



The AMERICAN LEGION
RAY E. MILLER POST NUMBER 63

CONSTITUTION

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 goodwill 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.

Refer to Appendix B for the meaning of the Preamble to The American Legion Constitution.

**ARTICLE I
NAME & ASSOCIATION**

1. The name of the organization shall be Ray E. Miller Post No. 63, The American Legion, Department of Kentucky, hereinafter referred to as “Post No. 63”.
2. The American Legion, Department of Kentucky, is a department of and subject to the jurisdiction of The American Legion as incorporated by an act of Congress and hereinafter referred to as the National Organization.
3. Post No. 63 is a non-profit corporation that promotes the principles and policies as outlined in the Preamble of The National Constitution of The American Legion, and the Department of Kentucky Constitution of The American Legion.
4. Post No. 63 is chartered under the provisions of the Kentucky Non-Profit Corporation Act as outlined in Kentucky Revised Statute, KRS 273.
5. Post No. 63 shall observe all local, state, and federal laws which apply to nonprofit veterans’ organizations as defined in Section 501(c)(19) of the Internal Revenue Code.
6. Post No. 63 is established and operates under the governance of The American Legion and the Department of Kentucky as outlined in the Constitution and By-Laws of the same.
7. Post No. 63 shall maintain an affiliation with The National Organization, The Department of Kentucky, and other organizations deemed beneficial to its purpose.

ARTICLE II NATURE

1. Post No. 63 is a civilian organization. Rank does not exist, and no member shall be addressed by his/her military title in any meeting of the post or any correspondence pertaining to the post.
2. It is the specific intent of Post No. 63 to provide a forum for the discussion of common problems, sharing information and technical know-how, and staying abreast of legislation affecting all veterans of the Army, Navy, Marine Corps, Coast Guard, Air Force, and Space Force, as defined by 38 U.S. Code § 101(2).
3. Notwithstanding the above sections, Post No. 63 shall be nonpartisan and nonsectarian; shall take no part in or lend its support to the election of any candidate seeking public preferment or office.

ARTICLE III MEMBERSHIP

1. Eligibility for membership in Post No. 63 shall be as prescribed by Article VIII, Section 1 of the American Legion National Constitution.
2. Each applicant for membership in Post No. 63 shall provide the Post Adjutant with a completed American Legion Membership Application and a copy of their DD-214 or other documents that verify their membership eligibility. The Post No. 63 1st Vice Commander and Adjutant will review and authenticate submitted documentation as best as possible. Any veteran authorized to join Post No. 63 without a DD214, or other proof of eligibility will be required to request a DD214 or other proof of eligibility at:

<https://vetrecs.archives.gov/VeteranRequest/home.html>

The application and supporting documents will be maintained by the Post Adjutant and/or a member designated by the Post Commander.

3. Applications for new members and transfers shall be provided to the Post Adjutant NLT ten (10) working days before the next regularly scheduled Post No. 63 meeting following the making of such application.

The Adjutant will provide the applicant's name, branch(s) of service, and period(s) of service to all post members via email (if an email address was provided) NLT one (1) week before the next regularly scheduled post-meeting.

Before the start of the voting process at the next scheduled Post No. 63 meeting, the Sergeant-At-Arms will escort all applicants present at the meeting out of the meeting room, closing the door. Any current member having objections to any applicant will need to be present to share their objections with the other members present.

The Adjutant will read the name(s) of those requesting to join or transfer to Post No. 63 and then will ask if there are any objections to any of the applicants. Any members with objections or concerns are encouraged to calmly share that information.

If any member(s) present at a Post meeting state that they have objections against membership of a new applicant or a transfer, or vote against the applicant, then that individual's application will be placed on hold. If a majority of votes are against the individual, then that application shall be marked as denied.

If the application is placed on hold, then a special ad hoc committee will be appointed by the Post Commander and Executive Committee to interview and review the application. This special ad hoc committee will consist of a chairperson and four (4) members, all from the Executive Committee. This committee will meet separately with the applicant and with any members who have concerns about whether that applicant should be allowed to join Post No. 63.

The ad hoc committee will hold as many interviews/meetings as needed to gather all pertinent information and allow both sides to present their case. Upon completion of the investigation, the ad hoc committee will report its findings and make a recommendation, both in writing to the Executive Committee. This process should be completed by the next Executive Committee meeting the following month. If more time is needed, the special ad hoc committee chairperson shall brief the Executive Committee and request additional time to gather information.

The Executive Committee will review the situation and vote on approving or disapproving the application to join or transfer to Post No. 63. Should the vote result in a tie, then the final decision will rest with the Post Commander.

In the event the Post member(s) who objected to an applicant chooses not to disclose their reasons or concerns, the applicant will be approved for membership or transferal.

If the applicant chooses not to meet with the special ad hoc committee, then the applicant will not be approved for membership or transfer.

If approved for membership or transfer, the applicant will be notified via phone call by the Adjutant. Should the applicant not be approved to join the post, he/she will be sent a certified, return receipt letter stating the reason for denial. The applicant will be given thirty (30) days to appeal the decision to the Department of Kentucky, IAW the Department's Constitution and By-laws.

