

CONSTITUTION  
OF  
ANDERSON POST 318, AMERICAN LEGION

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 the mutual helpfulness.

ARTICLE I  
Name of Post

Section 1. The name of this Post shall be known as Anderson Post 318, The American Legion, Department of Ohio, and hereinafter shall be referred to as the Post.

ARTICLE II  
Objects / Nature

Section 1. The Anderson Post 318, The American Legion, Department of Ohio, is a civilian organization of men and women, and each member shall perform his or her duty as a citizen, and shall promote the principals and policies as set forth in the foregoing Preamble, and in the National and Departmental Constitutions of the American Legion.

Section 2. This Post shall at all times be absolutely non-political and non-sectarian, 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. No candidate for (nor the incumbent of) a salaried elective job or public office shall hold office in this Post. The declaration of candidacy for an elective political office by any person who is an officer of this Post of the American Legion shall result in the automatic vacating of his or her office in this Post, and the same shall be filled as hereinafter provided.

Section 3. Rank does not exist in The American Legion, and no members shall be addressed by his or her military or naval title in any meeting of the Post.

ARTICLE III  
Membership

Section 1. Eligibility for membership in the American Legion shall be as set forth in the latest version of the Nation Constitution of the American Legion.

Section 2. Persons making application for membership in this Post shall therefore make application upon a standard American Legion Application Form. Each applicant for membership shall present with his application, either his or her Discharge from Military Service, which was performed during the dates prescribed by the National Constitution, or other satisfactory proof of such honorable service. To be accepted, the applications must be accompanied with the proper advance payment of dues as prescribed herein.

- Section 3. In order to clarify the processing of the applications for membership, the following procedure shall prevail:
- a. Applicant shall submit completed application, eligibility documentation, and appropriate payment for dues to the Membership Chairperson.
  - b. Membership Chairperson reviews applicant and documentation with Executive Committee to ensure eligibility.
  - c. Membership Chairperson and Adjutant coordinate on processing of paperwork and issuance of membership card.
  - d. Membership Chairperson invites applicant to next scheduled Post General Membership Meeting for welcome, introduction to Post membership and New Member Initiation Ceremony.
  - e. Transfer of membership into the Post, except for dues, shall be similarly processed.
- Section 4. Delinquency
- a. Legion membership is annual, with the Legion year being from January 1 to December 31. Dues are payable October 20 in advance.
  - b. If dues are not paid by January 1 of each calendar year, the member becomes delinquent. If dues have not been paid by February 1, the member is suspended, but nevertheless remains a member with no privilege except that of reinstatement by vote of the Post and payment of dues. Such suspended membership for non-payment of dues shall continue for a period of 5 months, to June 30, at which time the member is dropped from the roll by constitutional mandate and membership is forfeited.
- Section 5. Resignation
- a. A member may resign from the Post at any time while his or her dues are paid and can join another Post as a new member, in which event the continuity of his or her Legion membership is broken. Upon resignation, the Post is not required to rebate any part or portion of the member's dues. The resignation must be in writing.
- Section 6. Transfer
- a. The only method of transferring from one Post to another so that the continuity of membership in the Legion is not broken, is by formal transfer, which is available only to members in good standing.
  - b. A member of a Post may not move his membership to another Post and retain continuous membership without the formality of a transfer. Being a member of more than one Post at a time is a violation of the Constitution.
  - c. The right to transfer does not carry the right to be accepted by any Post.
  - d. On transfer there shall be no transfer of funds derived from dues, etc. The accepting Post shall recognize the fact of dues having been paid to the Post from which the transfer is effected and shall make no charge therefore, excepting only if the dues of the Post accepting the member are in excess of those from which the transfer is sought; then the accepting Post may collect from the transferring member the excess dues prorated from the date of the acceptance to the end of the current year.
  - e. In all instances where a member of the American Legion transfers during a current year from one Post to another after payment of his current year's dues, the transferring Post shall retain said dues and shall have credit for such membership during the remainder of such year for which said dues were collected, but said transferred member shall be entitled to all of the benefits and assume all of the responsibilities of membership in the Post to which the transfer is made, after such transfer is effected.

ARTICLE IV  
Incorporation

Section 1. This Post shall be incorporated as a not-for-profit ( 501 [C] [19] ) corporation under the General Corporation Act of the State of Ohio.

ARTICLE V  
Government

Section 1. The government and management of this Post shall be vested in the Executive Committee.

