

**Woodbridge Post 364**  
**(Botts, Payne, Murphy Memorial Post 364)**

**The American Legion**  
**Department of Virginia**



**Constitution and By-Laws**

Adopted

January 1962

Revised

January 1973

January 1975

March 1975

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August 19, 1980

April 20, 1982

May 4, 1983

April 17, 1984

February 17, 1987

February 16, 1988

April 18, 1989

June 19, 1990

May 21, 1991

May 19, 1992

May 18, 1993

June 21, 1994

June 20, 1995

April 15, 1997

May 18, 1999

May 19, 2004

March 16, 2010

April 15, 2014

July 1, 2021

April 17, 2022

## **Preamble to the Constitution of The American Legion**

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 association in all 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.

# Table of Contents

## Preamble to the Constitution of The American Legion Constitution

### CONSTITUTION

<u>INDEX</u>	<u>TITLE</u>	<u>PAGE</u>
Article I	Name	5
Article II	Nature	5
Article III	Object	5
Article IV	Eligibility	5
Article V	Post Officers	5
Article VI	Executive Committee	5
Article VII	Fiscal Year	5
Article VIII	Charter Members	6
Article IX	American Legion Auxiliary	6
Article X	Amendments	6

### BY-LAWS

<u>INDEX</u>	<u>TITLE</u>	<u>PAGE</u>
Article I	Executive Committee	8
Article II	Duties of Officers	9
Article III	Post Committees	10
Article IV	Membership	14
Article V	Dues	15
Article VI	Meetings	15
Article VII	Visitors and Guests	16
Article VIII	Nomination, Election, and Installation	16
Article IX	Delegates	17
Article X	Miscellaneous	17
Article XI	Resolutions	18
Article XII	Expulsions, Suspensions	18
Article XIII	Amendments	18

# **CONSTITUTION**

## **ARTICLE I – NAME**

The name of this organization shall be The American Legion, Botts, Payne, Murphy Memorial Post 364, Department of Virginia, to be known as Woodbridge Post 364.

## **ARTICLE II – NATURE**

SECTION 1. When used in this Constitution and By-laws the masculine references are generic and apply to male and female Legionnaires.

SECTION 2. The American Legion is a civilian organization; membership therein does not affect or increase liability for military or police service. Rank shall not exist in the Legion; no member shall be addressed by his military or naval title in any Legion meeting, unless he is, on active duty with some branch of the military service.

SECTION 3. The American Legion shall be absolutely non-political and shall not be used for the dissemination of partisan principles or the promotion of the candidacy of any person seeking public office or preferment.

## **ARTICLE III – OBJECT**

The object of this Post shall be as stated in the Preamble of the Constitution of The American Legion.

## **ARTICLE IV – ELIGIBILITY**

Eligibility for membership in this Post shall be as prescribed by the National Constitution of The American Legion.

## **ARTICLE V – POST OFFICERS**

SECTION 1. This Post shall elect annually a COMMANDER, a FIRST VICE COMMANDER, SECOND VICE COMMANDER, THIRD VICE COMMANDER, FINANCE OFFICER, CHAPLAIN, ADJUTANT, JUDGE ADVOCATE, SERGEANT-AT-ARMS, and an EXECUTIVE COMMITTEEMAN for each two hundred (200) members, or major fraction thereof, of the Post.

SECTION 2. The Post Commander shall appoint annually a POST HISTORIAN, SERVICE OFFICER, ATHLETIC OFFICER, ~~and~~ PUBLIC RELATIONS OFFICER, and others as needed.

## **ARTICLE VI – EXECUTIVE COMMITTEE**

There shall be an Executive Committee which shall consist of:

SECTION 1. VOTING MEMBERS: the immediate Past Commander, the elected officers and one elected executive committeeman-at-large for each two hundred (200) members or major fraction thereof, of the Post, and

SECTION 2. NON-VOTING MEMBERS: the appointed officers, and one (1) non voting member, so designated, by the respective organizational membership from both Unit 364, the American Legion Auxiliary, and Squadron 364, the Sons of The American Legion. The non-voting members of the Executive Committee are authorized to introduce motions and participate in the debate thereof.

## **ARTICLE VII – FISCAL YEAR**

The fiscal year shall be from July 1 to June 30.

## **ARTICLE VIII – CHARTER MEMBERS**

Members who have joined the Post prior to the grant of its charter by the American Legion National Commander on December 4, 1961 shall be known as charter members.

