

**CONSTITUTION  
OF  
ANDERSON POST 318, AMERICAN LEGION  
Revised November 13, 2024**

**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**

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. Each member shall perform his or her duty as a citizen, and shall promote the principles 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 National 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

by 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 application and documentation to ensure eligibility.
- c. Membership Chairperson processes paperwork and issues membership card.
- d. Membership Chairperson invites applicant to next scheduled Post General Membership Meeting for welcome, and introduction to Post membership.
- e. Transfer of membership into the Post, except for dues, shall be similarly processed, as per provisions of Section 6 – Transfer below.

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 preceding 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<sup>7</sup> of respective membership year the member is suspended, but nevertheless remains a member, however, with no privilege except that of reinstatement by 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 permanently suspended until membership dues have been paid.

Section 5. Resignation

- a. A member may rescind their membership from the Post at any time while his or her dues are paid.
- b. They may join another Post as a new member, in which event the continuity of his or her Post 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.
- c. They may be transferred to post OH0888, but no portion of their dues will be rebated.
- d. They can forfeit their membership in the American Legion.

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 transfer his/her membership to another Post and retain continuous membership without the formality of the required Transfer Form.
- c. Being a member of more than one Post is a violation of the National Constitution.
- d. The right to transfer does not carry the right to be accepted by any Post.
- e. Upon transfer there shall be no transfer of funds derived from dues, such current membership dues having been paid. The accepting Post shall recognize the fact of dues having been paid to the Post from which the transfer is affected and shall make no charge.
- f. 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 the benefits and assume all of the responsibilities of membership in the Post to which the transfer is made, after such transfer is effective.

- g. If a transfer is being requested without the transferee having not paid his current membership dues, then membership dues will be required to be submitted along with the Transfer Form application.

#### **ARTICLE IV** **Incorporation**

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, all committee chairs; Assistants to Officers; Corporation Statutory Agent; Bar-Concession Manager; Sons of American Legion (SAL) Advisory Committee Chair, and Charities Inc. Liaison, or other positions defined within the Post By-Laws or annual Post Business Plan, except where an appointment may be determined as necessary by Executive Committee. 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.
- 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 or District conferences / conventions shall be appointed by the Post Commander at least thirty (30) days prior to the date of such conferences / conventions. Any Delegates to the Department conferences / conventions shall be appointed by the Post Commander within the time-frame established by the Department of Ohio. All delegates to local County Council, District or Department conferences / conventions are mandated to attend all sessions and all caucuses of said conferences / conventions. In the event the duly appointed delegates and/or alternates are unable to attend the conferences / 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 more often as necessary, to perform its 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 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; the Bar-Concession Manager; a representative of SAL Squadron 318 unit or committee; and other Members-at-Large, as necessary, or who 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 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 the 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 annual dues in this Post shall be fixed as determined in accordance with the By-Laws of the Post.
- Section 3. The Post shall pay to Department of Ohio headquarters, and the National and Department established 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 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 postponed 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 of members present at that meeting.
- Section 4. In a virtual meeting, 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**

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**

Members who joined the 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. Expenditures from the Post General Fund in excess of \$500 must first be recommended by the Post Executive Committee, and approved by motion and vote 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. Expenditures in amount of \$500 or less may be made without advance approval of Executive Committee, where member(s) making expenditures had prior authorization based upon assigned responsibilities or project requiring said expenditures. Expenditures of such nature shall be reported to the Finance Officer, who shall advise Executive Committee as necessary.
- Section 3. All money shall be placed in either the Post's General Fund 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.
- Section 4. Emergency expenditures may be granted by the Post Executive Committee. Any surplus in such allocation must revert back to the General Fund.
- Section 5. The Finance Officer should be bonded by the Post's insurance company, if possible.

**ARTICLE XIV**  
**Parliamentary Ruling**

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

**ARTICLE XV**  
**Discipline**

Discipline procedures are in accordance with Department By-Laws Article V and the adherence to the Uniform Code for the Conduct of Discipline Procedures

## **ARTICLE XVI**

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

- Section 1. The Post may choose to have, and recognize an Auxiliary Unit to be known as the Anderson American Legion Auxiliary Unit #318. 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. The 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 318. Members of the S.A.L. shall be open to all male descendants, and non-descendant males, to be inclusive of: sons, adopted sons, stepsons, grandsons, and great grandsons, of any honorably discharged living or deceased military veteran, or active-duty military member, who is a member of the American Legion, or is by virtue of his or her military service, is or would be eligible for American Legion membership. Members in good standing with American Legion Post 318, who may also qualify for S.A.L. membership, may be considered for a dual membership in both Squadron 318 and Post 318 serving and paying dues to both entities.

## **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. Any amendment to the National Constitution or Department of Ohio Constitution, which is in conflict with any provisions hereof, shall be regarded as automatically repealing or modifying the provisions of the 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 thirty-five (35) days prior to the final vote on the proposed change.

Revised, Amended and Recommended for Adoption by Post 318 Membership by Executive Committee as of the *25th day of September, 2024.*

Attest to Adoption by Post 318 Membership as of the *13th day of November, 2024.*



Robert Carey  
Adjutant – Post 318