

# ***PROPOSED***

## LINCOLN AMERICAN LEGION POST 3 BYLAWS REVISED AND AMENDED IN THEIR ENTIRETY

### ARTICLE ONE

#### NAME; NATURE, AND OBJECTIVES

Section 1. The Post existing under these Bylaws is to be known as **Lincoln American Legion Post 3**, Department of Nebraska; hereinafter referred to as Lincoln Post 3 or Post 3.

Section 2. The nature and objectives of Post 3 are as set forth in the Constitution.

### ARTICLE TWO

#### GOVERNANCE

Section 1. The government and management of Lincoln Post 3 shall be as provided in Article Four of the Constitution.

Section 2. The election of officers and members of the Executive Committee shall be as provided in Article 4, Section 3 of the Constitution.

Section 3. All vacancies occurring in the Executive Committee or in any of the elected offices of Post 3 from any cause other than expiration of term shall be filled by election at a regular Post meeting within thirty (30) days after the creation of such vacancy; and the person so elected shall hold office for the unexpired term of the committee member or officer whom he or she succeeds, provided that in the event of a vacancy of the office of Commander or Vice Commander, the next ranking Vice Commander shall automatically advance to such vacancy for the remainder of the term of office.

### ARTICLE THREE

#### ELECTION PROCEDURE

Section 1.a. Nominations of candidates for the respective offices may be made in writing signed by a member of the Lincoln Post 3 in good standing, giving the name of the candidate and the office for which he or she is nominated, and shall be filed in the office of Post 3 no later than the regular meeting next preceding the annual election. Nominations may also be made from the floor at the regular meeting next preceding the annual election.

b. The names of those nominated shall be published to the membership in such form and manner as the Executive Committee shall direct.

c. Each candidate to be voted upon must provide the Post 3 Office with satisfactory documentation of his or her military service and/or discharge prior to the election

d. Any candidate who desires to withdraw his or her candidacy must notify the Adjutant in writing or by email prior to the date of the annual election.

e. Prior to the election, the Adjutant will cause the ballots to be prepared, showing the offices to be filled and the names of the candidates therefore.

f. The Post Commander shall cause notice of the annual or any special election to be given at least two weeks prior thereto.

g. When there is a contest for any office or delegate's position, the election shall be by ballot, and every member in good standing is entitled to vote in person.

h. The election shall be under the direction of a commission appointed by the Commander. Such commission shall consist of a chairperson and two to five other members, none of whom shall be a candidate for office in the election which they supervise. The members of said commission shall be responsible to organize the election, deliver and receive ballots, count the ballots, and monitor the election in its entirety to insure a fair election is held.

i. The chairperson and commission shall arrange a convenient place for receiving ballots, and the polls shall be open for voting on the day of the election one hour before the meeting and close no sooner than one hour later, but in time to count the ballots and report the results before the close of the meeting on the day of the election.

j. As soon as practicable after the closing of the polls, the counting board shall report and certify the results to the Post Commander. Prior to such report and certification, no person on said election commission shall disclose, in whole or in part, any of the results of the election.

## ARTICLE FOUR

### EXECUTIVE COMMITTEE

Section 1. The Lincoln Post 3 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 regularly each month at the call of the Commander.

Section 2. A quorum of the Executive Committee shall consist of a majority of the qualified members of the Executive Committee.

Section 3. A special meeting of the Executive Committee may be called by any qualified member thereof with the joint consent of two additional qualified members. The Post Adjutant shall prepare and mail a notice of the time, place, and purpose of the special meeting to all qualified members of the Post Executive Committee. Such a meeting is empowered to transact only such business within its authority as is stated in the written notice of such meeting, provided a quorum is present as provided in Article 4, Section 2 of these Bylaws.

Section 4. The Post Executive Committee shall hire such employees as may be necessary within the limitations of the budget and shall require adequate bonds as provided in Article Six, Section 3 of the Constitution; shall hear the reports of Post committee chairpersons, and generally shall have charge of and be responsible for the management of the affairs of the Post..

Section 5. The Post 3 Executive Committee may, by majority vote, bestow upon any individual, whether a member or non-member, any honorary or complimentary title or designation. Such honorary title or designation shall be perpetual unless rescinded by the Executive Committee. Rights carried with such honorary title or designation shall include the right to attend meetings and to speak, but not to make motions or vote, except as provided by the Post 3 Constitution and Bylaws, unless such individual is a regular and duly qualified member of Lincoln American Legion Post 3.

