

# SAMPLE POST CONSTITUTION AND BY-LAWS

## CONSTITUTION

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### 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.*

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### ARTICLE I

#### **NAME**

**Section I** The name of this organization shall be \_\_\_\_\_

\_\_\_\_\_ Post No. \_\_\_\_\_, The American Legion,

Department of Maine.

## **ARTICLE II**

### ***OBJECTS***

**Section I** The objects and purposes of this Post are to promote the principles and policies as set forth in the foregoing Preamble, and the National and Departmental Constitutions of The American Legion.

## **ARTICLE III**

### ***NATURE***

**Section I** This Post is a civilian organization and membership herein does not affect nor increase liability for military or police service. Rank does not exist in The American Legion; no member shall be addressed by his or her military or naval title in any meeting of this Post.

**Section II** This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office.

## **ARTICLE IV**

### ***MEMBERSHIP***

**Section I** Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion.

**Section II** All applications for membership, which are accompanied by the necessary annual dues, shall be acted upon at the next Post meeting following receipt and shall at said meeting be either accepted, rejected or referred for further investigation and consideration. If a majority of members present cast their votes against the acceptance of said application, then such application shall be recorded as rejected.

**Section III** A member may be expelled from the Post upon proper showing of cause, i.e., disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of The American Legion. All charges must be made under oath and in writing by the accusers. No member shall lose his/her membership until given a fair trial as stipulated in the Post Officer's Guide, an official publication of The American Legion.

**Section IV** A member whose dues for the current year have not been paid by January 1<sup>st</sup> shall be classed as delinquent. If the dues are paid on or before February 1<sup>st</sup>, he/she shall be automatically reinstated. If he/she is still delinquent after February 1<sup>st</sup>, he/she shall be suspended from all privileges. If he/she is still under suspension by June 30<sup>th</sup> of such year, his/her membership in The American Legion shall be forfeited. A member whose membership has been so suspended or forfeited may be reinstated to active membership in good standing by majority vote of the Post and the payment of current dues for the year in which reinstatement occurs.

## **ARTICLE V**

### **OFFICERS**

**Section I** The administrative affairs of this Post shall, except as otherwise provided by the By-Laws, be under the supervision of the Executive Committee, which shall consist of \_\_\_\_\_ members in good standing, in addition to the officers of this Post. The term of the Executive Committee shall be for a period of one year. The Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

**Section II** The officers of this Post shall be:

Commander

Vice Commander (May have a 1<sup>st</sup> and 2<sup>nd</sup> or just one Vice Commander)

Adjutant

Finance Officer

Sergeant-At-Arms

Historian

Chaplain

Service Officer

Executive Committee Members \_\_\_\_\_(number). (Any other officers that the Post feels needed or necessary may be added, such as Judge Advocate, Trustees, Athletic Officer).

**Section III** The officers shall be nominated by a Nominating Committee of \_\_\_\_\_ members in good standing of this Post, appointed by the Executive Committee, of whom not more than \_\_\_\_\_ shall be officers, at the meeting in the month of \_\_\_\_\_, each year. The nominating committee shall report to the general membership the names of the candidates for each elected office at the meeting immediately preceding the month of elections as stated in Article V, Section IV. Nominations shall also be accepted from the floor at said meeting for any of the offices listed in Section II.

**Section IV** The officers listed in Section II shall be elected by written ballot at the scheduled meeting of the Post in the month of \_\_\_\_\_, and shall hold office from installation at said meeting in the month of \_\_\_\_\_ for a period of one (1) year, or until their successors are chosen and installed.

**Section V** Every member in good standing in this Post shall be eligible to hold office in this Post.

**Section VI** The duties of the officers and the Executive Committee shall be those usually pertaining to the respective office and as further provided in the By-Laws.

## **ARTICLE VI**

### ***FINANCE***

**Section I** The revenue of this Post shall be derived from annual membership dues and from such other sources as may be approved by the Post Executive Committee.

**Section II** The amount of such annual membership dues shall be in the amount of \_\_\_\_\_ and may be changed with a recommendation by the Executive Committee and a majority of the Post members at a scheduled meeting for such determination after proper advance notice being given to the membership of said meeting.

**Section III** The post shall pay to Department Headquarters the National and Department annual membership dues for every member of the Post.

## **ARTICLE VII**

### ***AMERICAN LEGION AUXILIARY***

**Section I** This Post recognizes an Auxiliary organization to be known as Unit \_\_\_\_\_, American Legion Auxiliary, Department of Maine.

**Section II** Membership in the American Legion Auxiliary shall be as prescribed by the National and Department of Maine's Constitution of the American Legion.

## **ARTICLE VIII**

### **SONS OF THE AMERICAN LEGION**

**Section I** This Post recognizes as a program of this Post the "Sons of The American Legion" to be known as Squadron \_\_\_\_\_, Sons of The American Legion, Detachment of Maine.

**Section II** Membership in the Sons of The American Legion shall be as prescribed by the American Legion National Organization's guidelines and by the Department of Maine's Constitution.

### ***AMENDMENTS***

**Section I** This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Department Constitution of the Department of Maine, The American Legion. Any amendment to said National or Department Constitutions which are in conflict with the provisions herein shall be regarded as automatically repealing or modifying the provisions of this constitution to the extent of such conflict.

