



Constitution and By-Laws

American Legion Post 86

**The American Legion Department of North Carolina
21215 Legion Street, PO Box 316
Cornelius, North Carolina 28031**

Charter June 22, 1922

Constitution and By-Laws Adopted _____, 2019

Updated: 3/31/2019 4:15 PM

CONSTITUTION AND BY-LAWS
AMERICAN LEGION POST 86
THE DEPARTMENT OF NORTH CAROLINA
21215 LEGION STREET, PO BOX 316
CORNELIUS, N.C. 28031

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**CONSTITUTION
AMERICAN LEGION POST 86
THE DEPARTMENT OF NORTH CAROLINA
21215 LEGION STREET, PO BOX 316
CORNELIUS, N.C. 28031**

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 in 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 1. The name of this organization is American Legion Post 86, The American Legion Department of North Carolina, herein referred to as Post 86.

**ARTICLE II
OBJECTS**

SECTION 1. The objective and purpose of this Post is to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions 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.

SECTION 2. Rank does not exist in The American Legion. No member shall be addressed by their military or naval title in any convention or meeting of the Legion.

SECTION 3. This Post must be absolutely nonpolitical and must not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

**ARTICLE IV
MEMBERSHIP**

SECTION 1. Eligibility for membership in The American Legion shall be determined as is set forth in the Departmental and National Constitutions of The American Legion, and acceptance for membership in Post 86 shall be determined as set forth in the By-Laws of this Post.

**ARTICLE V
OFFICERS**

SECTION 1. The officers of this Post shall be: Commander, 1st Vice Commander, 2nd Vice Commander, Adjutant, Finance Officer, Service Officer, Chaplain, Sergeant-at-Arms, Judge Advocate, and Historian.

SECTION 2. Officer elections, duties, and responsibilities are set forth in the By-Laws of this Post.

**ARTICLE VI
ADMINISTRATIVE AFFAIRS**

SECTION 1. The Post Executive Committee, herein also referred to as Executive Committee, shall be entrusted with the governance of all affairs of the Post, and shall have the authority to ensure that all provisions of the Post Constitution and By-Laws are enforced.

SECTION 2. The Post Commander, herein also referred to as Commander, shall be entrusted with the management and supervision of all affairs of Post 86.

**ARTICLE VII
DISSOLUTION**

SECTION 1. The Department Executive Committee has the power to suspend, cancel or revoke the Charter of any Post that violates the National or Department Constitution and By-Laws or fails to comply with the requirements thereof, or which fails to discipline any of its members for such violations as set forth in the Uniform Code of Procedure for Revocation, Cancellation, or Suspension of Post Charters of The American Legion. The action taken by the Department Executive Committee shall be final and conclusive unless an appeal is taken to the National Executive Committee within thirty days from the date of said suspension, cancellation or revocation. Upon appeal, the action taken by the National Executive Committee is final.

SECTION 2. Any Post failing to meet the obligations imposed upon it by the Constitution and By-Laws, or ceasing to function for six months as an American Legion Post, or voluntarily ceasing to function as a Post, or merging with one or more other Posts, or refusing to pay the Department and National per capita dues, or under other such conditions as specified by the Department, must, upon order of the Department Executive Committee, surrender its charter for cancellation. Upon failure to surrender such charter, immediate steps may be taken for its revocation, suspension or cancellation.

SECTION 3. Upon revocation, cancellation or suspension of the charter of a Post in The American Legion Department of North Carolina, said Post must immediately cease operations and upon revocation or cancellation must turn over its charter to its Department Commander or Department Executive Committee, and the Department Executive Committee is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all the records, property and assets of said Post; provided, however, that nothing herein shall be construed as requiring any Department to take over or assume any financial responsibility as to such property. Said Department Executive Committee may provide for the transfer of the members in said Post to other Posts of their choice, subject to the approval of such other Post.

**ARTICLE VIII
LIMITATION OF LIABILITY**

SECTION 1. This Post shall neither incur, nor cause to be incurred, any liability or obligation whatever which shall subject to liability any other Post, sub-division, group of men, members of The American Legion, or other individuals, corporations, or organizations.

