

CONSTITUTION AND BY-LAWS OF

MIDDLETOWN POST NO. 151

THE AMERICAN LEGION, DEPARTMENT OF NEW YORK

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 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 AND HEADQUARTERS

- A. The name of this organization shall be MIDDLETOWN Post No. 151
The American Legion, Inc
- B. Its principal place of business shall be located in the Town of Wallkill,
Orange County, New York
- C. This organization was chartered by The American Legion on July 23,
1919
- D. This Organization was incorporated under the provisions of
Membership Corporation Law* of the State of New York under
Certification of Incorporation approved on April 24, 1937, and duly
filed in the office of the Secretary of State at Albany, New York on
April 21, 1937. *Changed to the Not-for-Profit Corporation Law, Sect.
803

ARTICLE II – OBJECTS

Section 1. The objects and purposes of this Post shall be to promote the principles and policies set forth in the preamble of The Constitution of The American Legion, and as set forth in the National and Department of New York Constitution of The American Legion.

Section 2. Further purposes of the Corporation are those set forth under paragraph 2 of the Certificate of Incorporation as follows:

(A) Hereby stated in the preamble.

(B) To promote good fellowship among its members, and to assist in projects and enterprises benefitting the social, charitable and educational welfare of the community.

(C) To hire, lease, buy or otherwise acquire land, buildings, equipment or other real or personal property for the clubhouse, and to build, construct, operate and manage the said clubhouse for its members; to rent, lease, mortgage or sell all or any part of such personal property acquired by said Post.

(D To do any and all other things in furtherance of the general principles hereinbefore expressed, and such other acts not inconsistent with the Membership Corporation Law* of the State of New York.

ARTICLE III – NATURE

Section 1. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in The American Legion; no member shall be addressed by his military or naval title in any meeting of the Post.

Section 2. This organization shall be absolutely non-political and non-sectarian, and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Each member shall perform his full duty as a citizen according to his own conscience and understanding.

ARTICLE IV – MEMBERSHIP

Section 1. An individual is eligible for membership in The American Legion only if the individual – has served in the Armed Forces of the United States at any time during the period of April 6, 1917, through November 11, 1918; or in any time after December 7, 1941 or a government associated with the United States during a period or time referred to in subsection of this section and was a citizen of the United States when the individual entered that service; and was honorably discharged or separated

from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

Section 2. Application for membership shall be made in writing under such regulations as may, from time to time, be prescribed by the Post Executive Committee and approved by the County Committee wherein this Post is located. All applications for membership accompanied by service discharge papers shall be referred to the Membership Committee, who shall report their finding to the Executive Committee. Upon approval of eligibility, the application accompanied by the dues shall be presented to the Post at a regular meeting and shall be acted upon at such meeting. A majority vote of the Post shall be necessary for acceptance.

Section 3. There shall be no form or class of membership except an active membership. Dues shall be paid annually or for life.

Section 4. No person who is a member of another Post may be a member of this Post.

Section 5. Members may be suspended or expelled from this Post of The American Legion only upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or other conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose his membership until given a fair trial in such manner and form as The Department of New York, Department Executive Committee shall prescribe. This action shall govern procedure whenever charges are brought against any person at any time appearing upon the rolls of this Post as a member, upon the grounds of his ineligibility to membership in the Post.

Section 6. Any member who has been suspended or expelled has the right of appeal to the Department Executive committee in the manner prescribed by said Committee. The decision of the department shall be final.

Section 7. No person, who has been expelled by a Post shall be admitted to membership in this Post without the consent of the expelling

Post, except that where such consent has been asked for and has been denied by such Post, he may then appeal to the Department Executive Committee for permission to be admitted to membership in the Post and he shall be ineligible for membership until such permission is granted.

