

# American Legion Riders of Arizona Chapter 58 By-Laws

Revised to include Amendment to Article V, Section 3a, Page 5 adopted by the general membership on April 7, 2022.

## Article 1- Name

Section 1. The Chapter existing under these By-Laws is to be known as American Legion Riders of Arizona Chapter 58 of Post 58 Fountain Hills, Arizona, hereinafter referred to as ALR Chapter 58, or the Chapter.

Section 2. The name and nature of this Chapter are as set forth in the American Legion Riders of Arizona Chapter 58 Constitution adopted on February 7, 2019.

## Article II - Membership Eligibility

Section 1. All members of ALR Chapter 58 must further demonstrate current individual membership in the American Legion, The American Legion Auxiliary or The Sons of The American Legion, all of which are families of The American Legion Post 58, Fountain Hills, Arizona.

Section 2. Members will not at any time hold membership in more than one chapter of The American Legion Riders.

Section 3. In addition to sections 1-3 above, members must be the legally registered owner of a motorcycle 650 cc or more, or be the spouse or significant other of the member who is the legally registered owner within the state of registration. "Significant Other" shall be defined as a person (not necessarily a spouse) with whom the member cohabits and/or shares a long-term relationship.

Section 4. All operators must be properly licensed and insured per state laws and produce supporting documents at time of application, renewal or upon request by an Executive Committee member or their authorized representative

**Section 5.** All members will obey the motor vehicle laws in any state in which they are operating a motorcycle or riding as a passenger.

Section 6. All new applicants and transferees should be sponsored by an ALR Chapter 58 member or be recommended to an ALR Chapter 58 member. Former members who have resigned and want to re-join, will be considered as new applicants. The applicant must fill out the ALR Chapter 58 membership form. Individuals interested in

membership must attend a minimum of 3 general membership meetings and complete a minimum of 3 rides (including 2 group rides of 4 or more Riders) where at least one ALR Chapter 58 Road

Captain is present before presenting themselves to the ALR members at a regular meeting, at which time a vote will be held by the Riders to grant or deny membership. Prior to voting, an open, honest and confidential discussion will be held in regard to the prospective member's qualifications. All votes will be done in person by private ballot and will require a two thirds (2/3) approval of members present at a general membership meeting.

Section 7. All transferees from other Chapters will clearly state their reasons for their transfer, and will be thoroughly vetted prior to acceptance. All members and transferees must provide proof of eligibility, current vehicle registration, proof of motorcycle endorsement and proof of insurance as required by Arizona state law, as well as be a member in good standing with the Chapter from which they are transferring. Transferees must be thoroughly vetted prior to acceptance and pay dues at time of transfer approval.

Section 8. Members in good standing may continue to retain full membership if they have given up motorcycle ownership because of age, injury, health reasons, financial hardship, death of a spouse, or other reasons out of the member's control.

Section 9. The Chapter may allow "supporting members" or chapter "supporters". These supporting members must still meet the requirements of Section 2 and be current members of The American Legion, The American Legion Auxiliary, or The Sons of The American Legion at Post 58. Supporting members or chapter supporters will pay annual dues as prescribed by the membership of the annual ALR Chapter 58 dues and be expected to attend at least one membership meeting annually. Supporting members may not vote or hold office in the Chapter. All supporters' vests must display a supporter patch and/or rocker. Supporter status will not be granted with the promise or expectation of material, financial or political benefit to the Chapter, any officer or member.

Section 10. Membership in ALR Chapter 58 must be maintained by active participation. All members may be required to submit monthly activity logs to the Secretary for reporting to the State ALR.

Section 11. A strong and vibrant ALR Chapter 58 depends on the active participation of its rider and supporter members. And while there will be no compulsory participation in any event, all members and supporters are strongly encouraged and expected to participate in a minimum of four (4) ALR Chapter events, rides, functions or meetings annually. Members who fail to participate in the expected number of ALR events, rides, functions or meetings may lose their ability to vote and will not be counted as "active" members.

