

**CONSTITUTION  
OF  
CHEVERLY AMERICAN LEGION POST 108 INC.**

**PREAMBLE**

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

To uphold and defend the Constitution of the United States of America;  
To maintain law and order;  
To foster and perpetuate a one hundred percent Americanism;  
To preserve the memories and incidents of our associations in the Great Wars;  
To inculcate a sense of individual obligation to the Community, State, and Nation;  
To combat the autocracy of both the classes and the masses;  
To make right the master of might;  
To promote peace and good will on earth;  
To safeguard and transmit to posterity the principles of justice, freedom, and democracy;  
To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

**ARTICLE I – NAME**

**Section 1.** The name of this organization shall be Cheverly American Legion Post 108, hereinafter referred to as the "Post."

**Section 2.** The Post is chartered in The American Legion, Department of Maryland Incorporated, herein referred to as the "Department."

**Article II – Nature**

**Section 1.** The Post is a civilian organization; and membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Post; no member shall be addressed by military or naval title in any meeting of this Post.

**Section 2.** The Post shall be absolutely nonpolitical 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.

**Section 3.** The Post shall not be a member of, or affiliated with, any organization, committee, association, council, or group whereby The American Legion might be committed to a policy contrary to that adopted by The American Legion.

**ARTICLE III – ELIGIBILITY**

**Section 1.** Eligibility for membership in the Post shall be as prescribed by the National Constitution of The American Legion, Article IV – Eligibility, Section 1.

**Section 2.** There shall be no form or class of membership in the Post except an active membership, and dues shall be paid annually or for life.

**Section 3.** Social or honorary memberships are specifically prohibited. This provision does not preclude this Post from awarding honorary life membership to Post members utilizing the Post's rules, or policies, for awarding honorary life members.

**Section 4.** No person shall be a member at any time of more than one Post.

**Section 5.** Application for membership shall be made in writing under such regulations as may from time to time be adopted by the Post at a regular or special meeting.

**Section 6.** All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the members cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

**Section 7.** No person, who has been expelled by another Post, shall be admitted to membership of this Post without the consent of the expelling Post. Where such consent has been asked for and denied by such Post, the expelled member may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in this Post. The expelled member shall be ineligible for membership until such permission is granted. If permission is granted, this Post must approve the application for membership utilizing the procedures in Section 6 above.

**Section 8.** No member having charges filed by this Post shall be eligible for transfer to another Post within the Department until such charges are adjudicated.

#### **ARTICLE IV - POST OFFICERS**

**Section 1.** The officers of the Post shall include the following elected officers: Commander, Vice Commander (one or more), Judge Advocate, Adjutant, Finance Officer, Historian, Sergeant-at-Arms, Chaplain; and such other appointed officers as the Membership shall deem necessary. It shall be optional to combine the offices of Adjutant and Finance Officer, and to appoint, in lieu of electing, the offices of Historian and Chaplain. The Post Commander may appoint a Service Officer, Assistant Adjutant, and/or Assistant Finance Officer if deemed necessary for administration of the Post, subject to approval of the Post Membership.

**Section 2.** The Post Officers shall concurrently serve as the Corporate Officers of the Post Corporation. In such capacity the Corporate Officers are additionally governed by the Standards of Care as codified in Maryland Corporations and Associations Article of the Code of Maryland, now in force, or as amended in the future.

**Section 3.** Any member in good standing in the Post shall be eligible to hold office in the Post. No Post Officer may be an employee of this Post, and serve as a Post Officer concurrently.

**Section 4.** Officers shall be elected annually at least 20 days before the opening of the Department Convention, or appointed as provided in Section 1 above.

**Section 5.** Elected officers shall assume their duties as such within twenty days after the closing date of the Department Convention.

**Section 6.** Appointed officers shall assume their positions upon being designated by the Commander and approved by the Post Membership.

**Section 7.** The officers shall serve one (1) year terms, and shall hold office until their successors are duly elected, appointed, or as otherwise provided.

**Section 8.** The Spouse of a Post Officer may be an employee of this Post. However, the Post Officer must remove themselves from any employment-related issues of the employee Spouse. This Post may establish additional conflict of interest restrictions for Post Officers in the Post Special Rules of Order, or Standing Rules.