## **ARTICLE IX – AMERICAN LEGION AUXILIARY**

SECTION 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of the Woodbridge Post 364, The American Legion. The Auxiliary Unit attached to this Post shall bear the Post's name and number, Botts, Payne, Murphy Memorial Unit 364, as chartered by the National organization of the American Legion Auxiliary.

SECTION 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

SECTION 3. The Auxiliary shall be absolutely non-political and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office of preferment.

SECTION 4. The Auxiliary shall be an independent Unit, attached to this Post, and shall, at all times, be subject to the regulations set forth by the Department and National levels of the American Legion Auxiliary. The Unit members, in using the Post Home and Post facilities, are subject to the House Rules and/or regulations as issued by this Post.

SECTION 5. This Post expects its Auxiliary unit to participate in and contribute to the accomplishment of the aims and purposes of The American Legion, and expect it to work with the Post in promoting harmony between the organizations.

## **ARTICLE X – AMENDMENTS**

SECTION 1. This Constitution may be amended by a two-thirds vote of the members present at a Post membership meeting, provided the proposed amendments have been submitted to the Post's Constitution and By-Laws Committee; and provided the proposed amendments shall have been read at the previous Post membership meeting. The effective date of any approved amendment shall be the date of its approval, unless a motion is approved by majority vote to establish a later effective date.

SECTION 2. This Constitution shall be automatically amended to conform to the National and Department Constitution and By-Laws of The American Legion.

## **BY-LAWS**

## ARTICLE I – EXECUTIVE COMMITTEE

SECTION 1. Post Governance - The government and management of the Post shall be entrusted to the Post Executive Committee.

SECTION 2. Meetings - The newly installed Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander before the first regular July Executive Committee Meeting. Thereafter, it shall meet on the first (1<sup>st</sup>) Tuesday of each month, and as often as said commander deems necessary.

SECTION 3. Annual Budget and Bonding - The Executive Committee shall review and approve the proposed annual budget and amendments thereto submitted by the Finance Committee before presentation to the Post for final approval. It shall approve proposed expenditures for unbudgeted items over Two Hundred Dollars (\$200) before presentation to the Post for final approval. All proposed expenditures for unbudgeted items over \$200 must be submitted to the Executive Committee. The Executive Committee shall also require adequate bond for all persons having custody of Post funds.

SECTION 4. Post Affairs - The Executive Committee shall hear the reports and recommendations of the elected officers and, as requested, from committee chairmen, and shall have charge of and be responsible for the management of the affairs of the Post.

SECTION 5. Minutes - A report of the business conducted by the Executive Committee and the General Membership from their prior month's meetings shall be made at each general Post meeting and offered to the Post for approval. This report shall be constituted by the reading of the minutes or dissemination to the General Membership in digital or hardcopy form. Upon approval, the current minutes will be filed and accessible for future use. The minutes will incorporate the wording of all motions made to the Executive Committee or the General Membership, whether the motion was seconded, and the results of the vote on that motion (passed/failed by voice vote/ballot).

SECTION 6. Vacancies - A vacancy which exists among the Executive Committee or Elected Officers for any cause other than the expiration of a term of office, shall be filled by a majority vote of the remaining members of the committee. A person so elected shall hold office for the unexpired term of the member whom he succeeded. If a vacancy develops for any reason among the officers elected, but not installed, the Executive Committee shall fill that vacancy by the vote of a simple majority of those members currently in office. Should the Commander-elect, for any reason, resign or be unable to fulfill the duties of the Commander, prior to installation, the First Vice Commander-elect shall assume command in accordance with his duties set forth in ARTICLE II – DUTIES OF OFFICERS, SECTION 2.a.

SECTION 7. Removal - The Executive Committee shall have the authority to remove any officer or Executive Committeeman who is absent from his post without just cause for a continuous period of three (3) months, for inefficiency, or for just cause. A two-thirds (2/3) vote of said committee is necessary to effect such removal.

SECTION 8. Good Conduct and Discipline - The Executive Committee shall have the final authority in all matters affecting the maintenance of discipline and good conduct among the members of the Post.

SECTION 9. Special Meetings - Special meetings of the Executive Committee may be called by the Post Commander or on written request of at least three (3) members of the Executive Committee. The Commander will notify the Executive Committee membership and convene a meeting within five (5) days of receipt of request, exclusive of weekends and holidays.

SECTION 10. Quorum - A simple majority of the voting members of the Executive Committee present at any Executive Committee meeting shall constitute a quorum. Each voting member of the Executive Committee, regardless of the number of qualifying elected positions held, is entitled to one (1) vote.

