

POST BYLAWS SAMPLE (August 2022)

SPECIAL NOTE: This is a sample for Post Bylaws. Updates have been made from previous samples. **Please remove noted areas and highlights** before finalizing your bylaws for reading to the post membership. You may also make additional changes that meet the needs of your post. **The qualifier is that they must still follow Department and National Bylaws.** As you adjust them, please try to maintain the basic structure and integrity of this sample and refrain from doing a major rewrite. There is a Bylaws Writing Guide on the Department website under Bylaw & Resolutions.

FOOTER NOTE: In Word if you double-click over the footer, you can enter the Post number, month, and year for your Bylaws. Then you can double-click of the text body to return.

What do your Bylaws Mean to your Post

- They give you a guide in conducting your Post's Business...
- Establish the Structure of your Post Leadership...
- Protect the Integrity of your Post's Operations...
- Protect the Assets of your Post...
- Assure your Post will operate in a Constructive Manner...
- Keep your Post in sync with other Levels of the American Legion...

**PLEASE REMOVE THIS PAGE BEFORE
SUBMITTING TO DEPARTMENT.**



THE AMERICAN LEGION DEPARTMENT OF CALIFORNIA

San Luis Obispo Post # 66

BY-LAWS

PREAMBLE

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in all wars; to inculcate a sense of individual obligation to 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: **San Luis Obispo** POST NO. **66**, THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA. Hereafter referred to as, "Post."

Section 2. The Post is located in **San Luis Obispo, CA** *(Give City and State)*.

Section 3. The mailing address shall be: **1661 Mill. San Luis Obispo, CA 93401** *Optional*_____.

ARTICLE II – OBJECTS

The objects and purpose of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble, and in the Articles of Incorporation of this Post, and in the National and Department Constitution of the American Legion.

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 Post. No member shall be addressed by his military or Naval title in any meeting of the Post.

Section 2. This Post shall be absolutely non-political 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. Each member shall perform their full duty as a citizen.

ARTICLE IV – MEMBERSHIP

Section 1. The eligibility for membership in this Post shall be those dates and conditions set forth in Article IV, Section 1, of the National Constitution of The American Legion.

Section 2. There shall be no form nor class of membership except active membership.

Section 3. Candidates for membership in this Post shall make application upon a form prescribed by the Executive Committee of this Post; shall pay therewith the initiation fee and dues for the current calendar year; and shall furnish official evidence of eligibility such as a DD-214.

Section 4. All applications for membership shall be referred to the Membership Committee, which shall, at each regular meeting of the Post, report upon all applications received during or after the previous regular meeting. A majority vote of those present and voting shall accept or reject a candidate. No member shall be accepted as a member in this Post who is a member of any other Post of the American Legion. No limitations may be placed on re-application of membership. (e.g. turned down today, they can reapply tomorrow).

Section 5. 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 denied by such Post, they may then appeal to the Department of California Executive Committee for permission to be admitted to membership in the Post, and shall be ineligible for membership until such permission is granted.

ARTICLE V – OFFICERS

Section 1. a). The officers of this Post shall be the Commander, Vice-Commanders, the Adjutant, Finance Officer, Chaplain, Judge Advocate, Service Officer, Historian and Sergeant-At-Arms.

(Reference: Department bylaws, Article V, Section 6 for information REMOVE THIS NOTE BEFORE FINALIZING)

b). The elective officers of the Post shall be: Commander, Vice-Commanders, Finance Officer, Adjutant, and three members of the Executive Committee.

(Reference: Department bylaws, Article V, Section 7 for information REMOVE THIS NOTE BEFORE FINALIZING)

c). The following officers of the Post shall be appointed by the Commander: Historian, Chaplain, Judge Advocate, Service Officer, and Sergeant-At-Arms.

(Any of these may be designated as either elected or appointed by the Commander. Reference: Department bylaws, Article V, Section 7 for information REMOVE THIS NOTE BEFORE FINALIZING)

d). Any other officer other than the Commander and Vice-Commanders may hold two or more of the above offices.

Section 2. Nomination for post elected offices shall be made at two (2) regular meetings in separate months, notice for of which shall be given at the previous regular meeting. Written notice of the nominations meeting be sent to each member at least ten (10) days prior to nominations.

Section 3. a). All Post officers shall be elected or appointed for a term of one year at a regular meeting prior to June 1st and shall be impressively installed, preferably by a ritual team, in accordance with the prevailing National Manual of Ceremonies, prior to the first day of September of that year. The Executive Committee may be elected for a term of one year, but not to exceed three years, provided that at least one-third (1/3) of the said Executive Committee shall be elected in each Legion year.

b). All elections for opposed positions shall be by written secret ballot and a majority of all votes cast shall be required for the election of commander and vice-commanders. The other elected officers, if any, may be elected by a plurality vote as the post may determine. Secret ballots shall be retained for thirty (30) days by the Post Adjutant.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post. There shall be no limiting qualifications (e.g.-length of time in the Post).