All information collected will be held in the strictest confidence, and the final decision, along with all documentation, will be maintained securely by the Adjutant within the secure file. The DD214(s) or other eligibility documents will be mailed back to the individual(s) in the return receipt letter if denied membership or transferal.

4. Any member of Post No. 63 may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath, in writing, and a fair trial held upon same.

5. Before any hearing pursuant to this article, written notice shall first be sent by Certified Return Receipt mail to the member's address of record with Post No. 63. This notice may also be sent to an email address on record in the Adjutants care. Use of email shall not replace the obligation of certified mail notification.

6. Such notice shall advise the member of the impending action(s) and provide the member with an opportunity to be heard in not less than thirty (30) days or more than sixty (60) days from the date of the certified receipt of the notice. Refusal to accept the notice shall be deemed a waiver of the right to be heard.

7. A member who has been expelled or suspended for any cause from Post No. 63 may submit a written request to the Post No. 63 Commander to have his/her case read before the assembled membership. Such reading will not be debated or discussed in the open forum. The expelled or suspended member may be reinstated to membership by a two-thirds vote of the membership present in a subsequent Post No. 63 meeting, and the payment of current dues for the year in which the reinstatement occurs.

8. No person who has been expelled by a post shall be admitted to membership in Post No. 63 without the consent of the expelling post, except that where such consent has been asked for and denied by such post, he/she may then appeal to the Department Executive Committee for permission to apply for membership in this post and shall be ineligible for membership until such consent is granted.

ARTICLE IV OFFICERS

1. The administrative affairs of Post No. 63 shall be provided by these By-laws, under the supervision of an Executive Committee ^[1] which shall consist of a minimum of ten (10) members. Post No. 63 by its By-laws may provide for such other standing committees as the business may require.

2. The elected officers of Post No. 63 shall be an Executive Committee of the following:

- a) Commander
- b) 1st Vice commander
- c) 2nd Vice Commander
- d) Judge Advocate
- e) Adjutant
- f) Finance Officer
- g) Service Officer
- h) Chaplain
- i) Historian
- j) Sergeant-at-Arms
- k) Two Members at Large

Note: All elected officers are voting members of the Post No. 63 Executive Committee.

3. Post No. 63 officers shall begin serving their term upon adjournment of the Department Convention and being duly sworn into their position serve until the adjournment of the succeeding Department Convention and thereafter until their successors are chosen.
4. An elected officer may also hold an appointive office or committee chair but may not concurrently hold more than one elective office within Post No. 63.
5. In the event of a vacancy, the Executive Committee will appoint a Post No. 63 member in good standing to fill that position. The following apply to any such appointment:
 - a. Any potential temporary appointee will be interviewed by the Post No. 63 1st Vice Commander and the Post No. 63 Adjutant to determine eligibility.
 - b. Sufficient training will be conducted to ensure the temporary appointee is familiar with all responsibilities and governing regulations pertaining to the position to be filled.
 - c. An official Transfer of Officer letter will reflect the date and circumstances that are necessary to make the appointment of the temporary officer.
 - d. This process will entail a minimum of three meetings with the appointee:
 - 1) Responsibilities Meeting.
 - 2) Review and Resolution Meeting for any pending reports or submissions.
 - 3) Acceptance Meeting by the Appointee to include a Swearing-In Ceremony at the next General Membership meeting.
6. The Post Commander may temporarily fulfill the responsibilities of that office until such time the Executive Committee appoints a member to that vacant office.

7. The Post No. 63 commander or the Executive Committee, by a two-thirds vote, may call for a Special Election.

8. Post No. 63 officers are subject to the following:

a. Section 501(c)(19) of the Internal Revenue Code, and

b. Kentucky Revised Statute, KRS 273.227

ARTICLE V FISCAL YEAR, DUES, AND ASSESSMENTS

1. The revenue of Post No. 63 shall be derived from annual membership dues and such other sources as may be authorized by the Executive Committee.

2. The amount of such annual dues shall be set by the Executive Committee and approved by the membership.

3. All funds belonging to Post No. 63 allocated or expended as authorized by the fiscal year budget shall be approved by the Executive Committee and membership not later than the June post-meeting.

4. Unbudgeted and unanticipated expenses over \$100.00 must be approved in advance by the Executive Committee.

5. The Post No. 63 Commander may approve expenses of \$100 or less that occur between meetings. The Post No. 63 Honor Guard Commander may approve expenses of \$500 or less for items that pertain to the functionality of the Post No. 63 Honor Guard. All such approvals shall be reported in writing and include Form 2023-001 along with detailed receipts at the next Executive Committee meeting.

6. Petty Cash Funds are not authorized.

7. Membership dues are not refundable other than for an inadvertent duplication, or as approved by the Executive Committee.

8. The fiscal year of Post No. 63 shall commence on the first day of July of each year and end on the 30th day of June of the following year.

ARTICLE VI CHARTER MEMBERS

1. Members who joined Post No. 63 before the issuance of a permanent charter shall be known as charter members.
2. Charter members shall be Ex officio members of the Executive Committee and have all the same rights, privileges, duties, and obligations as any other Executive Committee member.
3. They may participate in debates without voting rights.
4. As with all other Executive Committee members, ex officio board members must always act in the organization's best interest.
5. Ex officio members of the board are not necessarily elected or appointed; rather, they agree to serve in a position because the organization needs their expertise or influence in that position.