SECTION 11. General Membership Supremacy - Delegation of these authorities and/or functions to the Post Executive Committee shall not be intended to usurp the powers of the membership through general Post meeting.

## **ARTICLE II – DUTIES OF OFFICERS**

SECTION 1. Duties of the Post Commander – It shall be the duty of the Commander to preside over all Post and Executive Committee meetings; to preserve order and to enforce strict observance of the constitutional by-laws; to appoint members of the committees, unless otherwise provided for in these by-laws; to serve as ex-officio member of all committees except the nominating committee; and to prescribe any and all other special duties for other officers and committees. The Commander shall not vote except by ballot, but may have the deciding vote in cases of tie.

### SECTION 2. Duties of the Vice Commanders

SECTION 2.a. The First Vice Commander shall assist the Commander in the discharge of his official duties and shall assume the duties of the Commander in his absence or disability or when called upon to do so by the Post Commander. The First Vice Commander shall have oversight responsibility for the Post membership program.

SECTION 2.b. The Second Vice Commander shall assist the Commander in the discharge of his official duties and shall assume the duties of the Commander in the absence of both the Commander and First Vice Commander. The Second Vice Commander shall have oversight responsibility for the Post bingo program. The Second Vice Commander shall also act as the Chairman of the Audit Committee.

SECTION 2.c. The Third Vice Commander shall have charge of all matters pertaining to the care of the Post quarters, promotion of club advantages and arrangements for social activities and will serve as the Club Manager or supervise the Club Manager if one has been retained through contract or salary. He will appoint a House Committee Chairman and an Entertainment Chairman who will work with the Third Vice Commander in the promotion of club advantages and arrangements for special activities. The House Committee Chairman and the Third Vice Commander shall not be the same person.

SECTION 3. Duties of the Post Adjutant – The Post Adjutant shall have charge of and keep full and accurate records of all proceedings of all Post and Executive Committee meetings; report the minutes of the prior month's meeting of the Executive Committee and General Membership as set forth in Article I, Section 5 (Minutes) of these Bylaws; keeping such records as the Post, Department and National organizations require; and shall, under the direction of the Commander, administer all correspondence of the Post.

SECTION 4. Duties of the Finance Officer – The Finance Officer shall have charge of all Post finances and shall see that they are correctly and safely deposited in the accounts maintained by the Post. The Finance Officer shall report monthly to the Executive Committee and the general membership, during their regularly scheduled meetings, the condition of the Post finances, with such recommendations as he, or the Finance Committee, may deem expedient or necessary. The Finance Officer shall serve as Chairman of the Finance Committee. The Finance Officer shall appoint an Assistant Finance Officer to act in his absence or disability. The Finance Officer or the Assistant Finance Officer shall sign all checks disbursing the funds of the Post. In the absence or disability of both the Finance Officer and Assistant Finance Officer, checks disbursing funds of the Post will be signed by the Treasurer or Secretary of the Post Corporation.

SECTION 5. Duties of the Chaplain - The Chaplain shall be charged with the spiritual welfare of the Post comrades; shall offer divine but non-sectarian services in the event of dedications, funerals, public

functions, etc.; and shall adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

SECTION 6. Duties of the Sergeant-at-Arms – The Sergeant-at-Arms shall preserve order at all meetings; shall provide for the advancement and retirement of the colors at meetings; their proper care; and shall perform such other duties as may be from time to time assigned to him by the Post Executive Committee.

SECTION 7. Duties of the Post Historian – The Post Historian shall be charged with the individual records and incidents of the Post and Post members, shall collect from year to year all records of data of value and interest for the Post and shall compile during his term of office a complete history of the year's activities, and shall perform such other duties as may properly pertain to the office as determined by the Post membership or by the Post Executive Committee.

SECTION 8. Duties of the Service Officer - The Service Officer shall be responsible for bringing to the attention of all veterans, their dependents or survivors the rights and benefits granted to them by law. He shall utilize the expert services available through Legion channels as well as those of other agencies in the community. He shall assist in providing information to make certain that every veteran, veteran's dependent, or survivor is adequately represented.

SECTION 9. Duties of the Judge Advocate – The Judge Advocate shall supply professional advice in the conduct of Post business or obtain proper counsel; shall be the guardian of constitutional form of Post government and the conduct of Post business meetings; shall rule on matters pertaining to Robert's Rules of Order, Revised; shall be available to the Service Officer for legal advice and to the Americanism Committee on matters relating to education and naturalization laws. The Judge Advocate shall serve as the chairman of the Constitution and By-Laws Committee.