Section 5. The duties of officers and the Executive Committee shall be those as provided for in these By-Laws.

Section 6. In event that any Post Officer or member of the Post Executive Committee shall be absent for three consecutive meetings of the Post and/or the Executive Committee without being excused by the Post Commander or Executive Committee, such office may be declared vacant by a majority vote of those present and voting at a regular Post meeting held after a written notice to all members that such vote will be taken. The vacancy so created shall be filled by election or appointment at the next general post meeting by the same process as prescribed by the original election or appointment of that position.

ARTICLE VI – FINANCE

Section 1. No appropriations shall be made without first referring the same to the Finance Committee for report therefrom. This does not preclude any member's right make a motion on the floor of a post meeting for any expenditures relating to post business.

Section 2. The Executive Committee shall prescribe the form in which the financial records shall be kept.

Section 3. The fiscal year of the Post shall be from July 1 to June 30 of each year.

Section 4. All Post expenditures, regardless what conveyance or prior approval by the membership has taken place, shall require (2) signatures of the Commander's pre-designated Post Officers.

Section 5. Emergency Expenditures, as defined by "those unanticipated expenditures for the benefit of the purposes of the American Legion and/or Post 66 and directed by Post Commander and pre-Bylaws, Post 66 (November 2022)

approved by at least two other Post Executive Committee will not exceed \$2,500". All emergency expenditures shall be disclosed to the general membership at the next regular business meeting.

ARTICLE VII – THE AMERICAN LEGION AUXILIARY

Section 1. The Post recognizes an auxiliary organization to be known as the, "Auxiliary Unit of San Luis Obispo Post No. 66, The American Legion, Department of California".

ARTICLE VIII – PROCEDURE

Section 1. Opening and closing of meetings, initiation of new members, and installation of officers, shall be conducted as prescribed and approved by the National Convention of the American Legion in Kansas City, 1921, with subsequent amendments adopted and approved by later conventions.

Section 2. The rules contained in the current edition of Robert's Rules of Order Newly Revised will govern American Legion Post 66 in all cases to which they are applicable and in which they are not inconsistent with these Bylaws, any special rules of order the Department may adopt, and Federal, State and Local regulations.

ARTICLE IX – EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall consist of a minimum of three members in addition to the Commander, Vice Commanders and the Adjutant. (NOTE: The bylaws may be written to allow other officers of the post as members of the Executive Committee. **However, only elected officers can be voting members of the Executive Committee** REMOVE THIS NOTE BEFORE FINALIZING)

Section 2. The Executive Committee shall consider all matters affecting the Post and shall make recommendations to the Post, which thereafter shall be approved by the Post by a simple majority vote before becoming effective. The Executive Committee shall manage the business of the Post.

Section 3. The Commander, Vice-Commanders and Adjutant shall be chairman, vice-chairmen and secretary, respectively, of the Executive Committee.

ARTICLE X – MEETINGS

Section 1. a). The regular meetings of this Post shall be held on the day, time, and location prescribed by the Post Executive Committee and approved by a 2/3 vote of the membership.

b). Regular meetings may be rescheduled upon notification in writing to all members prior to the beginning of the month in which the meeting has been changed.

Section 2. Special meetings may be called by the Commander or by the Executive Committee or must be called upon the written request of a minimum of seven (7) members of the Post. No special meeting shall be called unless announcement by the Commander at the regular meeting preceding or unless notice be mailed or emailed to each member no less than ten (10) days prior to said meeting stating the time and place of the meeting and the subject to be considered. Only those items for which the meeting was called may be discussed at a special meeting.

Section 3. The Post, at any meeting, may consider and pass upon any matters irrespective of whether such matters have been previously considered by the Executive Committee

Section 4. A quorum at all general membership meetings shall consist of a minimum five (5) members.

Section 5. The Executive Committee should regularly meet at least once between regular meetings of the Post at a time and place designated by said Committee. A simple majority shall constitute a quorum. Said Committee may hold such special meetings as said Committee or the Commander may deem advisable, notice thereof being mailed to each member at least seventy-two (72) hours before the time and place of the meeting and the matter to be considered.

Section 6. No member shall take part in any Post meeting or election unless they are in good standing.

Section 7. No member shall be represented or shall vote by proxy. There shall be no voting by absentee balloting.

