

SUGGESTED POST CONSTITUTION AND BYLAWS

CONSTITUTION OF _____ POST NO. ____
DEPARTMENT OF KANSAS

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 per cent 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 this organization shall be _____
Post No. _____ The American Legion, Department of Kansas.

Article II -- Objects

Section 1. The objects and purposes of this post shall be 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 1. This post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Sec. 2. This organization shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

Sec. 3. Rank does not exist in The American Legion; no member shall be addressed by his military or naval title in any meeting of this post.

Article IV -- Membership

Section 1. Eligibility to membership in this post shall be as prescribed by the national Constitution of The American Legion.

Sec. 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the post Executive Committee.

Sec. 3. All applications for membership shall be acted upon at the next post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If 5 or more members cast their vote

against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six months from the date of such rejection.

Sec. 4. Members may be suspended or expelled from membership in The American Legion upon proper showing of cause by a three-fourths vote of the membership of the Post present and voting. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of The American Legion. All charges must be made under oath, in writing, by the accusers, and no member in good standing shall be suspended or expelled from membership until given a fair trial by the Post. Any member who has been suspended or expelled pursuant to this section and the procedure provided by the local Post, shall have the right to appeal such suspension or expulsion to the Department Executive Committee. The decision of the Department Executive Committee shall be final.

Article V -- Officers

Section 1. The administrative affairs of this post of The American Legion shall, except as may be otherwise provided by the Bylaws, be under the supervision of an Executive Committee which shall consist of no more than 5 members in addition to the officers of the post. The term of office of members of the Executive Committee shall be for one year. This post, by its bylaws, may provide for such other standing committees as the business of the organization may require.

Sec. 2. The officers of this post shall be a commander, a vice commander, and adjutant, a finance officer, a post historian, a post chaplain, post service officer and a sergeant-at-arms, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.

Sec. 3. Annual Post elections shall be held at a regular meeting not more than sixty days nor less than fifteen days prior to the Department Convention, and said Post Officers shall be installed prior to the Department Convention. All vacancies in Post officers shall be filled in a manner to be determined by the post bylaws and shall hold office for the unexpired term. Each Post Finance Officer shall be bonded for twice the amount of the funds likely to come under his control. No bond is to be less than \$200.

Sec. 4. Every member of this post in good standing shall be eligible to hold office in this post.

Sec. 5. The duties of officers and the executive committeemen shall be those usually appertaining to such officers or committeemen and as further provided in the Bylaws.

Sec. 6. Any officer of this Post may be removed from office for just cause by three-fourths vote of the membership of the Post present and voting: Provided, written charges against any such officer are first made under oath in writing by five members and filed with the Adjutant or Commander, and thirty days= notice thereof in writing is first given to said officer before such vote for removal from office shall be taken; and provided further that fifteen days= notice of such hearing shall be given to each member in good standing in this Post. The accused shall be given the right to appear at said hearing in person and by counsel and present his defense to said accusation.

ARTICLE VI -- Finance

Section 1. The revenue of this post shall be derived from membership or initiation fees, from annual membership dues and from such other sources as may be approved by the post Executive Committee.

Sec. 2. The amount of such membership or initiation fees and the amount of such annual post dues shall be fixed and determined by this Post.

Sec. 3. The post shall pay to departmental headquarters the national and departmental annual membership dues for every member of this post.

Article VII -- Charter Members

Section 1. Members who joined this post prior to November 11, 1919 (or members who joined this post prior to the issuance of charter) shall be known as charter members.

Article VIII -- American Legion Auxiliary

Section 1. This post recognizes an auxiliary organization to be known as the Auxiliary Unit of _____ Post No. ____ The American Legion.

Sec. 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

Article IX -- Amendments

Section 1. 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 Kansas, The American Legion. Any amendment to said national Constitution or department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Sec. 2. This Constitution may be amended at any regular post meeting by vote of two-thirds of the members of said post attending such regular meeting, providing that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post, and providing, further, that written notice shall have been given to all members at least 30 days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

POST BYLAWS

Article I

Section 1. The post existing under these Bylaws is to be known as _____, Post No. _____, The American Legion, Department of Kansas.

Sec. 2. The objects of this post are as set forth in the Constitution.

Article II -- Management

Section 1. The government and management of the post is entrusted to a Committee to be known as the APost Executive Committee.

Sec. 2. The Post Executive Committee shall consist of no more than 5 members in addition to the officers of the post and together with the other officers of this post shall be elected and take office at the meeting next following that of the election. All elections of officers and executive committeemen 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.