**Section 9.** Each officer shall have only one vote at the Executive Committee and Post Membership meetings respectively.

**Section 10.** No member may hold more than one elected office at a time.

#### **ARTICLE V - POST EXECUTIVE COMMITTEE**

**Section 1.** The Post Executive Committee, hereafter referred to as the Executive Committee, shall have the administrative authority to act between Post Membership Meetings on matters of urgency coming before the Post, and shall act on such matters as may be referred to it from time to time by the Post

Membership for consideration, recommendation, or final disposition, as the case may be. The Post Executive Committee serves concurrently as the Post Corporate Board of Directors.

**Section 2** The Executive Committee shall be comprised of the elected officers of the Post as provided in the Post Constitution, Article IV – Post Officers, Section 1, and an even number of Executive Committee members elected at-large of which there shall be at least 2, but no more than 6. The number of at-large Executive Committee members to be elected shall be set in the Post Special Rules of Order, or Standing Rules.

**Section 3.** The Executive Committee shall authorize or recommend, as applicable, all non-budgeted expenditures exceeding the Post spending threshold as established in the Post Special Rules of Order, or Standing Rules; require adequate money for payment of all Post liabilities, and crime and fidelity insurance for all persons having the custody of Post funds in accordance with Article XIV, (Monies and Collections), Section 1 of the Department Bylaws. They shall also have charge of, and be responsible for, the management of the affairs of the Post, subject to approval or ratification, as applicable, by the Post Membership, or otherwise as provided; and may hear the reports of Post Committee Chairpersons.

## ARTICLE VI - FINANCE

**Section 1.** The revenue of the Post shall be derived from membership dues and from such other sources as may be approved by the members of the Post, unless provided otherwise.

**Section 2.** Annual membership dues are due between October 20th and December 31<sup>st</sup> of each year for the succeeding year and the amount of dues for the succeeding year shall be fixed and determined by the Post membership no later than the preceding February Post membership meeting. At no time shall the dues of the Post be lower than the per capita rates of the National and Department combined.

**Section 3.** The annual dues shall be collected by the Post and transmitted promptly through the Department or to the National Treasurer. Posts are designated agents for collection for The American Legion with respect to such annual dues and upon the receipt thereof shall remit them promptly to The American Legion. In no event shall the period transpiring between the receipt of such annual dues by the Post and the remittance thereof to The American Legion exceed thirty (30) days.

**Section 4.** The annual dues shall be collected in such alternative method as determined by the National Executive Committee from time to time and thereafter communicated to the Department and the Post; and any such alternative method shall be in addition to and not in substitution of section 3 above.

**Section 5.** All expenditures shall be approved by the Post Membership, unless provided otherwise.

**Section 6.** All disbursements shall be authorized by the Post Commander, or by an Officer designated in the Post Special Rules of Order or Standing Rules, this must be an Officer other than an authorized signer for issuance of payments or checks.

**Section 7.** Budgeted expenditures, falling within the budgeted amounts, previously approved by the Post, need not be approved by an additional vote of either the Executive Committee, or the Post Membership. Non-budgeted items, or monies to be expended in excess of the approved budget, must first be approved at a Post meeting.

**Section 8.** Notwithstanding the Non-Budgeted items provision in Section 6 above, the Post Membership may establish in the Post Special Rules of Order, or Standing Rules, the maximum amount that the Executive Committee shall be authorized to spend for emergency situations, where entering into contract or where payment is due prior to the next Post meeting. The Executive Committee shall then report the expenditure to the Post Membership at the next regular Post Membership Meeting.

**Section 9.** No individual, group of persons, or subordinate organization of the Post is authorized to contract or incur any bills or obligations in the name of the Post nor act as the agent of the Post for any such purpose whatsoever, except as in, Section 5, 6, and 7 above.

**Section 10.** The Post shall not incur, or cause to be incurred, any liability or obligation to any other Post, subdivision, members of The American Legion, or other individuals, corporations, or organizations.