**ARTICLE IX
SUBSIDIARY ORGANIZATIONS**

SECTION 1. This Post recognizes a subsidiary organization to be known as the American Legion Auxiliary Unit 86. Membership in the American Legion Auxiliary shall be as prescribed by the National Constitution of The American Legion and The American Legion Auxiliary.

SECTION 2. This Post recognizes a subsidiary organization under its jurisdiction to be known as The Sons of The American Legion Squadron 86. Membership in The Sons of The American Legion shall be as prescribed by the National Constitution of The American Legion and the Constitution of the Sons of The American Legion. A Post 86 Committee shall oversee and supervise the activities of the Squadron.

**ARTICLE X
AMENDMENTS**

SECTION 1. This Constitution may be altered, amended, repealed or added to, by a majority vote of the votes cast by the membership at a regular Post meeting provided that 1) such changes have been recommended by a resolution of the Post Executive Committee, 2) the proposed changes have been submitted in writing and read at a preceding regular meeting of the Post, 3) that notice was given to the membership at least ten (10) days in advance of the date when such amendments are to be voted upon, and 4) a quorum is present at said meeting.

SECTION 2. This Constitution and any changes therein shall be officially adopted and will become effective immediately upon approval by the membership.

SECTION 3. This Constitution, after adoption, is subject to the provisions of the Constitution of the Department of North Carolina and the National Constitution of The American Legion and any part to this Constitution, to be found in conflict with either the Department or Nation Constitution and By-Laws must be considered void.

SECTION 4. A copy of this Constitution shall be filed with The American Legion Department of North Carolina Headquarters

CERTIFICATION

This Constitution of American Legion Post 86 Department of North Carolina supersedes any and all previously known or unknown, written and/or amended, reported or not reported Constitution, for governing the actions of American Legion Post 86.

It is hereby certified that this Constitution was approved by majority vote of the Post Executive Committee on _____, 2019, and by a majority vote of the votes cast by the membership at a regular Post meeting on _____, 2019.

| | |
|----------------|-------|
| _____ | _____ |
| Commander | Date |
| _____ | _____ |
| Adjutant | Date |
| _____ | _____ |
| Judge Advocate | Date |

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**BY-LAWS
AMERICAN LEGION POST 86,
THE DEPARTMENT OF NORTH CAROLINA
21215 LEGION STREET, PO BOX 316
CORNELIUS, N.C. 28031**

**ARTICLE I
PURPOSE**

SECTION 1. These By-Laws are supplemental to the Post 86 Constitution and set forth specific rules and guidelines so as to ensure that all business operations are carried out in a consistent, efficient, and orderly manner.

**ARTICLE II
MEMBERSHIP**

SECTION 1. Post 86 shall be the judge of the qualification for acceptance of its members provided such members are eligible for membership in The American Legion, as set forth in the Constitution of The American Legion. As set forth in Article III of the Constitution of The American Legion Department of North Carolina, the Post may set other reasonable standards of qualifications for acceptance for membership and such standards shall be set by a resolution of the Post Executive Committee and approved by a majority vote of the membership. As stated in the Officer's Guide, eligibility is not synonymous with acceptability. If a member is eligible to join The American Legion, it is still the prerogative of the Post to determine whether to accept such member in their Post, except that race, religion, sex, creed, or national origin must not be a barrier to membership.

SECTION 2. No person who has been expelled by a Post shall be entitled to membership in another Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post. That person may then appeal to the Department Executive Committee for permission to apply for membership in another Post and shall be ineligible for membership until such permission is granted.

SECTION 3. No person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of The American Legion.

SECTION 4. A person who desires to become a member of this Post must complete either The American Legion Membership Application Form D19INT, or a membership transfer request form, and submit such form to the Post Adjutant. The applicant shall also make Form DD-214 available to the Post Adjutant for verification of service dates and discharge status, and the Adjutant shall also determine if the applicant is currently a member of, or has been suspended or expelled from, another Post. It is noted that neither the Department of North Carolina, nor the National organization require the Post to retain a file copy of the applicant's DD-214. Upon verification of eligibility, the applicant shall be accepted as a member of Post 86.