SECTION 10. Duties of the Athletic Officer – The Athletic Officer shall be responsible for promoting Post participation and/or sponsorship of members and teams in athletics, physical fitness, and recreation programs. Cooperation and support shall be given in the athletic and general recreation programs of the community.

SECTION 11. Duties of the Public Relations Officer – The Public Relations Officer shall be responsible for promoting public support of the Legion's programs 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.

### ARTICLE III – POST COMMITTEES

SECTION 1. Standing Committees – The Post Commander, immediately upon taking office each year shall appoint the following standing committee Chairman and/or members unless otherwise specified in these by-laws: Americanism, Awards and Recognition, Bingo, Building, Building Maintenance, Grounds, Finance (members), Children and Youth, Constitution and By-Laws, House, Membership, Sons of The American Legion, Boys State, Junior Law Cadet, and Ways and Means.

SECTION 1.a. Americanism Committee – The Americanism Committee shall be responsible for promoting patriotism and good citizenship by arranging for proper observances of patriotic occasions, encouragement of patriotic and civic phases of instruction in the schools, Americanization of aliens; combating anti-American propaganda by educating the general public in American ideals through public forums and other activities for community and civic betterment.

SECTION 1.b. Building Maintenance Committee – The Building Maintenance Committee shall be responsible for the maintenance and preservation of the building and physical plant infrastructure of the Post. The chairman shall be appointed by the Commander. The committee shall develop a regular maintenance plan, schedule, and annual budget proposal (in coordination with the Finance Committee) for approval by the Executive Committee, for all major infrastructure systems (electrical, plumbing, HVAC, security, emergency lighting, kitchen equipment, air filtration, etc.). Where appropriate and feasible, the committee will make use of volunteers with commensurate skills to conduct maintenance tasks. The committee will also submit a budget proposal (in coordination with the Finance Committee) for the acquisition and regular maintenance of tools and equipment (hand tools, ladders, etc.) needed for tasks accomplished by Post volunteers. Where volunteer maintenance is not appropriate or

feasible, contracts for maintenance services may be established.

SECTION 1.c. Grounds Committee – The Grounds Committee shall be responsible for the maintenance and preservation of the exterior grounds of the Post. The committee will develop a regular maintenance plan, schedule, and annual budget proposal (in coordination with the Finance Committee) for approval by the Executive Committee, for such exterior maintenance requirements as lawn care, snow removal, leaf blowing/removal, repair/repaving of asphalt surfaces, playground maintenance, tree trimming/removal, etc. Where appropriate and feasible, the committee will make use of volunteers with commensurate skills to conduct maintenance tasks. Where volunteer maintenance is not appropriate or feasible, contracts for maintenance services may be established.

SECTION 1.d. Children and Youth Committee – The Children and Youth Committee shall insure that any child of a veteran in need of care and protection shall receive that service and aid; shall organize the Legion's strength in our community in the interest of children in general; and shall assist the community in the reduction of juvenile delinquency and other children and youth problems.

SECTION 1.e. Constitution and By-Laws Committee – The Constitution and By-Laws Committee shall be charged with reviewing the Post Constitution and By-Laws annually, no later than March, to determine their adequacy and to assure that they conform to the National and Department Constitution and By-laws and Standing Rules of The American Legion; and shall make a report of their findings together with any proposed amendments to the Post Executive Committee. All proposed amendments to the Post Constitution, By- laws, House Rules and/or Post Standing Rules shall be referred first to this committee.

SECTION 1.f. House Committee - The House Committee shall advise and assist the Third Vice Commander in the promotion of club advantages and arrangements for social activities. The House Committee shall also adjudicate formal complaints of the violation of the House Rules. The House Committee will, when requested, assist in all Post activities. The House Committee will coordinate all its activities with the Third Vice Commander. The House Committee shall consist of a chairman appointed by the Third Vice Commander, an Entertainment Chairman appointed by the Third Vice Commander, and no less than three members appointed by the Post Commander.

SECTION 1.g. Membership Committee – The Membership Committee shall have charge of all matters pertaining to the membership program of the Post, including the receiving of membership dues and applications for membership, requests for transfer or requests for reinstatements, which shall be presented to the regular meeting for vote. Establishment of eligibility shall be determined by the Membership Committee.