Section 8. A member who has been expelled or suspended from this Post for any cause other than non-payment of dues may be reinstated to membership by a two-thirds vote of the Executive Committee and a majority vote of the Post; provided, however, that he shall make payment of any arrears in his dues from the time of the expulsion or suspension, and also other regular dues which have been payable in the interval between his expulsion or suspension and his reinstatement.

Section 9. Any member in good standing desiring to transfer from this Post to another Post is entitled to a certificate from this Post stating his membership, the duration thereof, and the date to which his dues are paid.

ARTICLE V – OFFICERS

Section 1. The Administration of the Post's affairs, between meetings shall be under the supervision of the Executive Committee, subject to the approval of the majority of the membership in attendance at the next regularly scheduled meeting of this Post following such Executive Committee action, a quorum being present. The Executive Committee shall consist of the Elected Officers of the Post, and three most recent Past Commanders. The immediate Past Commander will automatically become a three year member of the Executive Committee with the previous Two Past Commanders continuing to serve until each has completed three years. If anyone of the three most recent Past Commanders is unable to complete the three years, then any other member of this Post may be elected, in accordance with Section 3 of this Article.

Section 2. The elective officers of this Post shall be a Commander, Three Vice-Commanders, Adjutant, Finance Officer.

Section 3. The officers of this Post shall be elected annually. A nominating committee, appointed by the Executive Committee, no later than the February meeting of such Committee, shall make its report at the April meeting, and notice of such nominees shall be mailed to each member ten days prior to the May meeting as provided in Article X of the By-Laws. Nominations may be made from the floor at the May meeting except as provided in Section 4. Election of officers will be by secret ballot,

except such elections may be by verbal acclamation when the particular office upon which the ballot would be cast has no more than one nominee. The election of officers shall be at the regularly scheduled June meeting of this Post; and those candidates receiving a plurality of votes cast shall be elected to their respective offices and installed at that same regular June meeting.

Section 4. In the event of the death, disability or withdrawal of a nominee after the May meeting and prior to the June meeting, only if there is no other candidate on the slate for that particular office.

Section 5. The Post Commander will be limited to serve only 3 consecutive terms as Commander of the Post. The Commander would be eligible for re-election provided no less than 1 year has expired since his last term in office.

Section 6. Any officer or member of the Executive Committee may be removed for inefficiency by the Executive Committee after a fair hearing. A two-thirds vote of all members of said Committee shall be necessary to effect such removal, and such removal shall be subject to the approval of the majority of the membership in attendance at the next regularly scheduled meeting of this Post following such Executive Committee action, a quorum being present.

Section 7. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 8. The duties of officers and Executive Committee shall be those usually appertaining to such officers and as further provided in the By-Laws.

ARTICLE VI – FINANCES AND DUES

Section 1. The revenue of this Post shall be derived from membership or initiation fees from annual membership dues and from such other sources as may be approved by the Post.

Section 2. The minimum annual dues of individual members of the Post shall be set forth in the Post By-Laws.

Section 3. The Post shall expeditiously collect the annual dues for its members and shall pay to The American Legion, Department of New York

such amount due to the National, Department, District, and County Organizations.

Section 4. All moneys received in any manner for welfare purposes of any nature by the Post shall be deposited in a duly authorized banking institution and none of such moneys shall be withdrawn except for welfare purposes and, upon draft signed by the Finance Officer of the Post and at least one other member thereof duly elected for that purpose.

Section 5. This Post shall not solicit another Post or County Organization for purposes of financial aid or relief.

ARTICLE VII – AUXILIARY

Section 1. The Post recognizes an Auxiliary Organization known as the Auxiliary Unit 151, Post No. 151 The American Legion, Department of New York.

Section 2. Membership in the said Auxiliary Organization shall be governed by such rules and regulations as may be prescribed by the National Executive Committee of The American Legion and thereafter approved by this Department of The American Legion.

ARTICLE VIII – SONS OF THE AMERICAN LEGION

Section 1. This Post recognizes a Sons of The American Legion Organization known as the SONS OF THE AMERICAN LEGION SQUADRON 151 Post No. 151 THE AMERICAN LEGION, DEPARTMENT OF NEW YORK.