Section 2. The elected officers of this Post shall consist of a Post Commander, a First Vice-Commander, a Second Vice-Commander, an Adjutant, a Finance Officer, a Chaplain, and a Sergeant-at-Arms, all of whom shall be elected by the membership, to serve for a period of one (1) year, or until their successors shall have been elected and installed.

Section 3. In the event that the same person is to assume more than one office in the Post, his or her vote on the Executive Committee will be limited to one (1) vote.

Section 4. Appointments will be made by the Post Commander to positions of Service Officer, Historian, and all chair positions defined within the Post By-Laws or annual Business Plan. The Post Commander shall also make appointments to any elected office that is not filled as a result of the election process. The term of these appointments is the same as the term of office for the Post Commander. The Executive Committee, as a body, shall reserve the right of appointment for positions of a Corporation Statutory Agent and a Charities Inc Liaison, as established per provisions of the Post By-Laws and Business Plan.

Section 5. Whenever a vacancy occurs (a) in the office of Commander, the First Vice-Commander shall succeed; (b) in the office of First Vice-Commander, the Second Vice-Commander shall succeed; (c) in the office of Second Vice-Commander, or any other elected officers, an appointee shall be made by the Post Commander to fill the office until the next regular election, subject to approval from the floor at the next regular meeting.

Section 6. Whenever a duly elected officer, or appointed committee chair, does not make an appearance for three (3) consecutive General meetings or Executive Committee meetings, it shall be the right of the Commander to relieve such officer from the office held without prejudice.

Section 7. Delegates to local County Council and District shall be appointed by the Post Commander at least thirty (30) days prior to the date of such convention. Any Delegates to the Department convention shall be appointed by the Post Commander within the time-frame established by the Department of Ohio. All delegates to either local County Council, District or Department conventions are mandated to attend all sessions and all caucuses of said conventions. In the event the duly appointed delegates and/or alternates are unable to attend the conventions, the Commander shall call a special meeting of the Executive Committee for purpose of filling the vacancies.

ARTICLE VI  
Budget Committee

Section 1. At the current Post Commander's discretion, the Executive Committee or any designated part thereof, may serve as the Budget Committee during that Post Commander's continuous term of office.

## ARTICLE VII

### Finance

- Section 1. The revenue of this Post shall be derived from annual membership dues, and from such other sources as may be recommended by the Executive Committee, or Marketing Committee with concurrence of the Executive Committee, and subject to approval from the floor at Post Meeting.
- Section 2. The amount of annual dues in this Post shall be fixed as determined in accordance with the By-Laws of this Post.
- Section 3. The Post shall pay to Department headquarters the National and Department dues and assessments for every member of the Post.
- Section 4. The Post shall pay to local County Council and District any per member assessments.

## ARTICLE VIII

### Motions

- Section 1. The Adjutant shall record all motions from the floor, and read same at the next regular meeting.
- Section 2. No motion from the floor shall be tabled over one (1) consecutive regular meeting, and must be read at the next regular meeting.
- Section 3. Motions made and seconded, shall be deemed to have passed upon a simple majority vote cast.

## ARTICLE IX

### Members in Distress

- Section 1. A member in dire need or distress shall retain his or her membership at all times, even though the Post shall be called upon to compensate National and State dues, after a motion made and passed by Executive Committee.

## ARTICLE X

### Charter Members

- Section 1. Members who joined this Post prior to the issuance of its original charter from the American Legion shall be known as charter members.

## ARTICLE XI

### Decorations and Parades

- Section 1. The Post shall be committed to participation in all local memorial and recognition celebrations in honor of our departed comrades, and military veterans, especially the decorating of local cemeteries. The Post shall also attempt to support and participate in similar non-local activities whenever possible.
- Section 2. All Post Commanders on retiring from office, shall be presented with a Past Commander's Insignia, the funds for which will come from the Post treasury, and all Insignia shall be of the same design, when duplication is possible. Only one Past Commanders Insignia shall be presented to an individual regardless of terms served as Past Commander.

## ARTICLE XII

### Expenditures

- Section 1. All expenditures from the Post General Fund, having been first approved by the

Executive Committee, must be authorized by motion from the floor at regular Meetings, with exception of normal operating expenses and Post 318 program items included within the Annual Post Business Plan and Budget as recommended for adoption by Executive Committee, and approved by the membership upon presentation of the Post Business Plan and Budget.