SECTION 1.h. Sons of The American Legion (SAL) Committee – The SAL Committee shall have supervision over the operation of the Post's Squadron of the Sons of The American Legion. The SAL Committee shall act as a supervisory committee for the SAL Squadron in connection with its organization, proper functioning, activities, recreational programs and educational progress.

SECTION 1.i. Ways and Means Committee – The Ways and Means Committee shall be responsible for investigating the ways and developing the means by which resources, necessary to the operation of the Post and its programs may be secured. The Ways and Means Committee will act on its own initiative, at the request of a Chairman of a committee, or may be tasked by the Commander or Executive Committee. The Ways and Means Committee shall develop a five-year plan for the Post with measurable goals and shall address weaknesses, strengths of the facilities and membership, and to address trends in a changing landscape, to have a proactive view of future operations beyond the maintenance of the post by the Executive Committee.

SECTION 1.j. Bingo Committee -The Bingo Committee shall be responsible for conducting the Post bingo program and regularly scheduled bingo events for the advantage of the Post. The committee will ensure that the Post bingo program and events are maintained and conducted as directed by the Executive Committee and in full compliance with the applicable State and County laws, regulations and guidelines.

The committee shall review the Post bingo program on an annual basis and report to the Executive Committee, no later than the May Executive Committee meeting, the findings of said review and their recommendation, if applicable. The Bingo Committee has the authority to temporarily or permanently, change the content of the regularly scheduled bingo events providing said change(s) does not, or do not, permanently effect the financial considerations of the regularly scheduled bingo events and must be presented to, and approved by, the Executive Committee.

The Bingo Committee shall consist of the appointed Chairman, Ways and Means Committee Chairman, Post Finance Officer, Second Vice Commander, and all current bingo managers.

SECTION 1.k. Awards and Recognition Committee – The Awards and Recognition Committee is responsible for the selection and recommendation, where appropriate, of nominations for Post, District and Department awards. While the primary responsibility will be the selection and recommendation to the general membership, of nominations for the annual Post Legionnaire of the Year award each April, the committee may initiate other award recommendations and nominations for recognition at a level less than that of Honorary Lifetime Membership, the highest award given by the Post.

SECTION 1.l. -Major Construction and Renovation Committee – The ~~Building~~ Major Construction and Renovation Committee shall be responsible for developing plans and costs related to any expansion, modernization or renovation of the Post Home. The committee will include as members (at a minimum) the Third Vice Commander, the Finance Officer, the chairmen of the Ways and Means Committee and Major Construction and Renovations Committee. Proposals for expansion, construction, modernization, or renovation that change the current structural layout or utility of the Post Home shall be approved by the General Membership. Major construction or renovation projects approved by the General Membership requiring change orders after the 15% architectural design review phase must be submitted to the Executive Committee for review and approval. If the change order requires an increase over the project's approved funding, it shall be submitted to the General Membership for approval.

## SECTION 2. Finance Committee

SECTION 2.a. The Finance Officer shall chair the Finance Committee. The Assistant Finance Officer shall chair the committee in his absence. The Finance Committee shall consist of the Finance Officer, Assistant Finance Officer, Third Vice Commander, Bingo Committee Chairman, Post Adjutant and the Building and Grounds Committee Chairman, and Ways and Means Committee Chairman. Additional members may be appointed to the Finance Committee at the discretion of the Commander.

SECTION 2.b. The Finance Committee shall be charged with the preparation of an annual budget and the handling of all Post funds, however appropriated. The budget shall cover the period from July 1 to June 30 of the fiscal year. Each committee chairman and appointed officer shall submit estimates to the Finance Committee no later than July 1 for the following year. The Finance Committee shall submit the proposed budget by the August Executive Committee meeting for approval before presenting the budget to the Post for final approval. At the request of the Executive Committee, the Finance Committee shall recommend unbudgeted Post expense

### SECTION 3. Auditing Committee

SECTION 3.a. The Second Vice Commander shall chair the Auditing Committee. The Commander will appoint, subject to the approval of the Executive Committee, a technically competent audit committee of three (3) members. No member of the Finance Committee may be appointed to the Audit Committee.

SECTION 3.b. The Audit Committee shall review the financial records of the Post no less than once a quarter and report its findings and/or recommendations to the Executive Committee for its consideration and/or approval.

SECTION 3.c. The Audit Committee shall budget and coordinate an annual audit of the Post financial records by a competent outside auditor. The annual audit should take place during the first quarter of each fiscal year and cover the previous fiscal year. The findings and/or recommendations of the annual audit will be submitted to the Executive Committee for its consideration and/or appropriate action.