ARTICLE VII AMENDMENTS

1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and the Department Constitution of the Department of Kentucky, The American Legion. Any amendment to said National Constitution and By-Laws or Department Constitution and By-Laws that conflicts with any provision hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution and By-Laws to the extent of such conflict.
2. This Constitution and By-Laws may be amended at any regular post-meeting by a vote of two-thirds of the members of Post No. 63 attending such a regular meeting.

The proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of Post No. 63.

Notice shall have been given to all members at least thirty (30) days in advance of the date when such amendment is to be voted upon.

Notifying said members that at such a meeting and proposal to amend the Constitution is to be voted up is mandatory.

**ARTICLE VIII
APPROVED**

This Constitution for American Legion Post No. 63 was read and approved in final draft form by the Executive Committee on 9/14/23 and ratified by two-thirds of the Membership on 9/19/2023.



DAVID GROSS

Adjutant

Post No. 63



The AMERICAN LEGION
RAY E. MILLER POST NUMBER 63

BY-LAWS

ARTICLE I ORGANIZATION

1. The organization existing under these By-Laws and as stipulated in Article I of the Constitution is to be known as **Post No. 63**.
2. The objectives of Post No. 63 are as outlined in the Constitution.

ARTICLE II POST ELECTIONS

1. Post No. 63 is required to hold an annual election of officers at a regular or called meeting to be held not less than thirty (30) days or more than ninety (90) days before the date set for the Department Convention.

2. Except as otherwise stated in the Constitution and By-Laws, every member of Post No. 63 in good standing shall be eligible to hold office herein.

3. A quorum of at least ten Post No. 63 members in good standing, which may include members of the Executive Committee, has been established, and the Commander at the appropriate point on the agenda opens the floor for nominations.

4. Members in good standing may nominate any qualified member as a candidate for election. No second is required. Members may nominate themselves or nominate others, even if those members are not present at the meeting.

ARTICLE III MANAGEMENT

These By-Laws shall provide for the administrative affairs of Post No. 63, under the supervision of an Executive Committee ^[1] which shall consist of a minimum of ten (10) members. The Post No. 63 Executive Committee may provide for such Standing and Special Committees as the business may require.

[1] Required by Article VII of The American Legion Department of Kentucky Constitution

1. The governance and management of Post No. 63 is entrusted to an elected group of Post members. This elected group of members will be the Post No. 63 Executive Committee.

2. The Executive Committee shall consist of:

- a) Commander
- b) 1st Vice Commander
- c) 2nd Vice Commander
- d) Judge Advocate
- e) Adjutant
- f) Finance Officer
- g) Service Officer
- h) Chaplain
- i) Historian
- j) Sergeant-At-Arms
- k) Two Members at Large

The members listed below must be members in good standing with Post No. 63 and are considered Non-Voting Members of the Executive Committee:

- l) Charter members serve as Ex officio members as per Article VI, 1-5 of the Post No. 63 Constitution.
- m) Immediate Past Post Commander.
- n) Immediate Past Post elected officer(s) as deemed necessary or beneficial by the elected Post No. 63 Executive Committee.

3. Any officer or Executive Committee member may be removed for inefficiency by a two-thirds vote by the Executive Committee subject to the approval of the membership.
4. All Executive Committee, or other office of Post No. 63 vacancies existing other than the expiration of the term, shall be filled by a majority vote of the remaining members of the Executive Committee.
5. That person shall hold office for the unexpired term of the member of the committee or officer whom he/she succeeds.
6. A vacancy shall automatically exist when an officer is absent from his/her post for a continuous period considered detrimental to the interest of Post No. 63 by the Executive Committee.

ARTICLE IV
EXECUTIVE COMMITTEE MEETINGS

1. The Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander after the installation of new officers. At the commander's discretion meetings may be held in person, online, or by conference calls.
2. The Executive Committee shall meet at the call of the Post Commander as often as said commander may deem necessary.
3. The Post Commander shall call a meeting of the Executive Committee upon the written request of five members of said committee. A majority of the said committee shall constitute a quorum.
4. The Executive Committee shall hire such employees as may be necessary.
5. All expenditures exceeding one hundred dollars (\$100.00) for Post No. 63, and five hundred dollars (\$500.00) for the Post No. 63 Honor Guard, must receive prior approval by a two-thirds vote of the Executive Committee.

ARTICLE V DUTIES OF OFFICERS

1. Post Commander:

- a) It shall be the duty of the Post Commander to preside at all meetings and to have general supervision over the business and affairs of Post No. 63.
- b) Guides membership according to the By-Laws.
- c) Be the chief executive officer.
- d) Provide leadership in determining the direction of Post No. 63.
- e) Assesses the well-being and takes appropriate action to maintain the positive status of Post No. 63.
- f) Approve all orders directing the disbursement of funds and shall make a written annual report covering all business of Post No. 63 for the year, and recommendations for the ensuing year.
- g) Represents Post No. 63 before government agencies and organizations or appoint representatives to act on his/her behalf.
- h) Acts as chief liaison to other veteran organizations or appoints representatives to act on his/her behalf.
- i) Assumes a lead role in developing program topics and ideas for meetings.
- j) Actively leads and assists in the development of membership and other promotional materials, newsletters, and communication mediums.
- k) Perform such other duties as directed by the Executive Committee.