SECTION 5. A member of The American Legion shall be called a 'Legionnaire'.

SECTION 6. There shall be no form or class of membership except an active membership.

SECTION 7. Membership shall be based on a calendar year; January 1 through December 31.

SECTION 8. Membership dues must be paid annually, or Paid Up For Life (PUFL).

SECTION 9. Annual dues for membership in Post 86 shall be set by the Post Executive Committee and the dues amount shall include the per-capita dues of the Department of North Carolina and National organization. Membership dues shall be collected by Post 86 and the per-capita portion shall be payable by the Post to the Department of North Carolina.

SECTION 10. A member whose dues for the current year have not been paid by January 1 shall be classed as delinquent. If dues are paid on or before February 1 reinstatement shall be automatic. If still delinquent after February 1 all privileges shall be suspended. If still under such suspension on June 30 of such 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 vote of the Post and payment of current dues for the year in which the reinstatement occurs. Provided, however, that the Post, Department, and the National organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with the reference to former members who have been prevented from the payment of dues by reason of active military service.

ARTICLE III DISCIPLINE OF POST MEMBERS

SECTION 1. Post 86 shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws of the Department of North Carolina and National organization.

SECTION 2. In accordance with the Department and National Constitution and By-Laws, any member may be suspended or expelled from The American Legion, only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of The American Legion. All charges must be specific and be made under oath in writing by the accuser, and no member in good standing shall lose membership until given a fair trial at the Post or Department in accordance with the Department Constitution.

SECTION 3. The trial of a member must be held before the Post Executive Committee, the Commander presiding, and the presentation of evidence shall be governed generally by the same rules that prevail in the trial of civil actions in the courts of the State.

SECTION 4. Any member who has been suspended or expelled has the right to appeal to the Department Executive Committee and from that Committee to the Department Convention. The decision of the Department Convention shall be final.

ARTICLE IV MEETINGS

SECTION 1. Regular meetings of Post 86 shall be held on the first Thursday of each month at the Post 86 Headquarters building located at 21215 Legion Street, Cornelius, NC, unless otherwise directed by the Commander. Special meetings of Post 86 may be called by the Commander when deemed necessary to act on urgent business requiring action to be taken by the membership. Also, the Commander shall call a special meeting at the written request of ten (10) or more members. A notice of a meeting at which Post officers are to be elected must be communicated to the membership at least ten (10) days prior to each such meeting.

SECTION 2. The Commander, or in the absence of, the 1st Vice Commander shall prepare the agenda, and preside over all Post meetings.

**ARTICLE V
RULES of ORDER**

SECTION 1. The rules contained in the most current edition of Robert's Rules of Order Newly Revised, shall be used as a guide in the conduct of all regular, special, and Post Executive Committee meetings in which members assemble to transact business. The authority to establish special rules or standing rules shall be entrusted to the Executive Committee, subject to a majority vote of approval by the membership, and such rules shall be kept with this document. In all meetings in which business is to be transacted, proper application of the rules of order shall be entrusted to the presiding officer.

**ARTICLE VI
QUORUM**

SECTION 1. Regular and Special Meeting: A quorum shall exist at a regular or special meeting when no less than 20% of the membership, (members in good standing), are present. As the first order of business, the presiding officer shall certify and announce that a quorum is, or is not present. In the absence of a quorum, any business transacted shall be considered as informal, and any actions taken, except for procedural actions, shall be considered as null and void.

SECTION 2. Post Executive Committee Meeting: A quorum shall exist at an Executive Committee meeting when no less than seventy-five (75%) of the Executive Committee members are present, one of which must be the Post Commander, or in the absence of the Commander, the 1st Vice Commander. In the absence of a quorum, any business transacted shall be considered as informal, and any actions taken, except for procedural actions, shall be considered as null and void.