### SECTION 4. Life Membership Committee

SECTION 4.a. The Life Membership Committee shall consist of all current "Honorary" life members of Post 364. The Committee will elect a Chairman to serve for a two (2) year term.

SECTION 4.b. The Life Membership Committee will meet annually, no later than February. The Committee will be charged with reviewing the participation of Post members to determine if any member is/are worthy of "Honorary" Life Membership in the Post. When a member is selected, the chairman will make the necessary arrangements for the presentation to be made during the annual installation of officers.

SECTION 5. Reports - All Committee chairman, upon the call of the Commander, Executive Committee or membership, shall make reports to the Executive Committee and at the general Post meetings.

SECTION 6. Special Committees -Special committees may be established as deemed necessary by the Post Executive Committee. The Commander shall appoint and charge special committees with their specific duties at the time of their creation. Special committees shall meet upon the call of the Chairman. Reports shall be given upon the request of the Commander or the Executive Committee. If a special committee has not completed its assignment by the close of the Legion year within which the committee was formed or continued, it shall, with the approval of the incoming Commander and Executive Committee, continue as originally appointed into the new Legion year.

SECTION 7. Additional Standing Committees -Additional Standing Committee may be established as deemed necessary by the Post Executive Committee and shall consist of members as shall be appointed by the Post Commander.

SECTION 8. Annual Budget -Each officer and/or committee chairman who requires Post funds for the conduct of business related to his position, and the responsibilities thereof, will submit an annual budget proposal to the Finance Committee. The annual budget proposal will cover the period of July 1 to June 30, and must be presented to the Finance Committee no later than July 1 of the applicable Legion Year, or, in the case of special committees, within 30 days of their establishment.

#### ARTICLE IV – MEMBERSHIP

SECTION 1. Eligibility - Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion. Eligibility shall not constitute acceptability and all applications for membership, including transfers from another Post or requests for reinstatements shall require a vote by the Post. Members accepting applications will verify eligibility by examining the applicants DD Form 214 or similar document that proves eligibility.

SECTION 2. Ballot - Vote on applications for membership shall be by secret ballot at General Membership meetings. If a third or more members present cast their vote against acceptance of said application, then such application shall be recorded as rejected.

SECTION 3. Results of Ballot - If accepted, the Membership Chairman shall notify the applicant, in writing, unless present at the meeting, of acceptance into membership and instruct the applicant when to appear for initiation. If in attendance, the candidate may be initiated the same night. If rejected, the Membership Chairman shall notify the applicant, return the dues and inform the applicant that he/she may again be considered for membership after the expiration of six (6) months from the date of such rejection.

SECTION 4. New Members – Application for membership for new members shall be in writing on the prescribed form required by the National organization. Application must be accompanied with one (1) year’s dues, and may be voted upon at the same meeting as its presentation to the membership provided eligibility has been established. Applicants who are found ineligible shall be so notified. Upon approval of the General Membership, the First Vice Commander shall invite new members to attend the next membership induction ceremony.

#### SECTION 5. Transfers

SECTION 5.a. A member wishing to transfer his membership from another Post to this Post shall present his current membership card and shall complete the application for transfer as prescribed by the National organization.

SECTION 5.b. If the membership card is for the current membership year, no dues shall be required. No dues shall be transferred from one Post to another Post. Upon acceptance into the Post in accordance with SECTION 2, this article, the transferee shall be entitled to all rights and benefits of membership including that of voting in this Post. If rejected, the applicant shall be notified in accordance with SECTION 3, this article.

SECTION 5.c. If the membership card is for the last membership year, but application is made before March 31<sup>st</sup> of the current year, a transfer request must be accompanied with one (1) year’s dues. If applying after April 1 of the current membership year, the applicant must be reinstated and said application for transfer must be accompanied by the current year’s dues.

#### SECTION 6. Reinstatements

Requests for reinstatement must be accompanied by dues for the current membership year and any prior year dues which may be unpaid to maintain continuous membership years.

SECTION 7. Form or Class of Membership - There shall be no form or class of membership except an active membership as herein provided.

SECTION 8. Membership Cards - The Commander and elected officers shall be authorized to issue membership cards upon verification of eligibility. Each membership card issued by the Commander or an elected officer shall be reported to the members for their approval. Members reserve the right to approve or disapprove each applicant who receives his/her card in this fashion. If one-third of the members present vote to reject such an applicant, the First Vice Commander or Membership Chairman shall notify the applicant in writing and return his/her membership dues.

