The record shall include the reason and the date of suspension or termination.

## **ARTICLE II: Finance**

- a. Special recognition of a member's death shall be financed by the chapter dues.