**Section 11.** The accounts of the Post shall be audited, internally or externally, within ninety (90) days after the end of the fiscal year, and the final report of the audit shall be delivered to the members of the Post at the next Post Membership Meeting. If an internal audit is to be conducted, the Post Executive Committee shall appoint an Audit Committee charged with the duty of auditing Post financial accounts. No Officer having the duties of authorizing disbursements, or signing checks may serve on the Audit Committee. The audit shall be done at least annually, or more frequently at their discretion.

**Section 12.** Financial Reports shall be made at all Regular Post Membership Meetings, and require approval of the Post Membership subject to audit.

**Section 13.** No real estate or leasehold property belonging to the Post or one of its subordinate organizations shall be sold or disposed of in any way or have its title encumbered in any manner without the Post notifying the County and District Councils in which it is located, and the Department in writing and without thereafter obtaining written approval of the Department Executive Committee.

**Section 14.** Upon dissolution of the Post, none of its assets shall be distributed to any member, or individual, or organization outside The American Legion, and such assets shall be transferred upon demand to the Department. However, nothing herein shall be construed as requiring the Department to take over or assume any financial responsibility as to Post property, assets, and/or liabilities.

#### **ARTICLE VII - POST PROPERTY**

**Section 1.** A request to dispose of any operable Post property shall require the approval of the Post at a regularly scheduled Post Membership Meeting.

**Section 2.** Neither the Post nor its subordinate organizations shall distribute the proceeds from any sale of real or personal property to its members.

**Section 3.** Real property belonging to the Post, whether owned or leased, shall be bought, sold, encumbered or disposed of as provided in the Department Constitution & By-Laws, Rules of the Department Executive Committee, and the Uniform Code for Buying, Selling, Leasing, or Encumbering of Post Property.

#### **ARTICLE VIII - CHANGE OF RESIDENCE**

**Section 1.** Any member, in good standing in the Post, transferring from the Post shall be entitled to a certificate stating current membership therein and the duration thereof.

#### **ARTICLE IX - AUXILIARIES**

**Section 1.** The Post recognizes an auxiliary organization known as the American Legion Auxiliary, Cheverly American Legion Auxiliary Unit 108.

**Section 2.** Membership in the American Legion Auxiliary shall be as prescribed by The American Legion nationally.

**Section 3.** The Auxiliary Unit shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by the Department.

#### **ARTICLE X - PARLIAMENTARY PROCEDURE**

**Section 1.** All Post meetings shall be governed by Robert's Rules of Order, Newly Revised, unless otherwise provided.

**Section 2.** All meetings of the Post shall be conducted as provided in The American Legion's Officer's Guide and Manual of Ceremonies.

#### **ARTICLE XI - AMENDMENTS**

**Section 1.** This Constitution may be amended at any Department Convention, in accordance with the Rules of the Department Convention as adopted, and requires a majority vote of the total registered and authorized representation thereat, provided that the proposed amendment shall have been submitted through the Department Adjutant to all Posts and members of the Department Executive Committee by mailing same to them at least thirty (30) days prior to the convening of the next Department Convention, and provided further, it may be amended by unanimous vote at any Department Convention without notice.

**BY-LAWS  
OF  
CHEVERLY AMERICAN LEGION POST 108 INC.**

**ARTICLE I - POST EXECUTIVE COMMITTEE**

**Section 1.** The Post Executive Committee, hereafter referred to as the “Executive Committee,” shall meet for its organization, and such other business as may come before it, at the call of the Commander within fourteen (14) days after the Post officers shall have assumed their positions.

**Section 2.** Thereafter, the Executive Committee shall meet at least once a month, or at the call of the Commander, and as often as said Commander may deem necessary. All meetings of the Executive Committee shall be conducted at the Post meeting location, unless prior notice of the location is made at a regular Post Membership Meeting. The Executive Committee may meet in an alternative location in an emergency situation by notifying all Executive Committee members, and posting the change of location at the normal Post meeting location.

**Section 3.** The Commander shall call a meeting of the Executive Committee upon the written request of three (3) or more Executive Committee Members.

**Section 4.** The Commander shall preside at all Executive Committee meetings. In the absence of the Commander, the First Vice Commander or Second Vice Commander, in the order named, shall preside at Executive Committee meetings. In the event of the absence of the Commander and all Vice Commanders, the Adjutant shall call the meeting to order and such meeting shall elect its presiding officer.