Section 12. Out of state or long term inactive members may, at the Chapter Executive Committee's discretion, be "grandfathered" past these requirements. Any member, unless "grandfathered", who fails to maintain membership eligibility or resigns from the ALR will be required to complete three (3) rides with an ALR Chapter 58 Road Captain and present themselves to the members at a regular meeting to be considered for reinstatement, if absent for one year or more.

Section 13. There are no national dues. Dues for ALR Chapter 58 will be as currently established annually by the membership. Any such dues are to be collected in December for the upcoming membership year January 1<sup>st</sup> to December

31<sup>st</sup>. All members will be expected to pay dues annually. If dues are not paid by January 1, the member will be considered delinquent and all privileges of membership shall be suspended until dues are paid in full.

Section 14. Dues for new members joining during the year will not be prorated. Required vest patches will be purchased from the Chapter at the time the member is approved.

Section 15. Any member may be suspended or expelled from the Chapter by a two thirds (2/3) vote of the general membership in attendance at a regular Chapter or special meeting. One week's written notice of the time and place when the membership will consider the charges against him/her, accompanied by a written specification of the charges, shall be given to the accused member, and at such time and place he/she shall be entitled to appear and defend himself/herself against such charges. A member who is subject to expulsion or suspension shall be entitled to be present at the meeting at which their expulsion or suspension is to be considered, and shall be entitled to verbally address the membership and/or to present written material, at the option of the member. Expulsion or suspension may only be done for good cause. "Good Cause" is hereby defined as actions or activities by a member who brings discredit or dishonor to The American Legion or to The American Legion Riders, disloyalty, neglect of duty, dishonesty, theft or conduct unbecoming of a member of The American Legion. A member will be automatically suspended or expelled if such member was suspended or expelled by the membership of The American Legion, The American Legion Auxiliary, or The Sons of the American Legion.

### Article III — Wear of American Legion 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 as an ALR emblem.

Section 3. The ALR Back Patch, and the Chapter 58 Rocker, the Officially Licensed emblems of The American Legion Riders, are, and shall remain the property of American Legion Riders Chapter 58. The patches are issued exclusively to each qualifying Chapter member, for that member's use in accordance with Chapter requirements, in perpetuity, subject to the following:

- a. The fees paid for the back patch and Chapter rocker are the license fee, as opposed to purchase cost. There is no implied right of ownership in either patch. Chapter back patches must be purchased from the Chapter.
- b. Any circumstances which causes the member to lose their membership in The American Legion Riders, including membership suspension, shall extinguish such member's right of possession of said patches and they shall be subject to immediate surrender to the Chapter unless the member shall receive, in writing from the Chapter, an explicit release to continue to possess the patches.
- c. The patches shall not be transferred to any other person without the express approval in writing from the Chapter.
- d. All other Chapter supplied patches will be purchased outright by the member.

Section 4. No other patch, tab, rocker, text, background art or color that is in conflict with an American Legion protected trademark may be used on clothing, banners, flags, posters or advertisements.

#### Article IV — Membership Identification

Section 1. The ALR vest or jacket shall be worn for all ALR functions, American Legion Riders and Chapter patches will be worn on a black or brown leather or denim vest or jacket.

The front of the ALR vest or jacket will consist of the following:

- a. An American flag will be worn on the left side of the vest/jacket, high on the chest. An Arizona state flag will be placed immediately below the American flag. No pins or patches will be placed above the American flag.
- b. A POW/MIA patch will be worn on the upper right side of the vest or jacket. No pins or patches will be placed above the POW/MIA patch.
- c. Nicknames and officer titles may be worn below the POW/MIA patch with the officer title above the road name.

The back of the ALR vest or jacket will consist of the following:

- a. The American Legion Riders patch will be centered on the vest or jacket.
- b. A rocker "Legion Riders" will be centered above the ALR patch. The rocker will have a black background with yellow block style lettering.

## Article V - Management

Section 1. The administrative power of the Chapter shall be with the Chapter Executive Committee, which shall consist of all elected officers for the current year, and in addition the immediate Past President, who shall have all voting rights.