Section 2. Membership in the Sons of The American Legion shall be governed by such rules and regulations as may be prescribed by the National Executive Committee of The American Legion and thereafter approved by The Department of New York Executive Committee.

ARTICLE IX – AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National, Department, and Orange County Constitution and By-laws, The American Legion. Any amendments to said National, Department, or County Constitution and By-laws which conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any regular Post meeting by a vote of two-thirds of the members attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at a preceding regular meeting of the Post, and provided further that written notice, including a copy of the proposed amendment shall have been sent to all members at least ten days in advance of the date when such amendment is to be voted upon.

BY LAWS

ARTICLE I – NAME AND OBJECTS

Section 1. The Post existing under these By-laws is to be known as MIDDLETOWN Post No. 151, The American Legion, Department of New York, Orange County.

Section 2. The objects of this Post are as set forth in the Constitution.

ARTICLE II – MANAGEMENT - ADMINISTRATION

Section 1. The administration of the Post's affairs, between meetings of the Post, and except as may be otherwise provided in these By-laws, shall be under the supervision of the Executive Committee.

Section 2. The elective members of the Executive Committee together with the elective officers of this Post shall be elected and installed in the month of June, annually. All elections of Officers and Executive Committee members shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates, and they shall hold office until their successors are duly installed or as otherwise provided. Any elective Officer or Executive Committee member may be removed for inefficiency by the Executive Committee after due notice and hearing as provided by the Department Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

Section 3. All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of term of office shall be filled by a majority vote of the remaining members of the committee, and a person so chosen shall hold office for the unexpired term of the member of the committee or officer which he succeeds. A vacancy shall exist when a member or officer is absent from his Post for three consecutive meetings if considered by the Executive Committee to be detrimental to the best interests of the Post.

ARTICLE III – POST EXECUTIVE COMMITTEE

Section 1. The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten days after the installation of the new officers. Thereafter the Post Executive committee shall meet at the call of the Commander at least once a month and as often as said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee; six members of the committee shall constitute a quorum thereof.

Section 2. The Post Executive Committee, subject to the approval of the Post, shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall hear the reports of Post Committee Chairmen, and generally, shall have charge of, and be responsible for, the management of the affairs of this Post between meetings of the Post and subject to the approval of the Post; shall require that all Post Officers and members handling American Legion money be properly bonded with a good and solvent bonding and surety company, as surety to cover double the average amount of money handled in a single year; bonds to be approved by the Executive Committee.

Section 3. The Executive Committee shall consist of the Elected Officers of the Post, and five other qualified members in good standing, such as a recent past commander. The immediate past commander shall serve (unelected) for three consecutive years.

ARTICLE IV – DUTIES OF OFFICERS

Section 1. Duties of Post Commander: It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such officer shall be the Chief Executive Officer of the Post. He shall approve all orders directing the disbursements of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the coming year, which shall be read at the annual meeting. He shall perform such other duties as directed by the Post.

Section 2. Duties of Vice Commanders: The Vice Commanders shall, in the order of their seniority, assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Post Commander. Each of the Vice Commanders shall assume such specific responsibilities as may be designated by the Post Commander.

Section 3. Duties of Post Adjutant: The Adjutant shall have charge of, and keep a full and correct record of, all proceedings of all of all meetings, keep such records that the Department and National Organizations may require, render reports of membership annually or when called upon at a meeting, and, under direction of the Commander, handle all correspondence of the Post.

Section 4. Duties of the Finance Officer: The Finance Officer of the Post shall have charge of all finances and see that they are safely deposited in a local bank or banks and shall report, once a month, to the Executive Committee the condition of the finances of the Post, with such recommendations as he may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He shall sign all checks disbursing the monies of the Post. He shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee.