2. 1st Vice Commander:

- a) Assist commander in finding ways to increase membership.
- b) Shall assume and discharge the duties of the office of Post Commander in the absence or disability thereof or when called upon by the Post Commander.
- c) Actively assists the Post Commander in coordinating, promoting, and carrying out his/her duties and functions.
- d) Chairs committees as directed by the Post Commander.

3. 2nd Vice Commander

- a) Assist commander in finding ways to attract members to meetings.
- b) Promote the flag detail, color guard, or firing squad.
- c) Shall assume and discharge the duties of the office of Post Commander, and/or 1st Vice Commander in the absence or disability thereof when called upon the Post Commander.
- d) Actively assists the Post Commander in coordinating, promoting, and carrying out his/her duties and functions.
- e) Chairs committees as directed by the Post Commander.

4. Judge Advocate

- a) Provide professional and parliamentarian counsel in the conduct of Post No. 63 business as per Post No. 63 Constitution, these By-Laws, and Robert's Rules of Order, newly revised, current edition, Parliamentary Authority Reference: Article XII Post No. 63 By-Laws.
- b) Assist Post committees and other officers as needed.
- c) Audit the Post No. 63 Operational Procedures, Financial Accounts and Records annually before the election of officers.

5. Post Adjutant:

- a) Shall be responsible for recording the proceedings of all Post No. 63 meetings including Post No. 63 Executive Committee and General Post No. 63 membership meeting.
- b) Maintaining such records as the National Organization and Department of Kentucky may require.
- c) Render reports of membership annually or when called upon at a meeting.
- d) Under the direction of the Post Commander handle all correspondence of Post No. 63.

“The post depends on fiduciary integrity.”
The 2023 American Legion Officer’s Guide

6. Post Finance Officer:

- a) Have charge of all finances and see that they are safely deposited in a bank or banks located inside the city limits of Nicholasville, Kentucky. All monies of Post No. 63 funds must be carefully and completely accounted for.
- b) Disburses all expenditures authorized by the Executive Committee. All members of Post No. 63 shall submit Form 2023-001 Request for Reimbursement [Appendix A], and a detailed merchant’s purchase receipt before reimbursements are paid.
- c) Provide the Executive Committee monthly on the condition of the finances of Post No. 63, with such recommendations as may be deemed expedient or necessary for generating funds with which to carry on the activities of Post No. 63.
- d) Provide oversight of the disbursements of the monies of Post No. 63, including the monies held in the Post No. 63 Honor Guard account.
- e) All checks require two (2) signatures. Any combination of two of the following elected officers may sign checks:

Commander
Finance Officer
1st Vice Commander
2nd Vice Commander.

- f) Ensures all disbursements are made with proper documentation including detailed invoices, vendor, or merchant receipts.
- g) Prepares and files any required federal, state, or local reports, including, but not limited to, income tax and disclosure reports.
- h) Furnish such surety bond in such sum as shall be fixed by the Post No. 63 Executive Committee. Special note: All persons authorized to sign checks or otherwise disperse Post No. 63 funds are required to be bonded.
- i) Ensures that no individual, department, or committee of Post No. 63 maintains a Petty Cash Fund or anything equivalent to a Petty Cash Fund.

7. Post Historian:

- a) Maintains the individual records and incidents of Post No. 63.
- b) Compiles a year-end scrapbook containing significant information involving Post No. 63 including newsletters, newspaper articles, event programs, and photos.
- c) Attend events involving Post No. 63 to take pictures.
- d) Remind members of upcoming milestones and other important dates.
- e) Perform such other duties as directed by the Executive Committee.

8. Post Chaplain:

- a) Shall be charged with the spiritual welfare of the post comrades.
- b) Offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc.,
- c) Adhere to such ceremonial rituals as are recommended by the National Organization or Department of Kentucky from time to time.

9. Sergeant-At-Arms

- a) Shall preserve order at all meetings.
- b) Post and retrieve the POW/MIA seat covering at the beginning and conclusion of all General Post No. 63 meetings.
- c) Perform such other duties as may be from time to time assigned by the Executive Committee or Post Commander.

10. Service Officer:

- a) Shall supervise matters on the following service to comrades:
 - 1) Community welfare.
 - 2) Claims for employment, relief, etc.
 - 3) Claims against the United States or state governments.
- b) May appoint with the approval of the Executive Committee, such assistants as may be necessary to carry out his/her duties.

