

**DEPARTMENT OF COLORADO,
COLORADO CENTENNIAL POST 1976**



**CONSTITUTION
AND
BY-LAWS**

Jan 13 2023

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- SECTION A

Section 1: The name of this organization shall be The American Legion, Department of Colorado, Colorado Centennial Post 1976 or Post 1976.

ARTICLE - II

OBJECTS AND PURPOSE

Section 1. The objects and purpose of this Post shall be to promote the principles and policies as outlined in the preceding preamble, and the National and Department Constitution of The American Legion.

ARTICLE - III

NATURE

Section 1. This organization shall be non-political, non-sectarian, and shall not be used for the dissemination of partisan principles, nor for the promotion of candidacy of any person seeking public office of preferment.

Section 2. Rank does not exist in The American Legion; no member shall be addressed by their military or naval title in any meeting of this Post.

Section 3. This Post is a civilian organization, and membership therein does not effect, nor increase, the liability of a member for military or police service.

ARTICLE - IV
MEMBERSHIP

- Section 1. Eligibility of membership in this Post shall be as prescribed by the National Constitution of The American Legion.
- Section 2. Charter Members are defined as new members whose names were recorded on the issuance of Aurora Post 1976 temporary charter, prior to July 5, 1976. These qualified veterans are new members to the Legion and those who charted the post into service within the Department of Colorado.
- Section 3. Founding Members are defined as those members who were current members of other posts and transferred to Post 1976 upon gaining its charter, after July 5, 1976. These members were instrumental in the creation and founding of the post, but were not eligible to have their names put onto the official post charter because of their current membership status.
- Section 4. Aurora Centennial Post 1976 was renamed to compliment the founding charter members intentions. June 2017, Aurora Post 1976 was officially re-named Colorado Centennial Post 1976 to celebrate the state entering the Union where upon National Headquarters provided a re-issuance of the charter with the new name.
- Section 5. Application for membership shall be made on the prescribed membership form, accompanied by the annual dues. Proof of service dates and honorable military service (DD-214, etc.) will be required for all new membership processing. Any applicant requesting transferring of membership shall be accepted when transferring as a Paid Up For Life (PUFL). A transferring member shall be in good standing, with dues paid for the current membership year, prior to accepting the transfer. Applicants found ineligible for membership shall be informed by the Adjutant who will notify the applicant, and indicate if the applicant is eligible for membership in The American Legion Auxiliary or Sons of the American Legion. The individual shall be referred to the appropriate person for further assistance. If the applicant is ineligible as a Legionnaire the dues and supporting documents, if any, will be returned.
- Section 6. Honorary Members shall be defined as members that served in war era WW2 or Korea. Honorary Members also include Purple Heart recipients, Bronze and Silver Star recipients, Congressional Medal of Honor, and other such recognition. In addition, the Post will recognize The All Veterans Honor Guard, Honor Bell, and Patriot Guard members. It is also recommended to have certain civil servants such as Judges, Police, and Firefighters, to be considered Honorary Members. The intent for Post 1976 is to build a solid membership and pay the Membership dues of all honorary members. The Adjutant will keep a list of the Honorary Members every year.

**ARTICLE -V
GOVERNMENT**

- Section 1. Any member of this Post may be expelled for cause by a vote of fifty percent plus one (50%+1) of the membership in attendance at the next regular or special meeting of Post 1976. Charges are preferred under oath in writing, or prescribed by the Constitution and By Laws of the Department of Colorado Article XII, Section 1, and a fair trial had upon the same.
- Section 2. A member expelled from this Post, for any cause, may be reinstated to membership by a fifty percent plus one (50%+1) vote of the membership present at the next regular or special meeting of Post 1976. Charges are preferred under oath, in writing, or prescribed by the Constitution and Bylaws of the Department of Colorado, Article Xii, Section I, and a fair trial had upon the same.
- Section 3. Requests for reinstatement must be accompanied by dues for the current membership year, and if necessary, the prior year.
- Section 4. Any member of this Post desiring to transfer to another Post shall upon application to the Adjutant, be furnished with a transfer card or member data sheet, provided all dues and assessments shall have been paid to date.
- Section 5. If the transfer is accepted, the Adjutant shall notify the applicant of acceptance and instruct the applicant when to appear for initiation. If rejected, the Adjutant shall notify the applicant, return the dues, and inform the applicant that they may be reconsidered in six (6) months from the date of rejection.