**Section 5.** A majority of the members of the Executive Committee shall constitute a quorum thereof.

**Section 6.** Executive Committee meetings are open to all Post members in good standing. A Post member, other than an Executive Committee member, shall have no voice, unless the Post member shall have been recognized by the presiding officer.

**Section 7.** Notwithstanding the provision of Section 6 above allowing members to attend Executive Committee Meetings, the Executive Committee may enter into Executive Session for discussions and deliberations on matters requiring privacy or additional discretion. The Executive Committee must report final actions taken to the Post upon final disposition of the matter, or provide updates on progress of legal matters as appropriate.

**Section 8.** Minutes shall be kept of all Executive Committee meetings by the Adjutant. Post Executive Committee minutes shall be read or distributed at the next Regular Post Membership Meeting following approval by the Post Executive Committee. Actions of the Post Executive Committee may be ratified as appropriate.

**ARTICLE II - VACANCIES**

**Section 1.** In the event of the death, disability, removal, or resignation of the Commander, the First Vice Commander shall assume the title and discharge the duties of Commander. If the First Vice Commander is unable or unwilling to assume the office of Commander, the Second Vice Commander shall ascend to the Office of Commander. An election shall be held to fill the office(s) of First Vice Commander and/or Second Vice Commander as provided for in Section 2.

**Section 2.** Vacancies in elected offices, other than Commander, shall be filled by an election held at the next regularly scheduled Post meeting to fill the unexpired term of the position vacated. Nominations for any vacant elected office shall come from the floor at the next regularly scheduled Post meeting.

**Section 3.** Vacancies that occur in any appointed office shall be filled by the Commander, subject to approval of the Post Membership to fill the unexpired term of the position vacated.

### ARTICLE III - DUTIES OF OFFICERS

**Section 1. *Post Commander.*** It shall be the duty of the Commander to preside at all meetings of the Post, to have general supervision over the business and affairs of the Post, and shall be the Chief Executive Officer of the Post. The Commander shall appoint committees as necessary to carry out the programs and policies of The American Legion and the Post. The Commander shall be ex-officio member of all committees, and shall perform such other duties as maybe directed by the Post Membership.

**Section 2. *First Vice Commander.*** The First Vice Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by, the Commander. The First Vice Commander shall also perform such other duties as may be assigned by the Commander or the Post.

**Section 3. *Second Vice Commander (Optional).*** The Second Vice Commander shall assume and discharge the duties of the office of First Vice Commander in the absence or disability of that officer, or when called upon by the Post Commander. The Second Vice Commander shall perform such other duties as may be assigned by the Commander or the Post, and shall assume and discharge the duties of Commander in the absence or disability of both the Commander and the First Vice Commander.

**Section 4. *Judge Advocate.*** The Judge Advocate shall advise the Post Membership and Executive Committee on all matters based off of American Legion experience. This includes the interpretation of the Post Constitution and By-Laws. The Judge Advocate ensures the Post receives appropriate legal support in legal matters, and acts as the presiding officer at Post hearings unless recused due to being a party of the hearing (witness/defendant/plaintiff)The Judge Advocate shall perform such other duties as are usually incident to the office, or assigned by the Commander or the Post.

**Section 5. *Post Adjutant.*** The Adjutant shall have charge of, and keep, a full and correct record of the proceedings of all Post Membership and Executive Committee Meetings. The Adjutant shall also be responsible for the safe keeping of all Minutes, which shall be retained within the Post. Upon request, copies of Minutes shall be distributed to the membership. The Adjutant shall keep such records and send such reports as may be required by the National Organization and the Department. The Adjutant shall ensure the following reports and deadlines are met: 1) Consolidated Post Report, Convention awards submissions, and End of year Reports (Due 1<sup>st</sup> Friday in June), 2) Certificate of Elections (Due immediately after elections), 3) Post Data Report (due April 15th), 4) Post Inspection Report (due Feb 1<sup>st</sup> or earlier by schedule), 5) Department Convention Delegate listing (Due NLT 20 days preceding Department Convention). The Adjutant's duties shall also include handling all correspondence of the Post. They shall be responsible for all membership records and processing. The Adjutant shall perform such other duties as may be assigned by the Commander or the Post.