## ARTICLE V – DUES

SECTION 1. Dues Payable -Dues in The American Legion shall be paid annually, the Legion year being from January 1 to December 31, and shall be payable in advance.

SECTION 2. Dues Payment - Annual dues of this Post shall be payable on October 1 of each for the next ensuing calendar year and shall include Department and National per capita. Any member paying annual dues on or before October 1 shall be classified as an “early bird” and such will be noted on his membership card.

SECTION 3. Dues Amount -Annual membership dues shall be established by vote of the general membership in an amount applicable to fulfill the requirements of the current Legion year Department and National capita dues and any additional amount decided.

SECTION 4. Arrears - Any member failing to pay his annual dues by January 1 shall continue to be a member in good standing until February 1, thereafter for two months, the member shall be classed as delinquent. If dues are not paid prior to April 1, the member shall automatically be suspended with no privileges except that of reinstatement by vote of the Post membership and the payment of dues.

SECTION 5. Capita Dues Remittances -The Post shall transmit all Department and National capita dues to Department Headquarters and the Post shall pay District dues for all Post members.

## ARTICLE VI – MEETINGS

SECTION 1. Regular (General) Meetings - Regular (or general) meetings of this Post shall be held on the third (3<sup>rd</sup>) Tuesday of each month and shall be called to order at 7:30 PM.

SECTION 2. Cancellation of Meetings -When a legal holiday occurs on any meeting night or when a general membership, executive committee, or special meeting of the Post must be canceled due to extreme emergency, the Post Commander shall arrange to hold the meeting on another night and shall see that the appropriate membership is so advised.

SECTION 3. Special Meetings - Special meetings of the Post may be called by the Post Commander, a majority of the Executive Committee at their discretion, or upon written request of five (5) members in good standing, provided that at least five (5) days written notice, exclusive of weekends and holidays, shall be given every member with the date, time, and objective of such meeting; and providing that no business shall be transacted at such meeting other than that for which the same is called.

SECTION 4. Conduct of Meetings - All General Membership, Executive Committee, and special meetings of the Post, called under the provisions of these By-Laws, shall be conducted in conformity with The American Legion's Manual of Ceremonies, to the extent possible and applicable, and Robert's Rule of Order, Revised. A quorum for General Membership and special meetings shall consist of those members attending such meetings.

SECTION 5. Executive Committee Meetings - Post Executive Committee Meetings shall be held on the first (1<sup>st</sup>) Tuesday of the month and shall be called to order at 7:30 PM.

#### **ARTICLE VII – VISITORS AND GUESTS**

SECTION 1. Admissibility - Any member of any American Legion Post, in good standing, may visit a Post meeting. The Sergeant-at-Arms shall examine the member's card and ascertain whether he is entitled to a seat.

SECTION 2. Speaking Privilege - An official guest of the Post may address the membership within the framework for which he was invited. No visiting member of another Post shall have the right to vote in this Post, but may be allowed to address the membership by a majority vote of those members present. The visiting member shall not speak for or against any motion, nomination or election of officers. Violation of this section shall render the motion, nomination or election null and void.

SECTION 3. Compliance - All visitors must abide by the House Rules.

SECTION 4. Sponsor - Any non-member may visit the Post as the guest of a Post member in good standing, who shall be referred to as the sponsor, within the limitations of the State of Virginia ABC laws. The sponsor will be responsible for ensuring that the guest conducts himself in accordance with the House Rules.

#### **ARTICLE VIII – NOMINATION, ELECTON AND INSTALLATION**

SECTION 1. Term of Commander - The Post Commander, if nominated and elected each year shall not exceed a term of three continuous years.

SECTION 2. Nominating Committee Appointment - A nominating committee, consisting of three (3) members, shall be appointed by the Commander no later than the January General Membership meeting.

SECTION 3. Nominating Committee Duties - The nominating committee shall elect its own chairman and shall meet as necessary. The Nominating Committee shall present a "slate" of officers to the regular April General Membership meeting. ("Slate" of officers to mean one candidate for each elective office and executive committeeman in accordance with Article V, Section 1, Post Constitution.)

SECTION 4. Floor Nominations - The floor shall be open for nominations at the regular April and May meetings. Any member nominated must be present or shall have given written assurance to the nominating member that he will serve if elected.

SECTION 5. Annual Elections - Annual elections shall be in order at the regular May meeting. Voting shall be by written ballot, except when there is no opposition for the office being voted upon, at that time a unanimous ballot of one (1) will be cast.