Section 2. The Officers of the Chapter shall be President, Vice President, Secretary, Treasurer, Sergeant at Arms, Chaplain, Membership Chairman, and Lead Road Captain.

Section 3. Officers of this Chapter shall be nominated annually beginning in April and elected at the May meeting. They will take office at the conclusion of the May meeting for Chapter operational purposes and administration. The outgoing Executive Committee will continue to represent ALR Chapter 58 externally until the fall of the gavel following the American Legion Department of Arizona state convention. All elections of officers shall be by secret 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. Candidates must be present at the nominating meeting to accept the nomination. Exception: persons nominated that are unable to attend meetings prior to the election, must submit correspondence to the President indicating acceptance of the nomination prior to the April Meeting. Write-In votes will be accepted and if the "write-in" is elected, they must be present at the installation meeting.

Section 3a. *(as voted on by the general membership on April 7, 2022)* Members in good standing who cannot attend the May meeting may vote by absentee ballot via email or regular mail. Members who wish to vote by absentee ballot must first seek approval from the President or Vice President. Absentee ballots not approved by the President or Vice President will not be counted. A member in good standing and with no personal interest in the election will be designated by the general membership at the April meeting. The designated member must receive absentee ballots no later than 1800 hours the day prior to the May election. The designated member will not disclose the results of the absentee ballots until the election meeting in May at which time they will be counted with the in-person ballots.

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 Executive 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. Any person so appointed or elected to fill a vacancy shall be confirmed or installed by the hosting Post 58.

Section 5. A vacancy shall exist when a member or officer is absent from the Chapter due to resignation, loss of qualifications, incapacity from injury, illness or death, 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. Any elected officer may be removed for inefficiency or for the good of the Chapter, by a two-thirds (2/3) vote of the ALR Executive Committee.

#### Article VI - Meetings

Section 1. The regular meeting of the Chapter shall be held at a time 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.

Upon the written request of six (6) active members, the Executive Committee shall call a special meeting of the Chapter.

Section 2. All general membership meetings will be open to Members, Supporters, American Legion Post 58 Executive Members and invited guests approved by the President.

Section 3. The Chapter President or a majority of the Executive Committee shall have power to call a special meeting of the Chapter at any time.

Section 4. Three (3) elected officers and three (3) non-officers will constitute a quorum.

#### Article VII — 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 President within 15 days after the installation of the new officers. Thereafter the Chapter Executive Committee shall meet as often as the Chapter President may deem necessary. The Chapter President shall call a meeting of the Chapter Executive Committee upon the joint written request of three (3) or more members of said Chapter Executive Committee, and three (3) members of the Chapter Executive Committee shall constitute a quorum thereof.

Section 2. The Chapter Executive Committee, based on a majority vote, shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall provide or require adequate bonds from all persons having custody of chapter funds; 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.

Section 3. Chapter Executive Committee expenditures shall not exceed the amount of \$1,000. Expenditures in excess of \$1,000, shall first be voted upon and approved by the members.

#### Article VIII - Duties of Officers

Section 1. Duties of the President. It shall be the duty of the Chapter President to preside at all meetings of the Chapter and to have general supervision over the business and affairs of the Chapter, and such officer shall be the Chief Executive Officer of the Chapter. The President 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 hosting American Legion post, with a copy thereof immediately forwarded to the Post, and shall make an annual report covering the business of the Chapter for the year. The President shall perform such other duties as directed by the Chapter.

Section 2. Duties of the Vice President. The Vice President shall assume and discharge the duties of the office of the President in the absence or disability of, or when called upon by the Chapter President. The Vice President shall perform other such duties as directed the Chapter or Chapter President.

Section 3. Duties of the Secretary. The Secretary shall have charge of and keep a full and correct record of all proceedings of all general membership 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 President handle all correspondence of the Chapter.