**ARTICLE - VI
OFFICERS**

- Section 1. The Administration of the Post's affairs between meetings of the Post, and except as may be otherwise provided in the Bylaws of the Post, shall be under the supervision of an Executive Committee, which shall consist of the elected officers of the Post, and the immediate Past Post Commander, to be known as Executive Committee.
- Section 2. The following shall be elected officers of this Post annually: Commander, Senior-Vice-Commander, Junior-Vice-Commander, Chaplain, Finance Officer, and Sergeant at Arms. Every member in good standing of Post 1976 shall be eligible to hold office.
- Section 3. Election of officers shall be as follows: The Commander shall appoint a Nominating Committee at the regular January Post Meeting, where two or more

individuals are running for the same office, and shall consist of an Executive Committee member and any two (2) other members with the approval of the Post Executive Committee. The committee shall present at least one nominated candidate for each office. In addition to the nominations, made by the Nominating Committee, nominations may be made from the floor by any member of the post, and nominations shall be open for two meetings including the annual election meeting.

- Section 4. All non-contested elections will be conducted by acclamation. All contested elective officers shall be elected at the annual election. Said election shall be held at the last regular meeting of May.
- Section 5. The duly elected officers shall be regularly installed in their respective offices at time and date approved by the membership, which shall be prior to the convening of the Department Convention following their election.
- Section 6. The term of office for each elected officer shall commence upon the adjournment of Department Convention next after their election and installation.
- Section 7. A vacancy from an unexpired term shall be filled as followed:
- (a) A vacancy in the office of Commander shall be filled by the advancement of the Senior-Vice Commander.
 - (b) A vacancy in the office of Senior-Vice Commander shall be filled by the advancement of the Junior-Vice Commander.
 - (c) All other vacancies existing in any office shall be filled by nominations from the floor and election by the membership in attendance at the next regular or special meeting of Post 1976.
- Section 8. All officers, other than those designated in Section 1, Article 6 of this Constitution, including Service Officer, Historian, Assistant Adjutant, and such other officers as may be deemed essential by the Executive Committee or the Commander, may be appointed by the Commander upon the approval of the Executive Committee.
- Section 9. Any time an officer elected or appointed to a Post office that misses three consecutive regular meetings, without just cause, the office shall be declared vacant by the Commander and will be replaced by election or appointment to complete the year in that office.
- Section 12. Newly elected officers shall be installed before the close of the meeting in May.

ARTICLE – VII
COMMITTEES AND APPOINTMENTS

- Section 1. The Post Commander immediately upon taking office each year shall appoint such Standing Committees as deemed necessary by the Executive Committee to fully comply with the Department and the National mandates of The American Legion Program and to carry on successfully the Post activities.
- Section 2. The Commander may also appoint an Adjutant, Service Officer, Historian, and Judge Advocate, as well as any other officer deemed necessary, or by appointment with the approval of the Executive Committee.

ARTICLE – VIII
FINANCE

- Section 1. The Finance Officer shall serve as Chairman of the Finance Committee and is a member of the Executive Committee.
- Section 2. The Finance Officer shall make an annual report to the Commander and Executive Committee concerning the annual business of Post 1976 from July 1- June 30 of each year.
- Section 3. The Post Finance Officer shall conduct an audit of Post financial affairs in June of each year, with no less than three (3) members making up the Audit Committee.
- Section 4. The Post Commander may call for an audit of the Post finances at any time by appointing an Auditing Committee.