Section 5. Duties of Post Historian: The Post Historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as may properly pertain to the office as may be determined by the Post or the Executive Committee.

Section 6. Duties of Post Chaplain: The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine, but non-sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

Section 7. Duties of Sergeant-at-Arms: The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may be, from time to time, assigned to him by the Post Executive Committee.

Section 8. Duties of the Judge Advocate:
The Post Judge Advocate is to supply professional advice in the conduct of the Post business or to procure proper counsel and is the guardian of constitutional form of Post government. The Judge Advocate can supply valuable assistance to other Post committees and officers; should be

available to the Service Officer for legal advice and to the Americanism committee on matters relating to education and naturalization laws.

ARTICLE V – FINANCES AND DUES

Section 1. The revenue of this Post shall be derived from annual membership dues, and from such other sources as may be approved by the majority of the membership at any regular meeting of the Post, a quorum being present.

Section 2. The amount of such annual Post dues shall be approved by the Post, providing such dues are not in conflict with the Department or National requirements.

Section 3. The Post shall pay to the American Legion Department of New York the National and Department annual membership dues for every member of the Post, with the exception of those members who are paid-up for-life (PUFL)

Section 4. The amount of annual Post dues shall be set and published in official post publications, payable in advance on the 20th day of August of each year.

ARTICLE VI – DELEGATES

Section 1. Delegates and Alternates to the Department Convention as well as to Orange County Committee Convention shall be appointed by the Executive Committee. Delegates and alternates to represent the Post at all County meetings or County Annual conventions as may be required, pursuant to such proportional representation covering such delegates or alternates as may be provided for by the Constitution and By-laws of the Department and Orange County Organizations.

ARTICLE VII NOMINATIONS AND ELECTIONS

Section 1. The Officers of the Post as well as Members of the Executive Committee shall be elected annually, A nominating committee, appointed by the Executive Committee, no later than the February meeting of such Committee, shall make its report at the April meeting, and notice of such nominees shall be mailed to each member ten days prior to the May meeting. Nominations may be made from the floor.

Section 2. Election of Officers and Members of the Executive Committee will be by secret ballot, except such elections may be by verbal acclamation when the particular office upon which the ballot would be cast has no more than one nominee.

Section 3. The election of officers and executive committee members shall be at the regular scheduled June meeting of the Post; and those candidates receiving a plurality of votes cast shall be elected to their respective offices and installed at that same regular June meeting.

Section 4. In the event of the death, disability or withdrawal of a nominee after the May meeting and prior to the June meeting, the Post Commander shall permit nominations for that office at the June meeting only if there is no other candidate on the slate for that particular office.

ARTICLE VIII- APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year, shall appoint the following : Post Chaplin, Sergeant at Arms, Historian, Service Officer, plus standing committees: Membership, Finance, Legal, Publicity, Buildings and Grounds, Veterans, Service, Visiting, Americanism, and Athletic. Such standing committees shall consist of such members, and the chairman thereof, as shall be designated by the Post Commander.

Section 2. Membership Committee shall have charge of all matters pertaining to the membership of the Post, including procuring of new members, reinstatement, and eligibility of members.

Section 3. Building and Grounds Committee – The Building and Grounds Committee shall have charge of all matters pertaining to the care of the Post quarters, maintaining Department of Health standards.

Section 4. Finance Committee – The Finance committee shall be charged with the administration of the financial policy, preparation of budget recommendations, and supervision of receiving, disbursing, and accounting of all Post funds.

Section 5. Legal Committee – The Legal Committee shall be charged with the legal supervision of Post affairs and audit of Post financial accounts.

Section 6. Publicity Committee – The Publicity Committee shall be charged with the promotion of public support of the Legion's program by the establishment of proper contact with The American Legion Magazine, Department, and National Legion news services, and by local publicity of Post programs and activities.

Section 7. Service Committee – The Service Committee shall supervise all matters pertaining to service to comrades in the prosecution of all claims against the United States or State Governments, employment, relief, etc., and community welfare matters.