**ARTICLE VII
ORDER OF BUSINESS**

SECTION 1. The order of business for Post meetings shall follow the outline provided in The American Legion Officers Guide and Manual of Ceremonies.

**ARTICLE VIII
VOTING**

SECTION 1. Regular and Special Meetings: A quorum must be present when a vote is called for and, except for the election of officers, the membership shall cast their vote by voice, show of hands, or ballot as specified by the presiding officer to ensure an accurate count. The presiding officer shall count the votes and a majority vote of the votes cast shall determine the outcome. The presiding officer shall not vote, except 1) when the vote is by ballot, in which case the presiding officer shall vote along with and at the same time as all other members, or 2) when the vote is not by ballot and the presiding officer's vote will change the final outcome.

SECTION 2. Election of Officers: Election of Post Officers shall be conducted by either ballot or voice, as set forth in Article XVII of these By-Laws.

**ARTICLE IX
NOTICES**

SECTION 1. For the purpose of contacting the membership and for informing the membership of Post business and activities, each member must furnish the Post Adjutant with a current mailing address, and if available, a telephone number, and email address.

SECTION 2. Notices may be sent to the membership via an automated telephone messaging system, email, USPS mail, or by other means of communications necessary to ensure effective delivery.

**ARTICLE X
POST GOVERNANCE**

SECTION 1. The governance of all business, activities, and affairs of Post 86 shall be entrusted to the Post Executive Committee, as set forth in the Constitution and By-Laws.

**ARTICLE XI
POST EXECUTIVE COMMITTEE**

SECTION 1. The Post Executive Committee, herein also referred to as the Executive Committee, shall be entrusted with, and have charge of and be responsible for the governance of all affairs of the Post, and shall have the authority to ensure that all provisions of the Post Constitution and By-laws are enforced.

SECTION 2. The Executive Committee shall consist of the ten (10) elected officers and two (2) members at large. The two (2) members at large shall be recommended by the incoming Executive Committee and approved by a majority vote of the membership.

SECTION 3. The Commander must call an Executive Committee Meeting within 30 days of the installation of new officers, and thereafter once monthly, or as often as the Commander deems necessary. The Commander must call a special Executive Committee meeting at the request of four (4) or more Executive Committee members.

SECTION 4. The Commander, or in the Commander's absence the 1st Vice Commander, shall be the Chairperson of the Executive Committee and shall set the agenda and preside over all Committee meetings.

SECTION 5. Quorum and Voting: A quorum shall exist at all Executive Committee meetings when no less than seventy-five (75%) of the Executive Committee members are present, one of which must be the Post Commander, or if absent, the 1st Vice Commander. The Post Commander, or if absent, the 1st Vice Commander, shall preside over all Executive Committee meetings. Voting must be by voice or a show of hands and a majority vote of the votes cast shall determine the outcome. The presiding officer shall not vote on any matter, unless such vote will change the final outcome.

SECTION 6. An Executive Committee member vacancy shall be deemed to exist when a member resigns, when a member's elected office term expires, or when a member misses three (3) consecutive meetings. One (1) excused absence will be permitted for illness, home emergencies, or other extenuating circumstances that the Commander may accept as being excusable, providing that the Commander is notified in advance of the absence. One (1) unexcused absence will be reluctantly accepted, but a second one will be grounds for expulsion from the Executive Committee for the remainder of the year.

SECTION 7. Should an at-large Executive Committee vacancy exist, the existing Executive Committee members shall recommend a replacement candidate, and such candidate must be approved by a majority vote of the membership.

**ARTICLE XII
POST MANAGEMENT**

SECTION 1. The Post Commander shall be the Chief Executive Officer and shall be entrusted with the management of all business, activities, and affairs of Post 86. The Commander shall ensure that all Post business, activities, and affairs are carried out in accordance with the Post, Department, and National Constitution and By-Laws.

SECTION 2. The Post Commander shall be the Spokesman for the Post and shall represent the Post in all official communications, either written or verbal, with the news media and the general public. The Commander may authorize other Post Officers or members to act as a Spokesman on behalf of the Post, as deemed necessary to carry out these responsibilities.