**Section II** This Constitution may be amended at any regular Post meeting by a vote of two-thirds of the members of the Post attending such regular meeting, Provided That the proposed amendment shall have been submitted in writing and read at the next regular meeting of the Post, preceding the meeting the vote will take place; and, Provided Further, That written notice shall have been given to all members at least \_\_\_\_\_ days in advance of the date when such amendment is to be voted upon, notifying all members that at such meeting a proposal to amend this Constitution is to be voted upon.

# **BY-LAWS**

## **ARTICLE I**

**Section I** The Post existing under these By-Laws is to be known as \_\_\_\_\_, The American Legion, Department of Maine.

## **ARTICLE II**

### ***MANAGEMENT***

**Section I** The government and management of this Post is entrusted to an Executive Committee consisting of all officers and \_\_\_\_\_ members elected at large.

**Section II** The elections of officers and Executive Committee shall be held annually and shall take office pursuant to Article V, Section IV of the Constitution of this Post. All elections 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.

**Section III** All vacancies existing in the Executive Committee, or in any office of the Post from any cause, other than expiration of term, shall be filled by a majority vote of the remaining members of the Executive Committee. A person appointed will hold office for the unexpired term of the member of the committee or office whom he/she succeeds. A vacancy shall exist when a member of the Executive Committee or officer is absent from his/her Post for a continuous period of three (3) continuous Post meetings, which is considered at a minimum, detrimental to the interest of the Post by the Executive Committee.

## **ARTICLE III**

### ***POST EXECUTIVE COMMITTEE***

**Section I** The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within 30 days after the installation of the new officers. Thereafter the Committee shall meet at the call of the Commander at least every \_\_\_\_\_ and as often as said commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of \_\_\_\_\_ or more members of the Committee. A majority of the members of the Committee shall constitute a quorum.

**Section II** The Post Executive Committee shall hire such employees as may be necessary; shall supervise the expenditures of all funds; shall require bonds for all persons having custody of the Post funds; shall hear the reports of committee chairpersons; and generally shall have charge and responsibility for the management of the affairs of the Post.

**Section III** The Post Executive Committee shall be authorized to expend funds for the operation and overall management of this Post up to an amount of \_\_\_\_\_ for any one expenditure. Any amount over the afore stated amount needs approval of the majority of the Post members except in an emergent situation where the Post Executive Committee shall authorize the expenditure and advise the Post membership of the specifics of the emergent situation at the next regularly scheduled meeting of the Post.

## **ARTICLE IV**

### ***DUTIES OF OFFICERS***

**Section I** *Duties of Post Commander.* It shall be the duty of the Post Commander to preside at all meetings of the Post and Executive Committee, and to have general supervision over the business affairs of the Post. He/she shall perform such other duties as directed by the Post.

**Section II** *Duties of the Vice-Commander.* It shall be the duty of the Post Vice Commander to assume the duties of the office of Commander in the absence or disability of or when called upon by the Post Commander. He/she shall be the chairman of the Membership Committee or in charge of Membership.

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

**Section IV** *Duties of Finance Officer.* The Finance Officer shall have charge of all funds of the Post and Post finances. He/she shall see that they are safely deposited in some local financial institution as approved by the Post Executive Committee, and shall report at least once a month to the general membership the condition of the finances of the Post, with such recommendations as he/she may deem expedient or necessary for raising funds with which he/she is to carry on the activities of the Post. He/she shall sign all checks disbursing monies of the Post. He/she shall furnish such surety bond as required by the Executive Committee.

**Section V** *Duties of Sergeant-at-Arms.* The Sergeant-at-Arms shall preserve order at all meetings and shall perform other duties as may be assigned to him/her by the Post Executive Committee.

**Section VI** *Duties of Historian.* The Post Historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as may be prescribed for him/her by the Post Executive Committee.

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

**Section VIII** *Duties of Post Service Officer.* The Service Officer shall promote the rehabilitation of comrades and render assistance in securing hospitalization, relief, and prosecution of claims pertaining to the Veterans Administration or any other service organization.

## **ARTICLE V**

### ***MEETINGS***

**Section I** The regular meetings of the Post shall be on the \_\_\_\_\_, 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 advisable by the Executive Committee.

**Section II** The Post Commander or a majority of the Executive Committee may call a special meeting of the Post at any time.

**Section III** Upon the written request of \_\_\_\_\_ members, the commander shall call a special meeting of the Post. However, at a special meeting only that business for which the meeting was called will be transacted.

**Section IV** \_\_\_\_\_ members shall constitute a quorum.



## **ARTICLE VI**

### ***RULES OF ORDER***

**Section I** All proceedings of this Post shall be conducted under and pursuant to Roberts' Rules of Order, the latest revision, except as herein otherwise provided.

## **ARTICLE VII**

### **AMENDMENTS**

**Section I** These By-Laws may be amended at any regular post meeting by a vote of two-thirds of the members of this Post attending such regular meeting: *Provided* *That* the proposed amendment shall have been submitted in writing and read at the next regular meeting of this Post; preceding the meeting the vote will take place: and, *Provided Further*, That written notice shall have been given to all members at least \_\_\_\_\_ days in advance of the date when such amendment is to be voted upon, notifying the members that at such meeting a proposal to amend the By-Laws is to be voted upon.