Section 8. The Post has the option to meet by electronic means using either phone, internet, or other electronic means in order to conduct Post business and/or elections as scheduled or otherwise any business required by these. Bylaws. The Post membership must be notified by either mail or electronic mail at least 10 (ten) days prior to said meeting and the same quorum as for all other meetings will be required to conduct business.

ARTICLE XI – 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 to have general supervision over the business affairs of the Post, and such office shall be Chief Executive Officer of the Post. They shall perform such other duties as directed by the Post.

Section 2. Duties of the First Vice-Commander. The First 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, and shall perform such other duties as directed by the Post.

Section 3. Duties of the Second Vice-Commander. The Second Vice-Commander shall assume and discharge the duties of the office of First Vice-Commander in the absence of, disability of, or when called upon by the Post Commander, and shall perform such other duties as directed by the Post.

Section 4. Duties of the Adjutant. The Adjutant shall have charge of and keep full and correct record of all proceedings of all meetings, and under the direction of the Post Commander handle all correspondence of the Post.

Section 5. Duties of the Finance Officer. The Finance Officer shall be charged with the custody of the funds of the Post. He shall keep its accounts and report thereon at regular meeting of the Post. They shall receive all funds of the Post and pay all bills approved by the Post. The office of Finance Officer and any other officers and/or positions charged by the Post Constitution and/or Bylaws, with the responsibility of handling Post funds should be bonded.

Section 6. Duties of the Historian. The Historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as directed by the Post or the Executive Committee.

Section 7. Duties of the Post Judge Advocate. The Post Judge Advocate's duties shall be to advise the Post officers on the construction and interpretation of the Post's By-Laws and to perform such other as are usually incident to the office.

Section 8. 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, public functions, etc., and to adhere to such ceremonial rituals as are recommended by the National or Departmental Headquarters from time-to-time.

Section 9. 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 to them by the Post.

Section 10. The duties of the Service Officer. The Service Officer shall be generally prosecuting claims and protecting the rights and privileges of all veterans, their dependents, and survivors and to handle such other matters as may be properly be considered service work.

ARTICLE XII – DUES, FEES AND FUNDS

Section 1. The annual dues for this Post shall not be less than the combined amount of Department and National per capita dues, payable annually in advance. This amount may be changed by recommendation of the Executive Committee and adopted by a majority vote of those present and voting.

Section 2. The membership initiation fee, if any, shall be a fixed amount, and approved by the Post.

Section 3. From such dues and fees, the Post shall pay all per capita taxes and assessments and such other expenditures as the Post may approve.

Section 4. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If their dues are paid on or before February 1st, they shall be automatically reinstated. If they are still delinquent after February 1st, they shall be suspended from all privileges. If they are still under suspension on June 30th of such year, their 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 vote of the Post and payment of current dues for the year in which the reinstatement occurs. Continuous membership privileges and benefits may be affected by any break in continuous membership. To avoid such termination of continuous membership, a member who has forfeited his membership may make up past dues until December 30th for only the immediate preceding year. A separate initiation fee may be charged by the Post to reinstate such continuous membership.

ARTICLE XIII – DELEGATES AND REPRESENTATIVES

Section 1. The delegates and alternates to represent the Post at Department conventions shall be elected at a regular meeting of the members of the Post by vote of those present and voting. The election shall be held and submitted no later than June 1st. The time and place for holding the

election must be announced by the Post Commander at least one regular meeting in advance of the election.

Section 2. Delegates of the Post to the Area and the representatives to the District shall be appointed or elected as prescribed by Area and District By-Laws and shall serve a one (1) year per term.

ARTICLE XIV – APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year shall appoint a Finance Committee and such other committees as shall be found necessary. Standing committees shall consist of such members as may be determined by the Post and the chairman thereof shall be designated by the Post Commander.

Section 2. Audit. The Post will keep financial records and shall cause said records to be examined by a licensed accountant or a committee of three (3) competent persons, none of whom will be the Commander, Adjutant, Finance Officer or any other person charged with the responsibility of handling Post funds. Such examination will be made prior to October 1st following installation of Post officers, and for the period of the immediately preceding fiscal year of the Post, said fiscal year will be determined by the Post. (Posts with gross annual revenues fifty thousand dollars (\$50,000) and over, will have their books examined by a reputable bookkeeper or certified public accountant and attach a copy of their report to the Post Financial Audit Certification.) The Post shall certify to the Department Adjutant prior to November 15th each year that such an examination has been made and file with the Department Adjutant before said date, sending a copy thereof to the District Commander of the District of said Post. The Department Commander, Department Executive Committee, the District Commander, the Post Commander, or the Post Executive Committee may order an audit of the financial records of the account at such other times during the current year as may be deemed advisable. Failing to submit the certification by deadline or any general or special extension thereof will cause the post to be placed on probation until submission has been verified by the Department Adjutant.