11. Members At Large:

- a) **Implements the Post No. 63 Buddy Check Program.**
- b) **Assist commander in finding ways to increase membership.**
- c) **Serves as a member of committees as directed by the Post Commander.**
- d) **Perform such other duties as directed by the Executive Committee.**

ARTICLE VI
POST NO. 63 HONOR GUARD

1. Addendum One, dated 29 October 2021, to the current Post No. 63 By-Laws, is hereby revoked.
2. The Ray E. Miller Post No. 63 Honor Guard, Nicholasville, Kentucky is established as a Program of Post No. 63.
3. The Honor Guard is subject to the revised and ratified Constitution and By-Laws of Post No. 63.
4. The Honor Guard is self-sustaining and shall be composed of members of:
 - a. American Legion Post No. 63 who are in good standing with Post No. 63 may request to be a member of the Honor Guard.
 - b. Sons of American Legion No. 63 members (SAL). SAL members will have SAL emblems on their uniforms.
 - c. Members of other American Legion Posts if necessary. Members from other American Legion posts require written approval by the Post No. 63 commander and the other American Legion post commander. Temporary fill-ins may be required to properly conduct funerals. These temporary personnel must be members of The American Legion family and will be recruited by the Post No. 63 Honor Guard Commander at his/her own discretion with no other approval necessary.
5. The Honor Guard is primarily responsible for providing military honors for qualified veterans of all branches of the United States Military. Military honors include a three-volley rifle salute by a minimum of three riflemen, the playing of Taps, folding and presenting the flag if no active-duty military detail is present, and the presentation of three spent cartridges from the rifle salute.
6. The Honor Guard may also assist in church, school, or civic programs which require U.S. Flag presentation, raising, retirement, or folding.

7. The Honor Guard Commander schedules its programs and cannot be obligated by any segment of Post No. 63 except the Executive Committee.
8. The Honor Guard is responsible for raising the funds necessary for its operation. Fundraising will be from, but not limited to these sources:
 - a. The stipend paid by the Kentucky Department of Veteran Affairs for each funeral for which the Honor Guard provides military honors.
 - b. The Honor Guard may conduct fundraising at a business location (i.e., Walmart, Kroger) for a meet and greet with the public and may accept donations.
 - c. The Honor Guard may sell flags and military veteran branch ball caps at these events.

NOTE: The sale of any merchandise bearing the emblem of The American Legion is restricted.

9. Other forms of fundraising must be approved by Post No. 63 Executive Committee.
10. Promotional items bearing The American Legion emblem may be given out in gratitude.
11. All fundraising activities will include at least two (2) members. The members involved will attest that all funds received are accounted for and turned over to the Post Finance Officer for a deposit into the appropriate bank account.
12. Members of the Honor Guard are responsible for purchasing their uniform cap. The Honor Guard Commander will provide other uniform items to be paid out of the Honor Guard account (subject to paragraph 13 below).
13. All Honor Guard expenses, expenditures, and/or requests for reimbursement are subject to the provisions of Post No. 63 Constitution and By-Laws.

a. All expenditures of Post No. 63 funds must be tracked by the Finance Officer who will be provided a form 2023-001 (Request for Reimbursement and Explanation of Expenditure) and a detailed sales receipt from the business or vendor that specifically details what item(s) and/or service(s) were purchased. Any expenditure that exceeds \$500 must receive prior written approval from the Executive Committee. (Article V Post No. 63 Constitution).

b. Should a receipt be misplaced, and a duplicate copy is not available from the business where the purchase happened, then a detailed written explanation of what happened must be submitted to the Executive Committee within five (5) business days for review. The Executive Committee will determine the status of the request for reimbursement.

14. Expenditures for necessary items such as uniforms, firearm repair, and/or bus upkeep is the responsibility of the Honor Guard Commander, IAW this Constitution and By-Laws.

Expenditures of \$500 or less may be processed, but all required documentation and detailed receipts must be provided to the Finance Officer not later than the next Post monthly meeting, if not sooner.

Expenditures greater than \$500, as stated previously, require prior, written approval from the Executive Committee. A copy of that approval along with the detailed receipt(s) and other required documentation will be provided to the Finance Officer no later than the next Post monthly meeting.

15. No member of the Honor Guard will receive direct or indirect payment for their participation as a member of the Post No. 63 Honor Guard. However, a meal can be provided to participating Honor Guard members as an exception should they be performing at a duration and distance from Nicholasville that necessitates a meal (e.g., The Honor Guard travels to one funeral service that happens late morning, then has another one scheduled for later in the afternoon without returning to home first).

a. Non-Honor Guard members are not entitled to this benefit.

b. This meal will not exceed \$25. All meals purchased will be combined and paid for in one bill.

c. The Honor Guard Commander will submit a written memo to the Finance Officer, no later than the next Post Monthly meeting, listing the Honor Guard members who received this benefit, along with a detailed and specific receipt from the food vendor.

16. Selection of the Honor Guard Commander will be by recommendation of the members of the Honor Guard and submitted to the Executive Committee for consideration and approval.

17. The Honor Guard Commander has the responsibility of scheduling all events involving the Honor Guard. The Honor Guard Commander or designee will notify Honor Guard members of upcoming events and the uniform for that event. Should the Post or a member request the use or presence of the Honor Guard bus, they will submit a request to the Executive Committee who will coordinate with the Honor Guard Commander to decide on approving or denying the request.