Section 8. Visiting Committee – The Visiting committee is charged with the visiting and comforting of members and their families when sick or bereaved and with visiting ex-servicemen in nearby hospitals.

Section 9. 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.

Section 10. Athletic Committee – The Athletic Committee shall be charged with the promotion of physical development and clean sports by the organization of Post athletic teams, recreation, etc., and by cooperation and support in the general recreational and athletic program of the community.

ARTICLE IX – RESOLUTIONS

Section 1. All matters of State, National, or International scope that appeal to Legionnaires and the Post may be treated, discussed, and acted upon provided, however, that such action shall be submitted for approval through the prescribed American Legion channels to the body having jurisdiction thereof.

ARTICLE X – MEETINGS

Section 1. The regular meetings of the Post shall be held at the Post Headquarters or a place to be decided upon by the Post, on the Second Tuesday of each month, except during December, January, February when such meetings will be held on a weekend day, at which may be

transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the Post commander.

Section 2. The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

Section 3. Upon the written request of Three Post members, the Commander or the executive committee shall call a special meeting of the Post.

Section 4. 15 Members shall constitute a quorum.

Section 5. An annual meeting of the Post shall be held at which the annual reports of the officers shall be submitted and such other business transacted as shall be found desirable. The date of such meeting shall be determined by the Post or the Executive Committee.

ARTICLE XI – NOTICES

Section 1. Each member shall furnish the Post Adjutant with an address for mailing purposes and inform the Adjutant of any change in such address.

Section 2. The Adjutant shall cause to be mailed to each member, at the address furnished by such member, notice of meetings and each special meeting of the Post at least three days prior to such meeting, except as otherwise provided in the Constitution and By-laws, and all notices as required by the Constitution and By-laws.

Section 3. Notices of meetings at which nominations or elections of officers are to be held shall specify that such nominations or elections are to be held at such meeting, and shall be mailed at least Ten Days prior to each such meeting.

ARTICLE XII – RULES

Section 1. The order of procedure at meetings of this Post shall be governed by Robert's Rules of Order, Revised, except as otherwise provided herein.

ARTICLE XIII – LIMITATION OF LIABILITY

Section 1. This Post shall not incur, nor cause to be incurred, any liability or obligation whatever which will subject to liability any other Post, Sub-division, group of men, members of The American Legion, or other individuals, corporations, or organizations.

ARTICLE XIV – AMENDMENTS

Section 1. These By-laws are adopted subject to the provisions of the National, Department, and Orange County Constitution and By-laws. Any amendments to said National, Department or County Constitution and By-laws, which are in conflict with the provisions hereof shall be regarded as automatically repealing or modifying the provisions of these By-laws to the extent of such conflict.

Section 2. These By-laws may be amended at any regular Post meeting by a vote of two-thirds of the members attending such regular meeting, provided that the proposed amendment shall have been submitted in writing, and read at a preceding regular meeting of said Post, and provided further, that written notice shall have been given to all members at least ten days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-laws is to be voted upon.

ORDER OF BUSINESS FOR POST MEETINGS

- 1. Call to Order**
- 2. Salute to the Flag**
- 3. Prayer**
- 4. Preamble to the Constitution of The American Legion**
- 5. Roll Call of Officers**
- 6. Recognition of Past Commanders**
- 7. Reading of Minutes of any preceding Executive Committee Meeting**
- 8. Finance Officer's Report**
- 9. Introduction of guests**
- 10. Committee Reports**
- 11. Sick Call**
- 12. Unfinished Business**
- 13. Correspondence and Bills**
- 14. New Business and Membership Applications**
- 15. The Good of The American Legion**
- 16. Closing Prayer**
- 17. Salute to the Flag**
- 18. Adjournment**

Procedures:

Motions Business is introduced by a motion, or by a resolution, The steps in making a motion and voting on it follows:

- 1. OBTAIN THE MOTION** – The member rises and addresses the presiding officer as Commander, and gives own name unless known by the commander. If the member is entitled to the floor, the chair repeats the name of the member. This recognition gives the member the right to speak.
It is out of order for another member to stand before the member speaking has finished, or to remain standing after another has been given the floor.
- 2. MAKE THE MOTION** – The member then states the motion or offers a resolution, for example, “I move that we take action to secure a playground for the community. “In order to state a motion properly, members of the post should become accustomed to using the words “I move that” when introducing a motion.
- 3. SECOND THE MOTION** – If anyone wishes the matter discussed and voted upon, a member says, “I second the motion,” without rising or addressing the Chair. If no member seconds it, immediately the chair, except in small assemblies, repeats the motion and asks, “Is the motion seconded?” In small assemblies, where every member has evidently heard the motion, instead of requesting the motion, the chair may say, “You have heard the motion; is it seconded?” If the motion is not seconded, the chair may say, “There being no second, the motion is not before the assembly.” Note: Consult your parliamentary authority the motions that do not require a second.
- 4. STATE THE MOTION**- After the motion is seconded, the Chair then states the motion, for example, “It has been moved and seconded that we take action to secure a playground for this community,” As this motion is debated and amendable, the Chair should then immediately ask, “Are you ready for the question?” or is there any discussion?” If the motion is not debatable or amendable (Consult your parliamentary authority on this point if in doubt}, the Chair should then immediately put the question to vote.
- 5. DISCUSSION** – After a motion has been stated by the chair, it is before the assembly for consideration and discussion. Speakers to the motion must (1) be entitled to the floor, (2)

address their remarks to the presiding officer, (3) be courteous in their language and department, and avoid all personalities. The maker of the motion has the right to open and close the debate.

Speakers must observe the rules of the post as to the number of minutes and number of times they may speak on a question. The maker of a motion may vote against, but not speak against, the motion. Discussion must relate to the immediate pending question. Note: Consult your parliamentary authority for the few exceptions by which a speaker may be interrupted after having been assigned the floor, and also for the rules to guide the Chair when more than one person arises at the same time.

6. **PUT THE QUESTION** – After sufficient opportunity has been given the debate, the Chair repeats the motion and says, “Are you ready for the question?” After waiting a moment, if no one claims the floor, the Chair then says, “All those in favor of the motion as stated, say aye. All opposed, say no”
7. **ANNOUNCE THE VOTE** – The Chair says, “The yeas have it, and the motion is adopted,” or “The nays have it, and the motion is lost,” as the case may be, in the event of a tie, the motion is lost unless the Chair votes in the affirmative in order to carry the motion. A tie loses because every question must be carried by at least a majority. If in doubt as to the result, the Chair calls for a rising vote, first for, and then against, the motion, asks the adjutant to count the votes, and then announces the results.

Amendments

After the question has been stated to the assembly by the presiding officer, it may be desirable to change it in some way. A member may rise, address the chair, and after being recognized by the chair, say, “I move to amend the motion by adding the words “with proper supervision” after the word “playground.” After the motion to amend has been seconded, and the motion repeated as it will read if amended so all may understand the effect the amendment will have on the main motion, the chair calls for remarks on the amendment.

The discussion is now upon the proposed amendment. After discussion is over, the chair puts the question and calls for a vote on the amendment. Example: “ The question is on adding the words “with proper supervision” to the motion we take action to secure a playground for the community. All those in favor of the amendment please say “aye” those opposed say “no” After announcing the result of the vote on the amendment, the chair will then restate the motion the house in its original form if the amendment has been lost, or as amended if the amendment has been carried and the vote is then taken upon the question in its final form (if no further amendments are offered}

An amendment may be offered in any of the following form: “I move to amend by inserting,” or “adding” if at the end of the motion, and “I move to amend by striking out and inserting,” or by “substituting” in case of an entire resolution, by-laws or paragraph.