SECTION 3. All Post business, financial, and personnel records must be kept in a secured location at the Post Headquarters or an alternate location as deemed appropriate by the Executive Committee. Any and all information that is confidential in nature, or not generally available as public records, must be safeguarded and available only to Post Commander, Adjutant, and Finance Officer.

SECTION 4. The Property Management Committee shall be responsible for maintaining an inventory of all real property and tangible personal property belonging to the Post. These shall include office equipment, sound reinforcement system, ceremonial equipment, memorabilia, historical documents and files, donated objects of value and other items as may be specified by the Executive Committee. Items donated to the Post for fund raising purposes need not be included. A written inventory shall be conducted prior to the installations of officers each year and presented to the incoming Post Adjutant.

SECTION 5. No tangible personal property owned by Post 86 shall be sold, donated, given away, or disposed of unless recommended by the Property Management Committee and approved in writing by a majority vote of both the Executive Committee and the membership. No records pertaining to the affairs or history of the Post shall be discarded, purged or otherwise destroyed unless recommended by the Post Adjutant and approved in writing by the Executive Committee. No real property owned by this Post shall be sold, donated, exchanged, or transacted otherwise unless recommended in writing by the Executive Committee and approved by a two-thirds vote of the membership.

SECTION 6. Contractual Obligations: Under no circumstances shall any Post Officer or member enter into any contractual agreement that creates a financial obligation to the Post unless 1) the contract is in writing, and 2) the contract is approved by majority vote of both the Executive Committee and the membership.

SECTION 7. The Executive Committee may establish Standard Operating Procedures (SOP) as deemed necessary to provide specific instructions to improve on the execution of the duties and responsibilities as mandated by this document. The SOPs must not conflict with the Post Constitution and By-laws, nor the Department or National Constitution and By-laws.

**ARTICLE XIII
DELEGATES**

SECTION 1. Post 86 should elect delegates and alternate delegates annually to represent the Post at District and Department Conventions, as set forth in The American Legion Department of North Carolina Constitution.

**ARTICLE XIV
RESOLUTIONS**

SECTION 1. All resolutions of State or National scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and a copy of the same shall be forwarded to the Department headquarters for approval before any publicity is given or action, other than mere passage by the Post, is taken.

**ARTICLE XV
FISCAL YEAR**

SECTION 1. For business accounting purposes, all financial activities of Post 86 shall be conducted on a fiscal year basis, beginning on July 1 of the current year and ending on June 30 of the following year.

**ARTICLE XVI
FINANCE**

SECTION 1. The revenue of this Post shall be derived from membership dues or initiation fees, and from other legal sources as may be recommended and approved by both the Executive Committee and the membership.

SECTION 2. At the beginning of each fiscal year, the Finance Officer, together with the Commander, must prepare a proposed annual budget reflecting anticipated income and expenses for the year and such budget must be submitted to the Executive Committee for review and approval. After gaining approval of a majority vote of the Executive Committee, the annual budget must be presented to the membership for final approval. All subsequent expenditures not included in the annual budget, except for emergency expenditures, must be authorized by a majority vote of the membership.

SECTION 3. Should the Post Headquarters building, facilities, or other real property be rendered unsafe or unusable as the result of fire, wind, water or sewer damage, HVAC failure, electrical failure, or other such issues, the Building Rental Manager or a member of the Property Management Committee shall have the authority to declare a need for emergency expenditures, and shall immediately set in motion a restoration plan to remedy the emergency situation. Emergency expenditures shall be reported to the Executive Committee as soon as practical, and to the membership at the next scheduled Post meeting.

SECTION 4. The Finance Officer shall only disburse funds for expenditures that have been approved as set forth in Sections 2 and 3 above.