18. The Honor Guard Commander is personally responsible for:

a. The cleaning and maintenance of the bus, the firearms, and other Honor Guard equipment.

b. Inspecting all firearms before their use to ensure they have no bore obstructions and are otherwise safe to use.

c. Ensuring that only blank rounds are being used.

d. Ensuring that all Honor Guard uniforms and equipment are clean and fit properly to present a professional appearance.

19. The Honor Guard bus will be available for all Honor Guard activities. A primary driver will be assigned along with at least one secondary driver.

A roster of designated drivers will be provided to the Post No. 63 Adjutant to be kept on file. This roster will be updated immediately as needed.

Drivers must maintain a current, valid State driver's license. Before each day's use, a safety inspection must be conducted, checking (at a minimum) all fluid levels, tire pressure, headlights, tail and brake lights, reverse lights, and turn

signals. The driver will report any concerns to the Honor Guard Commander, who will then decide whether to proceed using the bus that day or not. Any serious maintenance or safety issues will be brought to the attention of the Executive Committee as soon as possible.

20. All requirements from the vehicle insurance provider will be met, with copies furnished to Post No. 63 Adjutant to be kept on file.

21. The Honor Guard Commander and the Post No. 63 Adjutant will develop a form to facilitate the submission of a written monthly activity report. This report will become Appendix B of these By-Laws, and will include the following information at a minimum:

- a. A complete listing of services or activities performed during the month.
- b. The names of each Honor Guard member that participated in each service or activity.
- c. Any update to the list of Honor Guard membership (additions and/or deletions).

ARTICLE VII

DELEGATES

1. Delegates and alternates to the department or district conventions shall be elected by the membership at a regular meeting of Post No. 63 to be held at least twenty (20) days before the dates of such conventions.

ARTICLE VIII

COMMITTEES

Committees may be dissolved by a two-thirds majority vote of the Executive Committee.

STANDING COMMITTEES

“Standing committees have continuing existence.”

**§50 Robert’s Rules of Order
Newly Revised - 11th Edition**

- 1. The Post Commander, upon taking office each year shall appoint the following Standing Committees:**
 - a. The Constitution and By-Laws Committee**
Purpose: To review Post No. 63’s current Constitution and By-Laws and propose any additions, deletions, or corrections.
 - b. The Membership Committee**
Purpose: To reach out to eligible local veterans that are not members of this post, to increase our membership.
 - c. The Gaming Committee**
Purpose: To ensure all gaming reports are filed with the state on time, all dues are paid, and that Post No. 63 is compliant with the State Gaming Commission.
 - d. The Media, Publicity, and Public Relations Committee**
Purpose: To find different ways to get the name of Post No. 63 and what we do out in the community, and to maintain the Post No. 63 website, and other social media accounts.
 - e. The Finance and Budget Committee**
Purpose: To provide full fiduciary responsibility for all Post No. 63 funds by creating a financial budget for Post No. 63 for each fiscal year and ensuring proper financial expenditures. The proposed budget plan will be brought before the Post No. 63 Executive Committee and voted on.
 - f. The Americanism and Children and Youth Program Committee**
Purpose: To inspire a love of country and citizenship through patriotic observances, flag etiquette, community service, and youth activities.
 - g. The Post No. 63 Officers Election Committee**

Purpose: To identify members of Post No. 63 that are willing to hold a position in the post as an officer for the next election.

h. The Honor Guard Committee

Purpose: To honor the service and sacrifice of honorably discharged veterans of the U.S. Armed Forces and their families. The Honor Guard will, when available, provide services at military funerals, along with flag-raising and retirement ceremonies.

i. The Thomson-Hood Veterans Center Outreach Committee

Purpose: To include the military veterans living at THVC in enrichment and entertainment activities that further their health and well-being.

j. The Events Committee

Purpose: To plan and organize events, such as family gatherings, and to inform post members of local community activities.

Special Note: All fundraising activities by a committee will include at least members. All members involved will attest that all funds received are accounted for and turned over to the Post Finance Officer for a deposit into the appropriate bank account. The Post No. 63 Adjutant and Finance Officer will jointly develop a Report Form that will provide accountability for all donations.

SPECIAL AD HOC COMMITTEES

“Special committees go out of existence as soon as they complete a specific task.”

§50 Robert’s Rules of Order

Newly Revised - 11th Edition

- 1. The Internal Affairs Committee – on an as-needed basis.**
Purpose: To review matters such as member misconduct, etc., and investigations of a sensitive nature.
- 2. The Post No. 63 Executive Committee, with the concurrence of the Post Commander, may appoint Special ad hoc committees as necessary to facilitate the business and to promote community service.**

a. **The Community Outreach Committee**

Purpose: To locate veterans in the community that need the assistance of Post No. 63 in any way. This committee will also correspond with spouses or other loved ones of our deceased members.

Special Note: All fundraising activities by a committee will include at least members. All members involved will attest that all funds received are accounted for and turned over to the Post Finance Officer for a deposit into the appropriate bank account. The Post No. 63 Adjutant and Finance Officer will jointly develop a Report Form that will provide accountability for all donations.

**ARTICLE IX
RESOLUTIONS**

1. All resolutions of state or national scope presented to Post No. 63 by a member or reported to Post No. 63 by a committee shall merely embody the opinion of Post No. 63 on the subject.
2. A copy of the same shall be forwarded to the Department of Kentucky, American Legion for its approval before any publicity is given or action taken other than mere passage by Post No. 63.