Section 3. Membership Committee. The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatement and eligibility of members, subject to the approval of the Post.

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

ARTICLE XV – LIMITATIONS OF LIABILITY

Section 1. The Post shall not incur, nor cause to be incurred any liability or obligations whatsoever which shall subject to liability any other individuals, corporations or organizations.

ARTICLE XVI – ADMINISTRATIVE HEARINGS

Section 1. Members of their Post shall be subject to disciplinary action as provided in the Department Administrative Hearing Manual as adopted, and as the same may be amended from time-to-time

hereafter. A copy of the verdict, certified by the Post Commander and Post Adjutant, shall forthwith be forwarded to the Department Adjutant.

ARTICLE XVII – RECALL PROVISIONS

Section 1. A petition, signed by ten (10) percent of the membership in good standing requesting the holding of an election for the purposes of recalling an elective officer or a member of the Executive Committee may be filed at any time with the Post Adjutant. The Post Adjutant shall, within five (5) days after filing said petition, compare the signatures on said petition with signatures on the applications of the respective signers on file in the Post records or the member’s membership card. The Adjutant shall deliver the said petition and their report on the correctness of the signatures to the Executive Committee at its next meeting. If it shall appear from the report of the Adjutant that ten (10) percent of the membership have signed said petition, the Executive Committee shall fix the date for the recall election, which date shall be fixed for a regular meeting of the Post to be held not less than two (2) weeks nor more than six (6) weeks after the meeting of the Executive Committee. If the report of the Post Adjutant shall show less than ten (10) percent of the membership have signed, said petition shall be forthwith returned to the member who filed the same with the Adjutant who shall then have ten (10) days thereafter to obtain the required number of valid signatures, and re-file said petition with the Adjutant who shall recheck with their records and resubmit the same to the Executive Committee at its next meeting thereafter with his report. If the petition is then found being sufficient, the recall election shall be fixed as set forth above.

Section 2. Notice of the date, time and place of holding the recall election shall be mailed or emailed to each member of the Post in good standing at their address as the same appears in the Post records, at least ten (10) days before the election.

Section 3. All recall elections shall be concluded by written secret ballot.

Section 4. At the election, the ballot shall read as follows:

“Shall _____ be recalled?
 (Name of Officer or Member of the Executive Committee)

Yes _____

No _____ “

A “Yes” vote shall be counted as for the recall and a “No” vote shall be counted as against the recall. Only members in good standing shall be entitled to vote at such election.

Section 5. If the officer or member of the Executive Committee shall be recalled, the Post, at its next regular meeting, shall elect a successor to fill the unexpired term. Nominations shall be held the same night as the election. The person recalled shall not be eligible as a candidate for election to fill the vacancy.

ARTICLE XVII – AMENDMENTS

Section 1. Proposed Bylaws or Amendments thereof must be submitted in writing at a regular meeting of the Post and read there at. At the next regular meeting or, if postponed, at a subsequent regular meeting, the proposed Bylaws or Amendment shall be adopted by a two-thirds (2/3) affirmative vote of those present and voting. Changes of amendments to the post constitution and bylaws shall be certified in writing by the post commander and adjutant before submission to Constitution and Bylaws Commission through the American Legion Department of California.

Section 2. a). These By-Laws shall be amended to conform to any changes in the National and Department of California Constitution and By-Laws no later than 90 days following the close of the National Convention of The American Legion. Failure of the Post to adopt the required amendments shall not delay or modify the effect of such changes.

b). Any amendment initiated by the Post shall not be in final force or effect until approved by the Constitution and By-Laws Commission of the Department of California but shall be temporarily enforced pending action thereon if not in conflict with the Constitution and By-Laws or adopted policy of The American Legion, or the The American Legion - Department of California.

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THE ARTICLES OF INCORPORATION FOR THIS POST ARE ON FILE WITH THE CALIFORNIA SECRETARY OF STATE.

See Certification by the Post Commander and Adjutant Below

CERTIFICATION

Above the signatures of the Commander and Adjutant, certify to the following:

“We hereby certify that the above By-Laws were read at two meetings of the Post and adopted on _____, a quorum being present, and by a two-thirds (2/3) vote of those present and voting.”

First reading, _____ .

Second reading and adoption _____ .

Certified by,

Commander

Adjutant

Note-

Certification of all subsequent amendments are required.

These By-Laws or any amendments thereto must be sent to Department headquarters for review and approval by a member of the Constitution and Bylaws Commission (Usually the Commissioner assigned to your area), a scanned copy with the approval form is kept by the Department Headquarters for the Post files and is also returned to the Post for their files with a copy being sent to Constitution and By-Laws Chairman.

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