

**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 All 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 in advance for the forthcoming year and are due by October 20 of the current membership year.
 - b. If dues are not paid by January 1 of each forthcoming membership calendar year, the member becomes delinquent, and is considered as out of good standing. If dues have not been paid by February 1, of respective membership year the member is suspended, including Post Access-Security Card privileges, but nevertheless remains a member, however, 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 not more than 5 months, to June 30 of current membership year, 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. Upon 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 and Management of Post

Section 1. The government and management of this Post shall be vested in the Executive Committee, which shall be comprised of all Elected and Appointed Post Officers, and additional persons as set forth in Post By-Laws and annual Post Business Plan.

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, or a position considered by the Post By-Laws or annual Post Business Plan as a member of the Post Executive Committee, 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 or other positions defined within the Post By-Laws or annual Post Business Plan, except where an appointment is stated otherwise. The Post Commander shall also make appointments to any elected Post Officer position 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 annual Post 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 (d) in any other elected Post Officer position, an appointee shall be made by the Post Commander to fill the vacant office until the next regular election, subject to concurrence of Executive Committee, and approval from the floor at the next regular scheduled General Membership meeting.

Section 6. Whenever a duly elected Post Officer, or an appointed committee chair or position designated as a member of Executive Committee, does not make an appearance for three (3) consecutive General Membership meetings or Executive Committee meetings without just cause, or should be inefficient in his/her office or position performance, it shall be the right of the Post Commander to relieve such Post Officer or appointee, from the respective office or position 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
Marketing Committee

- Section 1. The Post Marketing Committee is responsible for the evaluation of all fund raising projects intended to support Post operations. This Committee will meet at least once a month, or as necessary, to perform it's duties. Recommendations from this committee are referred to the Post Executive Committee for review and approval. Other responsibilities for the Marketing Committee include the pricing and messaging for all Post events and services.
- Section 2. The structure of this committee consists primarily of: the Events Coordination Chairperson; the Fund-raising Chairperson; the Post Activities Chairperson; the Bingo Chairperson; the Finance Officer; the Internal/External Communications Chairperson; the Social Media Program Manager; and other Members-at-Large, as necessary, or desire to participate.

ARTICLE VII
Post Business Plan and Operating Budget

- Section 1. The Post Finance Officer shall prepare the first “draft” of the Post Operating Budget. He/she will circulate it to the Post's Committee Chairs and Project / Program Managers for comments and proposed revisions.
- Section 2. 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 Post Operating Funds should review the Finance Officer's proposed budget and submit any necessary changes, with documentation to justify them. These changes must be submitted to the Finance Officer in a time frame, as established by the Finance Officer, that will allow for the changes to be included in the Post Business Plan that will be submitted by the Post Business Plan Project Manager, appointed by the Post Commander, for review and recommendation for adoption by the Post Executive Committee at their June meeting
- Section 3. Following return of initial “draft”, an updated version is completed and the document is prepared for inclusion in the upcoming year's proposed annual Post Business Plan.
- Section 4. On an annual basis the Post Business Plan Project Manager updates the Plan and includes the Operating Budget received from the Finance Officer in support of the Plan.
- Section 5. The Post Business Plan Project Manager, shall present the proposed upcoming year's Post Business Plan and Operations Budget to the Post Executive Committee not later than the June Post Executive Committee Meeting.
- Section 6. The resulting Post Business Plan and Operating Budget is then reviewed by Post Executive Committee, and a “recommendation to adopt” is made by the Executive Committee.
- Section 7. The Post Executive Committee's “recommended” Post Business Plan and Operations Budget is then submitted to the Post 318 membership for approval and

adoption, upon a simple majority vote cast of the members present at that July Post General Membership Meeting.

- Section 8. Post membership shall be notified ten (10) days in advance of the July Post General Membership Meeting, advising them of the presentation and vote on the Post Business Plan and Operations Budget and shall also be provided with an opportunity for advance availability of a copy of the Post Business Plan and Operations Budget to review prior to the meeting.

ARTICLE VIII **Finance**

- Section 1. The revenue of this Post shall be derived from annual membership dues, and from such other sources as may be proposed by any member, evaluated by the Marketing Committee, and reviewed and approved by the Post Executive Committee.
- 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 of Ohio headquarters the National and Department dues and assessments for every member of the Post, as established.
- Section 4. The Post shall pay to local County Council and District any per member assessments established and requested.

ARTICLE IX **Motions**

- Section 1. The Adjutant shall record all motions from the floor, at Post General Membership Meetings and Executive Meetings, and any called Special Meetings and shall include in meeting minutes for presentation at the next regular Post General Membership 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, of members present at that meeting.
- Section 4. In a virtual meeting situation, members participating in said meeting shall have full availability of right of vote on motions, and to have their vote counted, so long as their attendance at said meeting has been recorded in the official meeting attendance sign-in book, by the Post Sergeant-at-Arms.

ARTICLE X **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 XI **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 XII
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 XIII
Expenditures

- Section 1. All expenditures from the Post General Fund must first be recommended by the Post Executive Committee, and approved by motion from the floor at Post General Membership Meeting, with exception of: 1) recurring operating expenses; 2) fund-raising project/programs with Profit & Loss responsibilities, and 3) Post 318 program items included within the Annual Post Business Plan and Budget as recommended for adoption by Post Executive Committee, and approved by the membership at the July Post General Membership Meeting.
- Section 2. All money shall be placed in either the Post's 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 annual Post Business Plan and Budget, must be recommended by the Post Executive Committee, and is subject to approval from the floor at Post General Membership Meeting.
- Section 3. Emergency expenditures may be granted by the Post Executive Committee. Any surplus in such allocation must revert back to the General Fund.
- Section 4. The Finance Officer should be bonded by the Post's insurance company, if possible.

ARTICLE XIV
Parliamentary Ruling

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

ARTICLE XV
Discipline

- Section 1. Members may be reprimanded, suspended, or expelled from the American Legion, and Post 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 Post 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 Post Executive Committee.

Section 2. Procedure for Discipline Process Within Post: When charges are preferred against a member, or Officer of the Post, 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 Post Membership 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 Post 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 XVI

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 the National Constitution of American Legion Auxiliary.

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 XVII

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 Post Constitution to the extent of such conflict.

Section 2. This Post Constitution may be amended at any regular Post General Membership 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 General Membership 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 presented 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 27th day of
January, 2021.

Attest to Adoption by Post 318 Membership as of the 14th day
of April, 2021.

/s/ *Daniel F. Wolfangel*

Daniel F. Wolfangel