SECTION 6. Election Process - The Commander shall name a judge and two (2) tellers, who shall distribute the ballots to the members; shall collect the ballots, tally and report to the meeting the results. The ~~chair~~ Commander shall declare the winning candidate as elected. Candidates receiving the most votes are elected.

SECTION 7. Installation - Installation of newly elected and appointed officers shall take place, each year in June.

SECTION 8. Taking Office - The newly installed officers shall take office at the first meeting in July.

SECTION 9. Committeemen-At-Large - Terms of office for (At-Large) elected committee members of the Executive Committee will be for a period of three (3) years, except that should the situation arise when every member of the Executive Committee leaves office the same year, the newly elected members will be proportionately elected with one-third of them receiving one-year terms, one-third receiving two-year terms and one-third receiving three-year terms. In this case, the Nominating Committee will identify nominees by the length of term. Any reduction in the number of authorized elected Committeemen-At-Large will only be accomplished through attrition and/or the normal expiration of their term of office.

SECTION 10. Eligibility for Office - All candidates for elected and appointed office of the Post shall furnish appropriate documentation of eligibility for membership in The American Legion to the Nominating Committee or Post Commander. Appropriate documentation shall consist of a DD FORM 214 or an equivalent proof of eligibility.

#### **ARTICLE IX – DELEGATES**

SECTION 1. Election - Delegates and Alternates to the District and Department Conventions shall be elected by ballot at the regular May General Membership meeting.

SECTION 2. Reports - The Chairman of the Post delegation shall make a report to the Post Executive Committee meeting and general membership meeting of the Post. After attendance at District/Department conventions, the Chairman of the Post Delegation shall make a report to the next Executive Committee and regular membership meeting of the Post.

#### **ARTICLE X – MISCELLANEOUS**

SECTION 1. Unaffiliated Sales - The selling of any kind of raffle ticket or other matters not pertaining to The American Legion sponsored or affiliated activities shall not be permitted at any meeting or social affair of this Post.

SECTION 2. Death Notification and Post Response - Immediately upon learning of the death of a member of this Post, the Commander or the Adjutant shall notify members of the death of one of their comrades, stating the time and place of the funeral and any other pertinent information. The Commander, Chaplain or the Adjutant shall be authorized to forward a suitable memorial, in the Post's name, to the family or shall make a donation, in the name of the deceased comrade, to charity. The Post will assume the cost of the memorial or donation not to exceed an amount approved by the membership

SECTION 3. House Rules - The House Committee shall review the House Rules annually, no later than February, and report its findings to the Constitution and By-Laws Committee for review prior to approval by the General Membership.- Proposed changes to the House Rules shall be governed by the rules applying to the Constitution and By-Laws. The House Rules shall be approved by the members after the Executive Committee determines that they are in full compliance with the applicable State of Virginia ABC laws, regulations, rules and guidelines. The House Rules shall be permanently posted in the Lounge where all can see.

SECTION 4. Contracts - All contracts (including, but not limited to, supply contracts, service contracts, preventive maintenance contracts, repair contracts, construction contracts, and employment contracts) entered into by the Post shall be approved in advance by the Executive Committee. Whenever feasible, contracts shall be by competitive, sealed bids, and shall be awarded on the basis of past performance, technical competence, and best value.

## **ARTICLE XI – RESOLUTIONS**

SECTION 1. Limited Scope - All resolutions of Department or National scope presented to this Post by a member or reported to this Post by a committee and subsequently adopted by the Post shall merely embody the opinion of this Post on the subject.

SECTION 2. Approval of Department or National Scope Resolutions - A copy of all resolutions of Department or National scope adopted by this Post shall be forwarded to the Department Headquarters for Department approval before any publicity shall be given or any action taken.

## **ARTICLE XII – EXPULSION, SUSPENSION**

Members may be suspended or expelled according to the National Constitution and By-Laws.

## **ARTICLE XIII – AMENDMENTS**

SECTION 1. Procedures - These by-laws may be changed or amended by a two-thirds vote of the members present at a Post membership meeting, provided the proposed amendments have been submitted to the Post's Constitution and By-laws Committee, and provided the proposed amendments shall have been read at the previous Post membership meeting. The requirement for proposed amendments to be read may be waived by an approved motion provided such proposed amendments are provided in sufficient written copies for each member present to have a copy.

SECTION 2. Conformity - These by-laws shall automatically be amended to conform to the National and Department Constitution and By-laws of The American Legion.