## ARTICLE FIVE

### DUTIES OF OFFICERS

Section 1. Duties of the Commander: It shall be the duty of the Post Commander to preside at all meetings of the Post and have general supervision over the business and affairs of the Post, and such officer shall be the chief executive officer of the Post. The Commander shall be jointly responsible with the Finance Officer for the disbursement of funds and shall countersign all checks disbursing money of the Post, and shall make an annual report covering the business of the Post for the year. The Commander shall perform such other duties as directed by the Executive Committee upon recommendation by Post 3 members..

Section 2.a. Duties of the Vice-Commanders: It shall be the duty of each Vice Commander to discharge such duties as assigned by the Commander. The First Vice Commander shall discharge the duties of the Commander in the absence or disability of the Post Commander.

b. The First Vice-Commander shall perform the duties of the Membership Committee Chairperson unless the Commander appoints another member to perform those duties. The Second Vice-Commander shall perform the duties of Salvation Army Bell Ringers Chairperson unless the Commander appoints another member to perform those duties.

Section 3. Duties of the Post Adjutant: The Adjutant shall have charge and keep a full and correct record of all proceedings of all Post and Executive Committee meetings, keep such records as the Department and National organizations may require, render reports of membership annually or when called upon to do so at a meeting, and under the discretion of the Commander handle all correspondence of the Post except when such duties are otherwise delegated by the Executive Committee. The Adjutant's duties shall be as set out in the approved "Job Description," and he or she shall fully advise and inform the Commander of all activities, routine or otherwise.

Section 4. Duties of Finance Officer: The Finance Officer shall be charged with the responsibility of seeing that proper and sufficient safeguards and accounting procedures are being followed, and that cash on hand does not exceed that which is reasonable and safe. He or she shall recommend to the Post Executive Committee for their approval federally insured financial institutions for handling the Post's various accounts, including recommendations for investments of idle or excess funds. Such investments may include reputedly insured investment grade bonds. The Finance Officer shall countersign all checks disbursing the monies of the Post.

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

Section 6. Duties of the 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, or public functions; and adhere to such ceremonials and rituals as are recommended by the National or Department Headquarters.

Section 7. Duties of the 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 by the Post Commander.

Section 8. Duties of the Service Officer: The Service Officer shall aid all veterans, their dependents, and survivors in connection with just claims against the United States or State or Local Governments in matters of employment, financial relief, hospitalization, medical services, or community welfare matters.

Section 9. Duties of the Judge Advocate. The Judge Advocate shall advise the officers of the post and the Executive Committee on all legal matters, including the construction and interpretation of the Constitution and Bylaws, or obtain proper counsel to assist doing so. The Judge Advocate shall perform such other duties usually incident to the office.

Section 10. Duties of the Executive Committee. It shall be the duty of the members of the Executive Committee upon taking office to immediately familiarize themselves with the provisions of the Constitution and Bylaws of Lincoln Post 3.

## ARTICLE SIX

### DELEGATES

Section 1. Delegates and Alternates to the Department of Nebraska Convention shall be elected by the membership of Lincoln Post 3 at the regular meeting next preceding the Department Convention. The delegates elected to the Department Convention shall include the District 15 Commander; the newly elected Commander of Post 3, and all newly elected officers of Post 3, all of whom shall be declared as automatically elected delegates to the Department Convention.

Section 2. The balance of the authorized Delegates and Alternates to the Department Convention shall be selected in order of their registration at the Department Convention, and shall be considered elected delegates and alternates to the Department Convention.

Section 3. Each duly registered delegate shall be entitled to one vote. The vote of any registered delegate absent and not represented by an alternate shall be cast by the majority of the registered delegates present from Post 3. Alternates for registered delegates shall have all the privileges of registered delegates except that of voting. A registered delegate is one who has received his or her credentials after his or her registration fee has been paid.

Section 4.a. Members of Post 3 desiring to be Delegates to the National American Legion Convention shall be recommended and nominated to the Department of Nebraska by nomination and election of the membership of Post 3 at the regular meeting chosen to serve as the District 15 Convention.

b. Any members of Post 3 holding a National Appointment to a Standing National Commission or a Standing National Committee shall automatically be considered as nominated for election by Post 3 to be recommended and nominated as a Delegate to the National American Legion Convention unless they declare at the District 15 Convention that they do not intend to attend the National Convention..

c. When the number of members nominated for delegate to the National Convention exceeds the number of delegates authorized from District 15, the results of the election, beginning with the candidate receiving the most votes, shall determine the selection of delegates and alternates to the National Convention. There shall not be a separate nomination and election for alternates.