- Section 2. All money shall be placed in either the general fund, the events account, or the bingo account, except those moneys donated for a specific purpose, or any funds which are directed by the Executive Committee to be placed into Post investment / savings / reserve / special projects accounts. Expenditures exceeding \$100.00 from the General Fund that are not within the approved Post Business Plan and Budget, must be recommended by the Executive Committee, and is subject to approval from the floor at Post General Meeting.
- Section 3. The Executive Committee shall annually develop the proposed Post Business Plan and Budget in June, and shall present the recommended budget at the July Post General Membership Meeting for a final approval vote of a simple majority of members present.
- Section 4. The budget is to be effective from July 1 of present year through June 30 of the following year. All chairpersons of functions or programs in need of finances must submit a committee budget to the Executive Committee early in June. A detailed report of past expenditures must accompany report.
- Section 5. Emergency expenditures may be granted by the Executive Committee. Any surplus in such allocation must revert back to the general fund.
- Section 6. The Finance Officer shall be bonded by the Post's insurance company.

### ARTICLE XIII Parliamentary Ruling

- Section 1. The Post shall be governed by "Robert's Rules of Order" in all points not covered by this Constitution and By-Laws.

### ARTICLE XIV Discipline

- Section 1. Members may be reprimanded, suspended, or expelled from the American Legion, and Officers may be reprimanded, removed from office or suspended or expelled from membership only upon a proper showing of cause. Charges should be based upon disloyalty, neglect of duties, dishonesty, failure to pay Post approved assessments, and conduct unbecoming a member or officer of the American Legion. All charges must be made under oath, in writing by the accuser, and no member in good standing shall be reprimanded, suspended, or expelled, nor shall any officer be reprimanded or removed from office, suspended or expelled, until a fair trial as herein provided. The charges are to be filed with the Executive Committee.
- Section 2. Procedure in Post: When charges are preferred against a member of a Post or Officer thereof, the Executive Committee of the Post shall, within five (5) days from and after the filing of the written charges against the accused, appoint a trial board consisting of not less than five (5) nor more than seven (7) members in good standing in the American Legion of Ohio. Said trial board shall commence the taking of testimony on said charges within ten (10) days of its appointment. The decision of the trial board, which may be acquittal, reprimand, removal from office, suspension, or expulsion; shall be reported to the Post forthwith and acted upon by the Post at its next regular meeting. The Post,

excepting in the case of acquittal by trial board, may affirm, modify, or reverse the findings and sentence of the trial board.

- Section 3. If the Post suspends or expels the accused, or removes him or her from office if he or she be an officer, the accused may appeal such decision to the Department Executive Committee which shall hear and determine the issue at its meeting next following the action of the Post. The Department Executive Committee shall conduct its hearings upon the transcribed testimony heard by the Post trial board, or oral testimony, or both. The decision of the Department Executive Committee shall be final. The Post Executive Committee shall appoint a member or members of the Post to prosecute the charges and the accused shall have the right to appear and defend himself in person or by counsel of his or her own choosing.

#### ARTICLE XV

##### American Legion Auxiliary / Sons of the American Legion (S.A.L.)

- Section 1. This Post may choose to have, and recognize an Auxiliary Unit to be known as the Anderson Utility Unit #318, American Legion Auxiliary. Membership in the American Legion Auxiliary shall be open to the Mothers, Wives, Daughters, Sisters, Granddaughters, Great-Granddaughters, Grandmothers and any others so authorized by American Legion and Legion Auxiliary charter and organizational membership specifications whereby the relationship is to a person eligible for membership in the American Legion.
- Section 2. This Post may choose to have and recognize an ancillary unit to be known as the Anderson Sons of the American Legion (S.A.L.) Squadron. Members of the S.A.L. shall be limited to Sons of all eligible members of the Post.

#### ARTICLE XVI

##### Amendments

- Section 1. This constitution is adopted subject to the provisions of the National Constitution of the American Legion and the Department of Ohio, 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.
- Section 2. This Constitution may be amended at any regular Post meeting by a simple majority vote 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 last preceding meeting of said Post, and providing, further, that written notice shall have been given to all members at least ten (10) 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.

Revised, Amended and Recommended for Adoption by Post 318 Membership by Executive Committee as of 28<sup>th</sup> day of December, 2016.

Attest to Adoption by Post 318 Membership as of the 8<sup>th</sup> day of February, 2017.