ARTICLE – IX
LIMITATIONS OF LIABILITIES

- Section 1. Post 1976 shall incur, or cause to be incurred, no liability, nor obligation, whatever which shall subject to liability to any other association, subdivision, members of The American Legion, or other individuals, corporations, or organizations.
- Section 2. No member, officer, or committee of Post 1976 shall have authority to bind it by contract, or incur any obligation upon its behalf, except by express authority of the Executive Committee and Post 1976 Commander. All contracts entered into on behalf of Post 1976 shall be in writing, reviewed by the Post Commander, executed by the Adjutant.

- Section 3. Notwithstanding any other provision in Post 1976 Bylaws, no officer, or representative of Post 1976 shall take any action or carry on any activity by or on behalf of Post 1976, not permitted to be taken or carried on by an organization exempt under Section 501(c)(19) of the Internal Revenue Code of 1982 and its Regulations as they now exist, or as they may hereafter be amended, or by an organization's contributions to which are deductible under Section 170(c)(2) of the Code.

ARTICLE – X
AMENDMENTS

- Section 1. Amendments to this Constitution and Bylaws shall be submitted in writing at the regular meeting of Post 1976 and may be voted on at the next meeting. Such vote shall be adopted by a fifty percent plus one (50%+1) majority vote of members present at the second meeting. When amending the Constitution and Bylaws the membership shall receive an electronic or hard copy of each proposed amendment via U.S. Postal Service or email, with a cover letter stating when the amendment phase is open for discussion and notice to all members in advance of the date when such amendments are to be voted on.
- Section 2. The Constitution and Bylaws are subject to the provisions of the National Constitution and Bylaws of The American Legion. Any provision of, or amendment to the National Constitution of The American Legion, which conflicts with any provisions herein, shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.
- Section 3. All changes to this Constitution and Bylaws, whether proposed, administrative, pending, or finally approved shall be recorded contemporaneously herein, and entered in the Change Log attached herein as Appendix "A". Appendix "A" is intended to track modification and amendment(s) to the Constitution and Bylaws. All modifications to this Constitution and Bylaws, including, but not limited to, amendments and corrections, shall be recorded in Appendix A and maintained by the Adjutant. Entries shall include the date, the effected paragraph, the identity of the person or group initiating the change, and the status of the change. Change status shall be one of the following:
- (a) "APP" meaning approved by majority vote at The American Legion, Post 1976 Meeting of those members in attendance.
 - (b) "DEF" meaning defeated or removed by majority vote at The American Legion, Post 1976 Meeting of those members in attendance.
 - (c) "NVR" meaning no vote required; typically used for correction of typographical errors.

- (d) “DIR” meaning the alteration was performed under the direction of The American Legion, Department of Colorado or National.
- (e) “PDG” meaning the alteration was performed as a draft to the document and is pending approval by a vote of fifty percent plus one (50% + 1) of the membership in attendance at the next regular or special meeting of Post 1976.
- (f) “PEN” drafts have been sent by U.S Postal Service for review by the membership.

Bylaws

ARTICLE - I NAME

- Section 1. The following shall be the Bylaws of The American Legion, Department of Colorado, Centennial Post 1976 or Post 1976 .
- Section 2. The objectives of Post 1976 and the Executive Committee, are set forth in The American Legion Preamble to the Constitution, applying to all veterans living in our communities, visiting members, and their families.