## ARTICLE SEVEN

### ANNUAL COMMITTEES

Section 1.a. The Lincoln Post 3 Commander, immediately upon taking office each year, shall appoint a chairperson and an appropriate number of additional committee members (if necessary or desirable) to the following annual committees. These appointments will be for the tenure of his or her office.

Membership Committee  
Salvation Army Bell Ringers Committee  
Publicity Committee  
Hospital Visitation Committee  
Boys State Committee  
County Government Committee  
Oratorical Committee  
Law & Order Committee

b. Membership Committee. The Membership Committee shall have charge of matters pertaining to membership of the Post, including the procurement of new members, reinstatements, and eligibility of members subject to the Constitution and By-Laws.

c. Salvation Army Bell Ringers Committee. The Salvation Army Bell Ringers Committee shall be charged with scheduling and coordination with the Salvation Army a time a place for members of the Post 3 American Legion Family to participate in volunteer bell ringing activities for the Salvation Army.

d. Publicity Committee. The Publicity Committee shall be charged with the promotion of public support of the American Legion's programs by the establishment of proper contact with the American Legion magazine and other Department and National publicity resources. The committee shall promote publicity of Post programs and activities utilizing the Post 3 newspaper, email newsletter, and website.

e. Hospital Visitation Committee. The Hospital Visitation Committee is charged with visiting and comforting members and their families when sick or bereaved and with visiting veterans in nearby hospitals.

f. Boys State Committee. The Boys State Committee shall coordinate the selection process of Boys State citizens from the Lincoln area by keeping in contact with the Lincoln area schools and donors. It shall also schedule and conduct a Boys State Orientation for the Lincoln area Boys State citizens.

g. County Government Committee.. The County Government Committee shall coordinate with the Lancaster County Commander any efforts to provide a County Government Day for the students in Lancaster County.

h. Oratorical Committee. The Oratorical Committee shall endeavor to promote the American Legion Oratorical Contest to the students of Lincoln and conduct a Post 3 / District 15 Oratorical Contest each year.

i. Law & Order Committee. The Law & Order Committee shall endeavor to promote the Nebraska American Legion Junior Law Cadet Program and coordinate the efforts to select boys and girls from the Lincoln area to participate in the program.

Section 2. The Post 3 Commander may also appoint other special committees as may be deemed necessary for the proper operation of the Post.

## ARTICLE EIGHT

### STANDING COMMITTEES

Section 1.a. The following committees are declared to be standing committees of the post:

Athletic Committee  
Memorial Committee  
Finance Committee  
Youth Activities Committee  
Americanism Committee  
Past Commanders' Advisory Committee  
Scholarship Committee  
Constitution, Bylaws, and Resolutions Committee

b. When inactivity or other circumstances justify the action, the Executive Committee may place a standing committee on an inactive status.

c. The Post Commander, immediately upon taking office each year, shall appoint or re-appoint to each active standing committee a single replacement to serve for a period of three years and then designate a chairperson .

d. Committees may set up rules of procedure, conduct, or discipline within the sphere of their activities when such rules are expedient, subject to the approval of the Executive Committee.

Section 2.a. The Athletic Committee shall consist of three members for three-year staggered terms.

b. The Athletic Committee shall have the specific duties relating to the extent of the post's involvement in American Legion Baseball and any other activities the Post undertakes in the field of men's and women's athletics.

Section 3.a. The Memorial Committee shall consist of three members for three-year staggered terms. However, the formal appointment of three members to the standing committee is in no way intended to limit or inhibit any member's participation in Memorial Squad activities.

b. The Memorial Committee shall have the specific duties to insure that proper burial ceremonies are conducted when requested for our departed comrades and any other civic function where memorial services are requested of the Post.

Section 4.a. The Finance Committee shall consist of five members, three of which shall be appointed for three-year staggered terms. The Finance Officer and the Immediate Past Post 3 Commander shall be automatic members of this committee

4 b. The Finance Committee shall be charged with the administration of the financial policy, preparation of the budget, making recommendations for and supervision of receiving, disbursing, and accounting of all Post funds and an annual audit. It shall be its duty to prepare and make reports to the Post or Executive Committee whenever requested by the Post Commander. It shall be the duty of the Finance Committee to prepare a report showing the anticipated expenditure for the coming year, and to submit the same with recommendations to the Post following the annual election of officers. The Finance Committee shall, not later than the second regular meeting after the election, submit a proposed budget, its recommendation for the ensuing year which shall be placed before the Post for adoption or such other action as the Post shall consider necessary.