SECTION 5. The Finance Officer must maintain a journal record of income and expenses in a clear, concise and accurate manner so as to accommodate an annual audit of the financial records of the Post. A financial audit shall be scheduled as follows: 1) on an annual basis to coincide with the installation of Post Officers, and 2) immediately after the Finance Officer position becomes vacant for any reason other than the expiration of the elected term. The audit shall be performed by a certified accountant or auditor and said certified account or auditor shall 1) not be a member of Post 86, and 2) shall be approved by the Executive Committee.

SECTION 6. All Post monies must be deposited in a duly authorized banking institution as designated by the Executive Committee, and such monies must be disbursed either by draft or check. All drafts and checks shall require only one (1) signer. The Post shall have two (2) authorized signers on file with the banking institution. The primary signer shall be the Finance Officer and the additional signer shall serve as the alternate signer. The alternate signer shall be a Post Officer that has been so designated by the Executive Committee and approved by a majority vote of the membership. The Post Finance Officer shall ensure that the alternate signer is properly added to the Post banking account(s) as an additional signatory. The alternate signatory shall not perform the signatory duties of the Finance Officer unless the Finance Officer is incapable of performing such duties as determined by the Post Commander, and the Post Commander notifies the alternate signer to act on behalf of the Finance Officer.

SECTION 7. The Post may maintain additional checking, savings, and interest bearing accounts, i.e. Certificates of Deposit, subject to the approval of the Executive Committee, except that loans, credit, credit cards, and investing in securities shall be prohibited.

SECTION 8. The Finance Officer and all Officers or members who are entrusted with the handling of Post monies must be covered by a fidelity bond, provided by the Post, in the sum as shall be determined by the Executive Committee.

ARTICLE XVII
ELECTION of POST OFFICERS

SECTION 1. The Post shall elect the following officers annually: Commander, 1st Vice Commander, 2nd Vice Commander, Adjutant, Finance Officer, Service Officer, Judge Advocate, Sergeant at Arms, Historian, and Chaplain.

SECTION 2. Qualifications for Office:

- Candidate must be a member of Post 86 for at least 1 full year.
- Candidate should be an active member of Post 86.
- Candidate for Commander should have held at least one Post 86 officer position.
- No member shall hold more than one elected office simultaneously.
- All candidates for office must attest that they are available for office, qualified to serve, and will devote the time and energy required to faithfully fulfill the duties of said office.

SECTION 3. Election of Officers: The Department of North Carolina bylaws require all Posts to elect officers annually at a Post meeting held not more than 45 days prior to the Department of North Carolina annual convention, and requires that officers be installed not more than 30 days after the adjournment of the convention. Normally, Post 86 will elect officers in the month of May, and install the elected officers in the month of June. However, to ensure that Post 86 complies with the Department bylaws, no later than January 15th of the current year, the Commander of Post 86 must ascertain the date for the Department Annual Convention, and if necessary, reschedule the election and installation of officers so as to be in compliance with Department requirements.

SECTION 4. Annual Election Schedule:

- February: The Commander shall appoint a Nominating Committee to identify and recommend a slate of officers.
- April Meeting: The Nominating Committee announces a recommended slate of candidates. Nominations may also be taken from the floor. The membership must be notified that election of officers will occur at the May meeting.
- May Meeting: Election of Officers. A quorum, certified by the Adjutant, must be present. If two or more candidates vie for the same office, the vote shall be by ballot, otherwise the vote may be by voice or show of hands. Winners shall be determined by a majority vote of the votes cast. The Nominating Committee will count the votes and inform the membership of results.
- June Meeting: Officer Installation Ceremony.

SECTION 5. All current Officers shall hold office until their successors have been duly installed.

**ARTICLE XVIII
DUTIES OF POST OFFICERS**

SECTION 1. Each Post Officer must be provided with and become familiar with the Post Constitution and By-Laws, The American Legion Officers Guide and Manual of Ceremonies, Post Operations Manual, and other official American Legion documentation, as a guide to help fulfill their respective roles in conducting Post business.

POST COMMANDER

SECTION 1. The Post Commander shall be the Chief Executive Officer and shall be entrusted with the management of the business, activities, and affairs of the Post. It shall be the duty of the Post Commander to organize and direct the activities of the Post, to prepare the agenda and preside over all Post meetings, and to have supervision over the business and affairs of the Post.