ARTICLE - II POWERS OF THE EXECUTIVE COMMITTEE

- Section 1. The Post Executive Committee shall meet at the call of the Commander. Powers and duties of the Executive Committee shall be as set forth in the Constitution.
- Section 2. The Post Commander is the Chair of the Executive Committee.
- Section 3. The Post Executive Committee shall meet at the call of the Commander, and shall conduct emergency meetings and collect votes in meetings, by email telephone, or conference call.
- Section 4. Post Executive Committee shall meet seven (7) days prior to the Post meeting or at the call of the Commander.
- Section 5. Upon the joint written request of three (3) or more Executive Committee members, the Commander shall call a special meeting of the Post Executive Committee. Post 1976 voting shall be conducted by a vote of fifty percent plus one (50% + 1) of the membership in attendance at the next regular or special meeting of Post 1976. Votes may be received via telephone.
- Section 6. Representatives of The Sons of the American Legion and Auxiliary are encouraged to participate in the Executive Committee and membership meetings to help manage joint activities with a voice, but do not have formal voting privileges.
- Section 7. The Post Executive Committee shall authorize and approve all capital expenditures and shall have charge of, and be responsible for, the management of Post 1976.
- Section 8. The Post Executive Committee shall have the power to make, alter, and amend Bylaws for the government of Post 1976 providing they are not inconsistent with

National, The Department of Colorado, and Colorado Centennial Post 1976 Constitution.

**ARTICLE - III
OFFICER DUTIES**

- Section 1. The Commander
It shall be the duty of Post 1976 Commander to preside over all Post and Executive Committee meetings; to preserve order, and enforce strict observance of the Constitution and Bylaws; to appoint members of the committees, unless otherwise provided for in these Bylaws; to serve as ex-official member of all committees except the nominating committee; and to prescribe any and all special duties for other officers and committees. The Commander shall not vote, except in the case of a tie. The Commander shall attend or designate an alternate representative to attend all District 6 and Department conferences and conventions.
- Section 2. Senior-Vice Commander
Shall assume and discharge the duties of the office of Commander in the absence of, disability of, or when called upon by the Post Commander. The Senior-Vice Commander shall be the Post Membership Chairperson, shall have charge of all matters about the membership of the Post, including the procuring of new members, reinstatements, and eligibility of members, assist in maintaining the membership roster and will also serve as a voting member of the Executive Committee.
- Section 3. Junior-Vice Commander
Shall assist the Senior-Vice Commander in his duties and serve as a voting member of the Executive Committee. The Junior-Vice Commander shall also assist the Commander in the discharge of their official duties and shall assume the duties of the Commander in the absence or disability of both the Commander and Senior-Vice Commander. The Junior-Vice Commander is also responsible for Legion programs and activities.
- Section 4. The Adjutant
The Post Adjutant shall transcribe the minutes of the Post and Executive Committee meetings, and shall have charge of and keep full and accurate records of all proceedings of all Post meetings keeping such records as the Department and National organizations may request; render reports of membership annually or when called upon at a meeting, and under the direction of the Commander. The Adjutant shall assist in maintaining the membership roster and handle correspondence of the Post. The Post Adjutant shall serve as a non-voting member of the Executive Committee.
- Section 5. Finance Officer
The Finance Officer shall have charge of all Post funds, except provided herein, and ensure they are safely deposited in Post 1976 bank account(s): checking and savings and shall provide a finance report at the monthly Executive Committee meeting, Post 1976 regular membership meeting, and whenever called upon.

- (a) The Finance Officer shall serve as Chairman of the Finance Committee and is a voting member of the Executive Committee.
- (b) The Finance Officer shall make an annual report to the Commander covering the annual business of Post 1976.
- (c) The Finance Officer shall conduct an audit of the Post financials affairs in June of each year, with no less than three (3) members.
- (d) The Post Commander or the Post Executive Committee, may cause an audit to be taken at any time by members they designate.
- (e) The Finance Officer shall maintain the financial records of the Sons of the American Legion Squadron 1976, separate from Post 1976 financial records.

Section 6. Post Chaplain

The Post Chaplain shall be charged with the spiritual welfare of the Post and its members. Will arrange divine, but non-sectarian services, in the event of funerals, dedications, public functions, and other gatherings where such service might be applicable. The Chaplain shall adhere to such ceremonial rituals as are recommended by the National and Department Headquarters, and shall be a voting member of the Executive Committee.

Section 7. Sergeant at Arms

The Sergeant-at-Arms shall preserve order at all meetings and shall see that meetings' place is properly arranged before the meetings, and shall perform such other duties as may be assigned to him by the Post Commander or Executive Committee. The Sergeant-at-Arms shall be a voting member of the Executive Committee.