Section 4. Duties of the Treasurer. The Treasurer shall have charge of all finances and see that they are safely deposited in some local bank(s) and shall report once a month to both the Chapter Executive Committee and Post 58 the condition of the finances of the Chapter, with such recommendations as he or she may deem expedient or necessary to carry on the financial activities of the Chapter. The Treasurer and President, and at least one member of the Chapter executive committee and one officer of Post 58, shall be signatory on any and all accounts of the Chapter. The Treasurer shall prepare the Chapter's monthly financial report rendered to Post 58 at a regular meeting. The Treasurer shall be a signer for all checks disbursing the monies of the Chapter, and shall be provided such surety bonds in such amounts as shall be fixed by the Chapter Executive Committee and obtained by the Chapter. The Treasurer shall prepare the Chapter's monthly financial report for Post 58 Executive Committee.

Section 5. Duties of the Chaplain. The Chapter Chaplain shall be charged with the spiritual welfare of the Chapter comrades and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc. and adhere to such ceremonial

rituals as are recommended by the National or Department headquarters from time to time.

Section 6. Duties of the Sergeant at arms. The Sergeant at arms shall preserve order at meetings and gatherings, assist the Road Captain 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 President or Chapter Executive Committee.

Section 7. Duties of the Membership Chairman. The Membership Chairman shall assist the Secretary and Treasurer in keeping and maintaining accurate membership records of the Chapter.

Section 8. Duties of the Lead Road Captain. The Lead Road Captain shall plan all tours, runs, activities, and events; lead and direct the Chapter in formation riding or parades; arouse interest in activities; enforce all rules of safe motorcycle operation and group riding. Additionally, the Lead Road Captain may select assistants to aid in special tasks with the approval of the President prior to appointment. The assistants may chair appropriate activity committees as directed by the Chapter President or Executive Committee, but will not have executive committee voting privileges. Assistants may be removed for expiration of duties, ineffectiveness, or good cause, at the discretion of the President.

### Article IX — Delegates

Section 1. Delegates and alternates to a Department American Legion Riders meeting, convention, regional gathering or other activity, may be appointed by the Chapter President as necessary.

### Article X— Appointments

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

Section 2. Such standing committees shall consist of such persons, and the chair thereof, as designated by the Chapter President.

### Article XI — Notices

Section 1. Every member shall furnish the Chapter Secretary with a valid email , telephone number and postal address.

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

### Article XII — Rules of Order

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

### Article XIII — Limitations of Liabilities

Section 1. This Chapter shall incur, or cause to be incurred, no liability nor obligation whatsoever, which shall subject to liability any other Chapter, subdivision, members of The American Legion, Post Departments, or other individuals, corporations or organizations.

### Article XIV - Standing Rules

Section 1. Standing rules are motions or resolutions governing actions of the Chapter. They may be adopted from time to time as needed to support the bylaws.

Section 2. Standing rules may be adopted, amended or rescinded at any meeting of the Chapter without previous notice by a majority vote of members present whom are in good standing.

Section 3. Standing rules may be suspended (waived) for one meeting only by a majority vote of the members in good standing present at any meeting of the Chapter.

Section 4. Standing rules cannot be adopted if they conflict with any provisions of the Chapter, Post, Department or national constitution and bylaws. Should such a conflict occur, the standing rules in question are null and void and the bylaws shall take precedence.

### Article XV — Amendments

Section 1. These Bylaws may be amended at any regular Chapter meeting constituted by a quorum by a vote of 2/3 of the members of said Chapter attending such regular meeting, provided that the proposed amendment shall have been submitted either in writing or electronically and read at the immediately preceding regular meeting. Any changes will be reported to the Post 58 Executive Committee, and will not become effective until approved by the Post 58 Executive Committee.

Section 2. Written or electronic notice to the addresses of record indicated in Article XII, Section 1, shall have been given to all members at least 5 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 Bylaws.

### Article XVI — Enacting Clause

These Bylaws of The American Legion Riders of Arizona Chapter 58, of Post 58 Fountain Hills, Arizona are approved and adopted by 2/3 affirmative vote of the ALR members present at a meeting held February 7, 2019.

Date

Feb 7, 2019

Tommy Johnson  
ALR 58 Vice President

Jeff Wenzel  
ALR 58 President

Debra A. Ditt  
ALR 58 Secretary

Mark Miller  
Post 58 Adjutant

Jeff Wenzel  
Post 58 Commander