**ARTICLE X
MEETINGS**

1. The regular meetings of Post No. 63 shall be held monthly at such time and place as may be determined by the Executive Committee. It is during these meetings that such business may be transacted as may be brought up for action.
2. The Post Commander or majority of the Executive Committee shall have the power to call a special meeting of Post No. 63 at any time.
3. Upon the written request of five members of the membership, the Post Commander shall call a special meeting of Post No. 63.

4. The minimum number of members that must be present to constitute a quorum for a regular Post meeting is five (5).
5. The minimum number of Executive Committee members that must be present to constitute a quorum for an Executive Committee meeting is five (5).

ARTICLE XI NOTICES

1. Every member shall furnish the Post Adjutant with the following information for notification purposes:
 - a. Home and mailing address if not the same as the home address.
 - b. Phone number.
 - c. Email address.
2. The Post Adjutant shall give notice at least two (2) weeks before the annual election.

ARTICLE XII PARLIAMENTARY AUTHORITY

1. Robert's Rules of Order, newly revised, current edition, shall govern the operations of Post No. 63 except in matters specifically established in these Constitution and By-Laws, or by The National Organization or Department of Kentucky, American Legion.
2. Post No. 63's Judge Advocate is the Post Parliamentarian.

**ARTICLE XIII
AMENDMENTS**

1. These By-Laws may be altered, amended, or repealed or new by-laws adopted at any regular meeting by a vote of two-thirds of the members of Post No. 63 attending such regular meeting.

2. The proposal shall have been submitted in writing and read at the next preceding regular meeting of Post No. 63.

3. A notice, via email or phone call informing members of the meeting to amend the By-Laws, is to be voted upon shall have been given to all members at least thirty (30) days in advance of the date when such amendment is to be voted upon.

**ARTICLE XIV
DISSOLUTION CLAUSE**


1. Upon dissolution of Post No. 63's Charter, the Executive Committee shall, after paying or making provisions for the payment of all the just debts and legal obligations of Post No. 63, dispose of all the assets of Post No. 63 under the guidelines established by The National Organization and 501(c)(3) and 501(c)(19) of the Internal Revenue Code.

**ARTICLE XV
WAIVER OF NOTICE**

1. Whenever any notice is required to be given under the provision of the State of Kentucky for Nonprofit Corporations, or the provisions of the Constitution and By-Laws of Post No. 63, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE XVI
APPROVAL

1. These By-laws for Post No. 63 were read and approved by the Executive Committee on 9/14/23 and ratified by two-thirds of the membership on 9/19/23.
2. Be it known that American Legion Post No. 63 Constitution and By-Laws dated February 2022 is hereby superseded and rescinded.


DAVID GROSS
Adjutant
Post No. 63

APPENDIX A
POST NO. 63
REIMBURSEMENT OF EXPENSE

Fill out the form below.
 All receipts must be attached to the form and provided to the Post No. 63 Finance Officer.

Date	
Approved By:	
Submitted By:	
Phone	
Email	
Send Check to (name)	
Address	
City/State/Zip	

Amount	Description of Purchase
Total	

Check Number	Amount	Date

FORM 2023-001

APPENDIX B

MEANING OF THE PREAMBLE

TO THE AMERICAN LEGION CONSTITUTION

For God and Country, we associate ourselves together for the following purposes ...

The American Legion recognizes the influence of Almighty God in all worthwhile endeavors and declares the allegiance of Legionnaires to both God and the nation.

To uphold and defend the Constitution of the United States of America

The Constitution of the United States is the written bulwark of our free way of life and representative government. It is our guarantee of liberty, freedom, justice, and democracy. Members of The American Legion bore arms and went to war to defend and uphold this document of freedom.

To maintain law and order

Without law and order, liberty would become a license. Law and order protect our pursuit of happiness, one of our God-given rights. Members of The American Legion served in wars to uphold law and order among nations. It is just as important to maintain the due processes of law in our domestic affairs. It binds Legionnaires to obey the laws of the land and to support the constituted authorities in enforcing those laws.

To foster and perpetuate a 100 percent Americanism

Americanism is the gist of the American ideals of freedom, justice, individual rights, and unlimited opportunities. It embraces all the freedoms we cherish and all the rights that are guaranteed to us. It is the very opposite of hatred, bigotry, and intolerance. Americanism is the creed that has blazed the worldwide trail for justice, fair play, decency, belief in God, private enterprise, universal education, and progress in all human endeavors. It puts a premium on the virtues of loyalty, patriotism, hard work, and thrift.

To preserve the memories and incidents of our associations in all wars

Service in defense of America is the greatest experience in the lifetimes of all veterans. Recalling the highlights of that service means more than flashbacks to tense moments of excitement and danger in battle: the grime of muddy trenches, the perils of sub-infested oceans, and the combat in the wild blue yonder. It means also the inerasable recollection of the comradeship, the bravery of pals, the teamwork, the sacrifices, the miseries and hardships of military campaigns shared in common. It means the bond that binds all ex-servicemen and women together in mutual affection, respect, and gratitude. It also means keeping green forever the memories of the supreme sacrifices of gallant American patriots, sacrifices necessary to the winnings of wars. It means faithful annual observance of Memorial Day and Veterans Day.