Section 8. Appointed Officers

It shall be the duty of the Post Commander to appoint a Post Service Officer, Historian, Assistant Adjutant, Judge Advocate, or such other officer as may be deemed necessary to the operation of the Post. A member may be elected, appointed, and hold more than one office in the Post.

Section 9. Appointed Program Chairs

It shall be the duty of the Post Commander to appoint a Chairperson(s) as deemed necessary to the operation of Post Programs.

ARTICLE – IV
COMMITTEES AND APPOINTMENTS

- Section 1. The Post Commander immediately upon taking office each year shall appoint such Standing Committees as deemed necessary by the Executive Committee to fully comply with the Department and the National mandates of The American Legion Program and to carry on successfully the Post activities.

- Section 2. The Commander may also appoint an Adjutant, Service Officer, Historian, and Judge Advocate as well as any other officer deemed necessary, or by appointment of the Commander with the approval of the Executive Committee.

ARTICLE - V CONVENTIONS AND CONFERENCES

- Section 1. Delegates to the Department and District Convention shall be appointed by the Commander at a regular meeting of Post 1976. The Post Commander and Adjutant shall automatically serve on such delegations. The Post Commander shall serve as the Chairperson of the Delegation in each instance, and in the Commanders absence, shall be elected by the Delegation.
- Section 2. Authorized number of delegates and alternates to a department convention shall be elected at a regular Post 1976 meeting to be held at least twenty (20) days prior to the date of such convention. In the event nominees are less than the number of authorized delegates, a blank ballot shall be cast for all nominations.

ARTICLE - VI RESOLUTIONS

- Section 1. All resolutions of District, State Department, and National scope presented to this Post by a member, or reported to this Post by Committee, shall merely embody the opinion of this Post on the subject if adopted, said resolution shall be presented to the District or State Department for final approval.

ARTICLE – VII MEETINGS

- Section 1. The regular meetings of Post 1976 shall be held at a location prescribed by the Post Commander, on the 2nd Saturday of every month at 11:00 a.m., unless otherwise specified. When a legal holiday occurs on any meeting day, or when a meeting must be canceled due to other circumstances, the Post Commander may arrange to hold the meeting on another day and shall see that the membership is so advised.
1. The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.
 2. At a written request of three (3) members, the Executive Committee shall call a special meeting of the Post.
 3. Fifty percent plus one (50%+1) majority vote of the membership in attendance shall constitute a quorum of Post 1976.
 4. All meetings shall be conducted in conformity with the American Legion's Manual of Ceremonies.
 5. Healthy discussion is encouraged, however, Post 1976 carries a zero tolerance for blatant disrespect and argumentativeness. Any individual choosing to

become confrontational or disrespectful will be escorted out of the meeting by the Sgt-at-Arms at the request of the Commander. Dignity and respect is expected to be extended to all veterans at all times.

6. All proceedings of this Post shall be conducted in accordance with Robert's Rules of Order, revised, except when otherwise provided herein.