Section 5.a. The Youth Activities Committee shall consist of three members for three-year staggered terms

b. The Youth Activities Committee shall be charged with making recommendations to the Commander regarding youth activities.

Section 6.a The Americanism Committee shall consist of three members for three-year staggered terms.

b. The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangement for proper observance of patriotic occasions, encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens, combatting anti-American propoganda by education of the general public in American Ideals, through public forums, etc., and activities for community and civic betterment.

Section 7.a. The Past Commanders Advisory Committee shall be composed of the five immediate past Post 3 Commanders, the chairperson of which shall be the senior ranking Past Post Commander in point of succession.

b. It shall be the duty of the committee to offer counsel and guidance to the active Post Commander. This committee shall be convened from time to time as needed either at the call of the active Post Commander or the chairperson of the committee.

Section 8.a. The Scholarship Committee shall consist of five members, three of which shall be for three-year staggered terms. The Finance Officer and the current Commander of Post 3 shall be automatic members of this committee

b. The Scholarship Committee shall be charged with the duty of administering the Post 3 Scholarship Fund with the approval of the Executive Committee.

Section 9.a. The Constitution, Bylaws, and Resolutions Committee shall consist of four members, three of which shall be for three-year staggered terms. The Post 3 Judge Advocate shall be an automatic member of the committee.

b. The Constitution, Bylaws, and Resolutions Committee shall be charged with receiving, reviewing, and processing any proposed changes to the Post 3 Constitution and Bylaws. Further, the committee shall be responsible to review and report on any resolutions offered by individual members or any Post 3 committee regarding American Legion matters of any kind to be brought before the membership for consideration and adoption.

## ARTICLE NINE

### PURCHASING AND DISBURSEMENTS

Section 1. Purchases of goods, services, or property, disbursements, and indebtedness shall be handled in the manner.

Section 2. a. All contracts for service or materials within the limitations of the budget shall be authorized by the Finance Committee.

b. Other disbursements and donations outside of budgeted items must be authorized by the Executive Committee with the approval of the Post; and, when so authorized, such disbursements shall be supervised and accounted for by the Finance Officer. No request for such expenditures of Post 3 funds shall be voted upon at a regular Post 3 meeting without prior approval of the Executive Committee.

c. Amounts in excess of \$300 shall first be submitted to the Post Finance Officer, who shall report to the Post Executive Committee the availability of funds. The Post Executive Committee shall have authority to recommend approval or denial of such requests to the Post.

d. Items not in excess of \$300 may be authorized by the Commander or Executive Committee without formal action by the Post provided that there are sufficient contingency funds remaining in the annual budget.

Section 3. All real and personal property shall be purchased and held in the name of Lincoln American Legion Post 3.

Section 4. All disbursement of funds of the Post shall be by warrant, which shall show thereon the purpose for which drawn. Such warrants shall be signed by the Finance Officer and countersigned by the Commander.

Section 5. All vouchers or evidence of indebtedness shall be signed by the Finance Officer and countersigned by the Commander.

## ARTICLE NINE

### MEETINGS

Section 1. The regular meeting of Lincoln Post 3 shall be held on the second Tuesday of each month, except in August when there shall not be a meeting.

Section 2. Ten members shall constitute a quorum for the transaction of any business of the Post.

Section 3. a. All meetings of Post 3 and the Executive Committee of Post 3 shall be governed by Roberts Rules of Order unless in conflict with the Constitution and Bylaws of the Department of Nebraska American Legion.

b. In most cases, meetings will be conducted in-person; but on those rare occasions when uncontrollable, catastrophic circumstances prevent in-person meetings, the Commander is authorized to conduct the Post 3 meeting or Executive Committee meeting electronically. All business of Post 3 can be administered provided the necessary quorum is present.

## ARTICLE NINE

### AMENDMENTS

Section 1.a. The By-Laws may be amended at any meeting of Lincoln Post 3 by a two-thirds vote of the members attending such regular meeting provided that the proposed amendment or amendments shall have been read at the preceding regular meeting of Post 3; then submitted to the Constitution, Bylaws, and Resolutions Committee of Post 3 for their consideration and recommendation to the Post Executive Committee.

b. The Post Executive Committee shall then, either with or without their recommendation, report such amendment or amendments back to the next regular Post 3 meeting for approval or disapproval.