Sec. 3. All vacancies existing in the Executive Committee, or in any office of the post 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 elected shall hold office for the unexpired term of the member of the committee or officer whom he succeeds. A vacancy shall exist when a member or officer is absent from his post for a continuous period considered detrimental to the interest of the post by the Executive Committee.

Article III -- Post Executive Committee

Section 1. 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 10 days after the installation of the new officers. Thereafter the post Executive Committee shall meet at the call of the commander at least every month 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 three or more members of said post Executive Committee, 2/3 members of the committee shall constitute a quorum thereof.

Sec. 2. The post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of post funds; shall hear the reports of post committee chairmen; and generally, shall have charge of and be responsible for management of the affairs of this post.

Article IV -- Duties of Officers

Section 1. *Duties of post commander.* It shall be the duty of the post commander to preside at all meetings of the post and to have general supervision over the business and affairs of the post, and such officer shall be the chief executive officer of the post. He shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the department adjutant. He shall perform such other duties as directed by the post.

Sec. 2. *Duties of vice commander.* The vice commander shall assume and discharge the duties of the office of commander in the absence or disability of, or when called upon by the post commander.

Sec. 3. *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 organization may require, render reports of membership annually or when called upon at a meeting, and under direction of the commander handle all correspondence of the post.

Sec. 4. *Duties of the finance officer.* The finance officer of the post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Executive Committee the condition of the finances of the post, with such recommendations as he may deem expedient or necessary for raising funds with which to carry on the activities of the post. He shall sign all check disbursing the moneys of the post. He shall furnish such surety bonds in such sum as shall be fixed by the post Executive Committee.

Sec. 5. *Duties of post 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 properly pertain to the office as may be determined by the post or the Executive Committee.

Sec. 6. *Duties of post chaplain.* The post chaplain shall be charged with the spiritual welfare of the post comrades and will offer divine but non-sectarian 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.

Sec. 7. *Duties of sergeant-at-arms.* The sergeant-at-arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to him by the post Executive Committee.

Article V -- Delegates

Section 1. Delegates and alternates to a district or department convention shall be elected by ballot by the post at a regular meeting of the post to be held at least 15 days prior to the date of such convention.

Article VI -- Appointments

Section 1. The post commander, immediately upon taking office each year, shall appoint the following standing committees: Baseball, Bowling, Boys State; Cadet Law Enforcement Academy; Camporama; Children and Youth; Civil Preparedness; Economics; Energy, Finance, For God and Country; Golf; Legislative; Music; National Security; Public Relations; Scholarship and Oratorical; School Awards, County Government and Flag Education; Sons of The American Legion; and Veterans Affairs and Rehabilitation.

Article VII -- Resolutions

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

Article VIII -- Meetings

Section 1. The regular meeting of the post shall be held at the Post Home or a location known and conveyed to the membership at least once a 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 advisable by the officers of the post.

Sec. 2. The post commander or a majority of the Executive Committee shall have power to call a special meeting of the post at any time.

Sec. 3. Upon the written request of 10% of the general membership the Executive Committee shall call a special meeting of the post.

Sec. 4. Twelve members shall constitute a quorum.

Article IX -- Notices

Section 1. Every member shall furnish the post adjutant with his or her address for mailing purposes.

Sec. 2. The post adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

Article X -- Rules of Order

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

Article XI -- Limitations of Liabilities

Section 1. This post shall incur, or cause to be incurred, no liability nor obligations whatever which shall object to liability any other post, subdivision, group or men, members of The America Legion, or other individuals, corporations or organizations.

Article XII -- Properties

Section 1. Real estate properties to be obtained or disposed of by Post _____ shall be approved at a regular Post meeting by a vote of two-thirds of the members of said post attending the regular meeting: Provided that the proposed transaction shall have been submitted in writing, and read at the next preceding regular meeting of said Post; and provided, further, that written notice shall have been given to all members at least 15 days in advance of the date when such transaction is to be voted upon, notifying said members that at such meeting a proposal to obtain or dispose of real estate properties is to be voted upon. The vote in all cases shall be by secret ballot.

Article XIII -- Amendments

Section 1. These Bylaws may be amended at any regular post meeting by a vote of two-thirds of the members of said post attending such regular meeting: provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post: and, provided, further, that written notice shall have been given to all members at least 30 days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Bylaws is to be voted upon.