**Section 6. *Finance Officer/Treasurer.*** The Finance Officer/Treasurer of the Post shall have charge of all finances and see that they are safely deposited in local financial institution(s) and shall report once a month to the Executive Committee and the Post Membership the condition of the finances of the Post, with such recommendations as may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer/Treasurer shall sign all checks disbursing the monies of the Post, unless additional authorized signers are provided in the Post Standing Rules. The Finance Officer/Treasurer shall provide, on behalf of the Post, such crime and fidelity insurance in such sum as shall be fixed by the Executive Committee, subject to approval of the Post Membership.

**Section 7. *Post Historian.*** The Post Historian shall be charged with keeping the individual records and incidents of the Post and its members, and shall perform such other duties as may be assigned by the Commander, or the Post.

**Section 8. *Sergeant-at-Arms.*** The Sergeant-at-Arms shall maintain and post the colors and preserve order at all meetings; shall verify that each attendee at a Post meeting is admitted in accordance with Article I – Post Executive Committee and Article V – Post Membership Meetings as appropriate. The Sergeant-at Arms shall perform such other duties as may be assigned by the Commander or the Post.

**Section 9. Post Chaplain.** The Chaplain shall be charged with the spiritual welfare of the Post members and will offer divine, but non-sectarian, service in the event of dedications, funerals, and other public functions. The Chaplain shall also assure that sick, and deceased, members of the Post are paid due respect by the Post as directed by the Executive Committee, and shall perform such other duties as may be assigned by the Commander or the Post.

#### ARTICLE IV - COMMITTEES

**Section 1.** The Post may have standing committees such as, but not limited to: Americanism, Children and Youth, National Security, Veterans Affairs and Rehabilitation, Sons of The American Legion, and The American Legion Riders.

**Section 2.** Such standing committees shall consist of such members, and the chairperson thereof, as shall be designated by the Commander subject to approval of the Post Membership, , unless otherwise provided in the Post Standing Rules.

**A. Americanism Committee.** The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc.; and activities for community and civic betterment.

**B. Children and Youth Committee.** The Children & Youth Committee shall ensure that any child of a veteran in need of care and protection shall receive proper and timely service and aid; to strengthen the family unit; extend support to sound organizations and facilities that provide services for children and youth; and to maintain a well-rounded program that meets the needs of the young people in their respective community.

**C. National Security Committee.** The National Security Committee shall urge Post members to assist in community emergency preparedness, and to support local and national civilian defense projects.

**D. Veterans Affairs and Rehabilitation Committee.** The Veterans Affairs & Rehabilitation Committee shall assist veterans in obtaining needed medical care and transportation to medical appointments; in the pursuance of claims and in obtaining other veteran's rights and benefits; to visit comrades who are sick or disabled; and to visit and comfort members of their families when sick or bereaved.

**E. Sons of The American Legion Committee.** If the Post has a Sons of The American Legion Squadron, this committee shall have supervision over the operations of the squadron.

**F. The American Legion Riders Committee.** If the Post has an American Legion Rider program, this committee shall have supervision over the operations of the program.

**G. Operations Committee.** The Post may use this committee for the purposes deemed necessary to conduct operational aspects of the Post. This Committee shall be under the supervision of the Post Executive Committee, and the specific powers and duties delegated shall be established in the Post Standing Rules.

**Section 3.** The Commander may nominate, subject to approval of the Post Membership, any other committees and chairpersons as deemed necessary.

#### ARTICLE V - POST MEMBERSHIP MEETINGS

**Section 1.** Post Membership Meetings shall be held as the Post Membership deems necessary, but no less than quarterly, in order to uphold the declared principles of The American Legion at the location serving as the Post home, commencing at a time and day, as approved annually by the Post Membership.

**Section 2.** The Commander shall preside at all Post Membership Meetings. In the absence of the Commander, or the Commander electing to relinquish the Presiding Officer duties temporarily, the

provisions of Article I (Post Executive Committee), Section 4 shall govern the selection of a presiding officer for the meeting.