Only one amendment of the first degree is permitted at a time when a motion or resolution is under consideration, but one amendment of that amendment – that is, an amendment of the second degree – is also in order. While there may be only one amendment of each degree pending at the same time, any number of them may be offered in succession after disposing of the prior amendment. An amendment must relate to the subject to be amended.

The amendment of the second degree, if there is one before the assembly, receives first consideration, After disposal, unless another secondary amendment is offered, the amendment of the first degree is then pending. After all amendments have been disposed of, the main motion as amended (or in its original form if all the amendments have been lost} is placed before the assembly for action.

What shall I Do...

To introduce business? Make the main motion.

To modify the motion? Amend, commit or refer

To defer action? Postpone to a certain time, make a special order (require a two- thirds vote or lay on table

To suppress or limit debate? Move the previous question (two-thirds vote) or limit debate (two-thirds vote)

To suppress the question? Object to consideration (two-thirds vote) postpone indefinitely or lay on table.

To consider a question a second time? Take from table, reconsider and enter on the minutes.

To prevent action from becoming final? Reconsider and enter on the minutes.

To reverse the decision of the chair? Appeal

To ask a question about procedure? Use parliamentary inquiry

To withdraw a motion? Ask for permission to withdraw a motion

To read something to the assembly? Request to read papers

To correct a mistake? Rise to a point of order

A motion that's been carried, lost or postponed indefinitely can't be considered again during the same session except by a motion to reconsider the vote disposing of the question or to rescind the action taken. The motion to reconsider can be made only by one who voted on the prevailing side. The motion to reconsider must be made on the same day or the calendar day (not counting Sundays or holidays) after the vote which is to be reconsidered was taken. Any member may second this motion. The motion to consider, if carried, annuls the vote already taken and brings the motion before the assembly again for action.

A motion to rescind an action may be made if the motion to reconsider is not reconsider is not already pending. The motion to rescind may be made by any member, its purpose is to undo some action already taken and is identical with the motion to amend by striking out something previously adopted, such as a by-law, resolution, section or paragraph, if made on the same day, it only requires a majority vote, but on a subsequent day, if without notice of intention to rescind it, requires a two-thirds vote.

In case of doubts as to parliamentary procedure, or if difficult questions arise, such as to lay on the table, to postpone, to limit debate, to reconsider, point of order, etc. consult the Post Judge Advocate.

Courtesies in the Assembly

Members contribute to the success of a meeting when they:

- 1. Come to order at once when the commander open the meeting**
- 2. Give thoughtful attention throughout the business meeting and the program**
- 3. Rise to address the chair, and wait to speak until recognized by the chair**
- 4. Sit down at once when someone else has been given the floor**
- 5. Rise to make a motion, but remain seated in small assemblies when seconding the motion**
- 6. Write a long or involved motion and give to the adjutant, when asked to do so**
- 7. Rise when a rising vote is requested and remain standing until the vote is taken**
- 8. Vote on every question**
- 9. Limit their remarks to their rightful share of the time of the meeting and do not infringe upon the right of others. The floor should be given to one has not spoken on the question, if preference to one who has spoken, if there is any question as to precedence, Rise to make reports, remain seated during the discussion of the report**
- 10. Refrain from conversation during the meeting**
- 11. The courtesy of the floor may be granted to one is not a member when it is desired to have such one speak during a business session**

These By-Laws were approved as amended, and adopted at a regular meeting of the Middletown Post Number 151, American Legion Inc. convened in the Town of Wallkill, NY on July 12, 2016

These By-Laws were approved by the Orange County Committee of The American Legion on October 19, 2016

These By-Laws were approved by The American Legion Department of New York Executive Committee as amended on January 11, 2017

By-Laws Committee

William Rios

E. Lee Zamot

Ronald Newhard

Robert Warner

Robert Hayward

William Rejmaniak

Abraham Escobar