ARTICLE – VIII

FINANCE

- Section 1. The revenue of Post 1976 shall be derived from membership dues, Paid Up For Life (PUFL), fundraisers, in-kind donations, and from other sources approved by the Executive Committee.
- Section 2. Until such time the Commander and Executive Committee determine fidelity insurance is required, the Commander, Finance Officer, and Senior-Vice Commander shall be signers on the checking account and all checks shall have a minimum of two signatures to validate permission of writing such checks.
- Section 3. Annual membership fees shall be fixed and determined by the Executive Committee at the March meeting of each year and any changes to the annual dues will be presented to the membership at a regularly scheduled meeting no later than the month of April.
- Section 4. Any disbursement of funds, except for membership dues, must have final approval of Executive Committee and Post membership. Any disbursement over Five Hundred dollars (\$500.00) for any one item, must be approved at two (2) consecutive regular business meeting of Post 1976. The Post Commander will have discretion to spending funds up to Three Hundred dollars (\$300.00), provided it is in the good interest of the Post or its members. A vote of the Post membership must be made to validate the expenditure made by the Commander.
- Section 5. Membership dues shall be collected and delivered to the Finance Officer for posting and members paying dues via credit card will be conducted through the Commander and Adjutant delivering directly to Department of Colorado Headquarters on the next business day for immediate processing. A copy of the receipt shall be placed in the membership book, the credit card information shall be shredded, the Finance Officer will be notified, and a copy shall be mailed to the member with the membership card.
- Section 6. A member whose dues for the calendar year have not been paid by one (1) January shall be classed as delinquent. If members' dues are paid on or before one (1) April the member shall be reinstated, subject to the approval of the Membership Committee as stated in ARTICLE V, Section 2, of the Constitution. If the member is still delinquent after one (1) April, the member shall be suspended from all privileges. If the member is still under suspension on thirty-

one (31) December of that year, membership in the American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing, by approval of the Membership Committee and payment of current dues for the year in which the reinstatement occurs.

ARTICLE – IX CONTACT INFORMATION

- Section 1. Every member of Post 1976 shall furnish the Post Adjutant with their mailing address, phone number, and email address, if they use one, for the Post to use for contacting the member with Post information.
- Section 2. The Post Adjutant shall cause notice of the annual election to be given at least two (2) weeks prior thereto. This notice may be given by email, U.S. mail, or direct phone contact.
- Section 3. Post 1976 will use the telephone, U.S. Postal Service, and electronic media sources: e-mail, Facebook, and website(s) to promote and manage membership information, and input between members and Post 1976 officers as a means of communication.
- Section 4. Members are highly encouraged to have, and maintain, their own personal e-mail address to facilitate communication on post matters between monthly meetings, but this is not required, as no qualified veteran will be denied membership for not meeting this standard.

ARTICLE – X ROBERTS RULES OF ORDER

All proceedings of this post shall be conducted under and pursuant to Robert's Rules of Order, current year version, except as herein otherwise provided.

ARTICLE - XI AMENDMENTS

- Section 1. These Bylaws may be amended at any regular Post meeting by a vote of fifty percent plus one (50%+1) of the membership in attendance. The proposed amendments shall be submitted to the membership in attendance at a regular meeting a month prior (approximately 30 days) to the vote to ensure maximum clarification and to allow modifications.
- Section 2. These Bylaws shall become effective upon adoption by the Post at a regular meeting prior to its adoption.

- Section 3. Upon adoption of these Constitution and Bylaws, a copy shall be furnished to The Department of Colorado Headquarters for historical filing.
- Section 4. Any grammatical, syntax, or corrections that do not change the intent of the document or create an extensive review is not necessary and is considered administration repair.

CERTIFIED BY:

PRINT:Bradley Sindt SIGNATURE Post 1976, Commander *Signature on File Copy Amended 1/1/2024*

PRINT:Paul Batzel SIGNATURE Post 1976, Adjutant *Signature on File Copy*

PRINT:Annette Johnson SIGNATURE Post 1976, Commander *Signature on File Copy*

APPENDIX – A

CHANGE LOG

Date	Article& Section	Change	By
6-May-76	Constitution & Bylaws (C&B)	The Post Constitution and Bylaws were presented initially at a regular post meeting for revision.	Approved
4-Nov-76	C&B	Amended at a regular meeting of Post 1976 membership - APP	Approved
22-Mar-88	C&B	Amended at a regular meeting of Post 1976 membership- APP	Approved
21-Aug-03	C&B	Amended at a regular meeting of Post 1976 membership- APP	Approved
20-Apr-17	C&B	Amended at a regular meeting of Post 1976 membership - APP	Approved
8-Mar-18	C&B	Amended at a regular meeting of Post 1976 membership - APP	APP by EC
Dec 31 2023	C&B	Article 4 add section 6 to Define Honorary members. Article 7 change meeting day	Approved