**Section 3.** At Post Membership Meetings, such business may be transacted and as properly presented for action.

**Section 4.** The location, date, and/or time of Post Membership Meetings shall be established annually and recorded on the Post Data Form and submitted to Department Headquarters not later than April 15<sup>th</sup>. Any changes to the location, date, or time of a Post Membership Meeting may be made with a two-thirds vote of the members present and voting at a regularly scheduled Post Membership Meeting. Any indefinite changes shall be reported to the Department Headquarters before the next regular Post meeting.

**Section 5.** In the event of an emergency, the Commander may reschedule or cancel a regularly scheduled Post Membership Meeting.

**Section 6.** Post Membership Meetings shall be open to all Post members in good standing and National, Department, District, County and/or Area officers.

**Section 7.** Upon the written request of a minimum number of members necessary to constitute a quorum at a regular Post Membership Meeting, the Commander shall call a special Post Membership Meeting, which shall take place no sooner than five (5) days from the receipt of the written request. If the request for a special Post Membership Meeting has been properly called, the Commander shall give notice of the Special Post Membership Meeting by posting a notice on the bulletin boards if applicable, at least three (3) days prior to the meeting, as to the date, time, and purpose of the special Post Membership Meeting.

**Section 8.** A quorum for Post Membership Meetings shall be set by the table below, and based on the Post Membership size recorded on the end-of-year reports for delegate strength at the previous Department convention:

| Post Membership Above | Quorum | Post Membership Above | Quorum |
|-----------------------|--------|-----------------------|--------|
| 15                    | 5      | 950                   | 15     |
| 50                    | 6      | 1050                  | 16     |
| 150                   | 7      | 1150                  | 17     |
| 250                   | 8      | 1250                  | 18     |
| 350                   | 9      | 1350                  | 19     |
| 450                   | 10     | 1450                  | 20     |
| 550                   | 11     | 1550                  | 21     |
| 650                   | 12     | 1650                  | 22     |
| 750                   | 13     | 1750                  | 23     |
| 850                   | 14     | 1850                  | 24     |

**Section 9.** In the event the Post does not achieve a quorum at two consecutive Regular Post meetings, the Post Commander shall notify the County Commander of the lack of a quorum. In the event the Post does not achieve a quorum at three consecutive Regular Post meetings, the Post Commander shall notify the District Commander of the lack of a quorum. In the event the Post does not achieve a quorum at four consecutive Regular Post meetings, the Post Commander shall notify the Department Commander of the lack of a quorum.

**Section 10.** The Post may apply in writing to the Department Internal Affairs Commission for a temporary waiver of quorum requirements above. Said waiver request shall contain a proposed temporary quorum, and must be supported by good and sufficient reasons precluding the Post from achieving the quorum outlined in Section 8 above.

## ARTICLE VI – NOMINATIONS AND ELECTIONS

**Section 1.** A Nominating Committee, recommended by the Post Commander and approved by the Post Membership, may be used to search for, and to verify eligibility of, candidates for office. The Nominating Committee shall file its report with the Post Membership.

**Section 2.** Eligibility requirements to hold office in the Post:

**A.** Any member in good standing of the Post may hold office.

**B.** Prior to the elections, the Post Adjutant or a Nominating Committee shall authenticate the eligibility of each candidate for office by verifying the member's DD Form 214; separation documents from federal, active military duty; military identification card; or any other documents that prove eligibility for membership.

**Section 3.** Qualification and Restrictions:

**A.** Eligible candidates for office may appear on the ballot for more than one elected office as defined in the Post Constitution, Article IV – Post Officers, Section 1.

**B.** There shall be no absentee ballots.

**Section 4.** Prior to elections, the Post Commander shall recommend, subject to approval of the Post Membership, an Elections Committee, consisting of a minimum of three (3) members consisting of one (1) Judge of Elections and a minimum of two (2) Tellers.

**Section 5.** Election of contested offices shall be by secret ballot. The candidate or candidates receiving a majority of votes cast shall be elected to the respective office or offices for which they are candidates. In the event of no candidate receives a majority, the election procedures from Roberts Rules of Order, Newly Revised, shall be followed for subsequent votes on the position.