To inculcate a sense of individual obligation to the community, state, and nation

Always interested in building a better nation, the founders of The American Legion believed that such building must start first with the individual in their community. So, they made it one of the cardinal principles of The American Legion to inculcate that sense of personal obligation to the community, state, and nation into the individual citizen. That means educating the citizen – young, old, and future – in his or her responsibility to be active in making the hometown a better place in which to live, in discharging the duty of voting in elections, paying taxes promptly, and contributing to community chest funds and blood banks. The word “inculcate” means “to impress by frequent admonitions” and “to enforce by frequent repetitions.” Like the duties themselves, the reminders that they remain to be carried forward are never finished.

To combat the autocracy of both the classes and the masses

This clause places the Legionnaire on the side of the right in opposing autocracy by either class or mass when this threatens. In a democracy such as ours, composed as it is of all nationalities, races, creeds, and economic groups, there are bound to be both classes and masses. Indeed, the masses are composed of classes – but all groups within the mass must feel assured that in this nation, reason and fairness will prevail in all human activities and relations.

To make right the master of might

Many wars have been started by dictators who wanted their might to be right. If human freedom is not to perish from the earth, right must always be master of might. The rights of small nations must be protected against the tyranny that powerful neighbors may seek to impose on them, just as the rights of minorities in our society must be protected and respected. Legionnaires are pledged by this clause always to stand with the right, protect the weak and preserve the liberties of the individual. This concept is the basis of The American Legion’s continued advocacy of a strong national preparedness to achieve the ideal situation that right will be backed by adequate might.

To promote peace and goodwill on earth

Until the entire world becomes a good neighborhood, Legionnaires must continue the effort to promote peace and goodwill on Earth. It is in pursuance of this founding ideal that The American Legion has supported from the beginning and seeks to strengthen the United Nations organization. Obliquely, The American Legion also contributes to this ideal by firmly supporting a strong national defense to discourage the breaking of the peace by aggressors.

To safeguard and transmit to posterity the principles of justice, freedom, and democracy

On this ideal of safeguarding and transmitting the principles of justice, freedom, and democracy, all of the youth-training programs of The American Legion are built. All Americans can be proud that in our international relations, we have tried to live by the golden rule, the mark of justice. We have granted to others, as we prize it ourselves, the great boon of freedom. Through the Monroe Doctrine, we called a halt to foreign imperialism in the Western hemisphere. We gave freedom to the Philippines. These principles are part of the American heritage. Legionnaires are pledged to protect and preserve that heritage.

To consecrate and sanctify our comradeship by our devotion to mutual helpfulness

This is the most important ideal expressed in our preamble. We can hail The American Legion today as an unparalleled force in the United States for social betterment. American Legion concepts and its ideal of devotion to mutual helpfulness warmed the entire social climate of America. Today America is extending its helpful hands all over the world through our assistance programs of foreign aid. This all came about because the veterans of World War I came home enriched with wonderful ties of friendship and gave those ties meaning by consecrating them to the ideal of mutual helpfulness.

Reference: 2023 Officers Guide and Manual of Ceremonies, page 81

https://www.legion.org/sites/legion.org/files/legion/publications/2023_Post_Officers_Guide.pdf

**AMERICAN LEGION POST NO. 63
2023 CONSTITUTION AND BY-LAWS REVISION COMMITTEE**

All members of the 2023 Constitution and By-Laws Committee were voting members. A two-thirds majority vote was required for the passage of matters pertaining to the revisions of the 2022 Post No. 63 Constitution and By-Laws. The Chairperson and Co-Chairperson agreed with all modifications.

CHAIRPERSON JEREMY CASEY [1st Vice Commander]

Oversight of the progress of the Constitution and By-Laws Revision Committee.

CO-CHAIRPERSON DENNY HART [Judge Advocate]

Document Revision Coordinator. Gathered and consolidated the recommended revisions for preparation of the DRAFT 2023 Post No. 63 Constitution and By-Laws for presentation to the Executive Committee for approval, and to Post No. 63 membership for ratification.

DAVID GROSS [Adjutant]

Provided communication via email to the Post No. 63 Commander, Executive Committee, and Post No. 63 membership. Coordinated the revisions to the Post No. 63 Honor Guard section of the Post No. 63 By-Laws.

JUDY MASON [Member at Large]

Provided telephonic notification to Post No. 63 membership. Researched such documents as the Department of Kentucky Constitution and By-Laws and Post No. 63's previous Constitution and By-Laws.

ROBERT MILLER [Member at Large]

Provided telephonic notification to Post No. 63 membership. Researched such documents as the Department of Kentucky Constitution and By-Laws and Post No. 63's previous Constitution and By-Laws.

CHUCK GIBSON [Active Post No. 63 member and events volunteer]

Special emissary to Post No. 63 members to receive written concerns and suggestions from Post No. 63 membership; research such communication and develop talking points for the 2023 Constitution and By-Laws Committee consideration.