**Section 6.** Candidate(s) for uncontested office(s) may be elected by acclamation.

**Section 7.** The Elections Committee shall be responsible for ensuring that all members present to vote are in good standing, and for the security of the ballots from the beginning of the election until the results are certified. Immediately following the counting of the ballots and certification of the election results by the Elections Committee, the official ballot count shall be announced and posted on the Post bulletin boards. Written ballots shall be retained by the Adjutant for sixty (60) days.

**Section 8.** A ceremonial or ritual installation of Post officers may be held each year, notwithstanding this provision any incoming officer shall take the oath of office before assuming the office. The prerogative of installing Post Officers shall belong to the County/Area Commander, and the County/Area Commander's consent shall first be obtained before any other person shall conduct installation.

## ARTICLE VII - REMOVAL OF POST OFFICERS

**Section 1.** Any Post Officer may be removed from office as prescribed by the Department By-Laws, Article XIII, Section 8.

## ARTICLE VIII - DISCIPLINE OF POST MEMBERS

**Section 1.** The Post has the power to discipline its own membership, subject to the National and Department Constitutions and By-Laws.

**Section 2.** Any member of the Post shall be disciplined, as prescribed by the National and Department Constitution & By-Laws, Uniform Code of Discipline of Post Members, and Rules of the Department Executive Committee.

**Section 3.** The Post Adjutant shall report any Post member charged by the Post, or a member being disciplined under this Article, to the Department Adjutant to ensure a Post transfer is not processed on said member.

## ARTICLE IX - MEMBERSHIP

**Section 1.** A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent, and not in good standing, and they shall be suspended from all privileges. If their dues are paid on or before February 1st, their delinquency shall terminate. If they are still delinquent after February 1st, their membership shall be suspended. If they are still under such suspension on June 30th of such year, their membership in The American Legion shall be forfeited.

**Section 2.** A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs; provided, however, that the Post, may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members whose failure to pay dues occurred while on active military service.

## ARTICLE X - DELEGATES TO THE ANNUAL DEPARTMENT CONVENTION

**Section 1.** Nomination and Election of Delegates and Alternates.

**A.** Nomination and election of delegates and alternates to the annual Department Convention shall be no later than at the May Post Membership Meeting.

**B.** If the number of nominations for delegates exceeds the number of authorized delegates as prescribed in the Department Constitution, Article V, there shall be an election for the number of authorized delegates by a secret, written ballot.

1. The nominees, up to the number of authorized delegates, with the highest number of votes shall be designated as delegates.

2. The nominees in excess of the number of authorized delegates shall be designated alternates.

**C.** If the number of nominations for delegates does not exceed the number of authorized delegates as prescribed in the Department Constitution, Article V, then, all nominees shall be elected by acclamation and designated as delegates.

**D.** Any vacancies to the list of delegates or alternates to the Department Convention shall be filled through appointment by the outgoing Commander.

**E.** The Post Adjutant or Delegation Chairperson is authorized to make adjustments to the list of delegates, before submission in the case of a reduction in the authorized delegates, by removing the primary delegates with the lowest vote totals and placing these affected delegates on the alternate delegate list,

**Section 2.** The incoming Post Commander and outgoing Post Commander shall automatically be designated as delegates. Either of these officers may request in writing to be removed from the delegate list.

**Section 3.** The immediate outgoing Post Commander shall be the Chairperson of the Post delegation. If the outgoing Post Commander will not attend the Department Convention, the incoming Post Commander shall serve as delegation Chairperson. If neither of these Officers shall attend the Department Commander, the delegation shall elect its own Chairperson.

## ARTICLE XI - RESOLUTIONS

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

## **ARTICLE XII - NOTICES**

**Section 1.** Every member shall furnish the Post Adjutant with an address for first class mailings.

**Section 2.** The Post Adjutant shall cause notice of the annual election to be given at least thirty (30) days prior thereto. If other than mailed notice of elections, the form of notice shall be designated in the Post Special Rules of Order or Standing Rules.

## **ARTICLE XIII - AMENDMENTS**

**Section 1.** These By-Laws may be amended in the same manner as prescribed in the Post Constitution, Article XI - Amendments.