Primary Responsibilities of the Post Commander:

- Plan Post operations and activities for the coming year.
- Chair and preside over the activities of the Executive Committee.
- Ensure that all Post records are properly maintained, stored, and secured.
- Ensure that Post financial records are audited annually.
- Ensure that all Post assets are properly maintained.
- Ensure that Post Officers attend Legion training courses as deemed necessary.
- Prepare the Post's annual budget, with the assistance of the Finance Officer.
- Represent Post 86 at Department meetings, conferences, and conventions.
- Serve as official spokesman for the Post in interactions with the general public, news media, community leaders, etc.

SECTION 2. The Commander should be familiar with the documents specified in Section 1 above, and all other manuals, handbooks, publications, newsletters, bulletins, published by The American Legion (National and Department of North Carolina), and applicable local, state, and federal laws and regulations.

SECTION 3. The Commander may have other duties, as prescribed in the Officer's Guide and Manual of Ceremonies and Post Operations Manual, or as directed by the Executive Committee.

1st VICE COMMANDER

SECTION 1. The 1st Vice Commander serves as assistant to the Commander and 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.

Primary Responsibilities of the 1st Vice Commander:

- Become familiar with the responsibilities and duties of the Commander
- In the absence of the commander, or when called upon by the Commander, assume the duties of the Commander.
- Assist the Commander in directing and carrying out activities of the Post.
- Provide support for matters pertaining to membership, including, but not limited to procuring new members and retaining member interest.

SECTION 2. The 1st Vice Commander may have others duties, as prescribed in the Officer's Guide and Manual of Ceremonies, or as directed by the Post Commander.

2nd VICE COMMANDER

SECTION 1. The 2nd Vice Commander serves as assistant to both the Commander and the 1st Vice Commander in carrying out the programs of the Post.

Primary Responsibilities of the 2nd Vice Commander:

- Become familiar with the responsibilities and duties of the Commander and 1st Vice Commander.
- In the absence of the 1st Vice Commander and Commander, assume the duties of the Commander.
- Recommend, plan, and provide coordination and assistance for programs, social events, and other activities to create and maintain interest in Post meetings.
- Assist the 1st Vice Commander in finding ways to increase membership and to improve member attendance and retention.

SECTION 2. The 2nd Vice Commander may have others duties, as prescribed in the Officer's Guide and Manual of Ceremonies, or as directed by the Post Commander.

ADJUTANT

SECTION 1. The Adjutant shall be in charge of and be responsible for all administrative records of the Post. The Adjutant shall keep a record (minutes), of all meetings of the Post and the Executive Committee. The Adjutant must keep such records as the Post, Department, and National Organization may require and render reports of membership annually or when called upon.

Primary Responsibilities of the Adjutant:

- Receive applications for membership and validates applicant's eligibility.
- Maintain such records that the Department and National Organizations may require.
- Serve as the Department's official authorized point of contact for the administration of membership records.
- Record attendance and assist in certifying the presence of a quorum at Post meetings.
- Under the direction of the Commander, handle correspondence of the Post, publish official orders, announcements, and instructions.

SECTION 2. The Adjutant may have others duties, as prescribed in the Officer's Guide, Post Adjutant's Manual, and Post Operations Manual, or as directed by the Post Commander.

FINANCE OFFICER

SECTION 1. The Finance Officer shall be in charge of all Post financial activities. The Finance Officer shall prepare, with the assistance of the Post Commander, an annual budget and present such to the Executive Committee for review and approval as set forth in Article XVI of these By-Laws.

Primary responsibilities of the Finance Officer:

- Receive, safeguard, deposit in the Post bank account, and disburse all funds of the Post, and record all financial transactions into accounting records established for that purpose.
- Develop financial reports to present to the Executive Committee and Membership.
- Reconcile checkbook balances with bank statements monthly.
- File IRS Form 990, and/or all required forms annually when legally required.
- Provide assistance and advice to the Post's committees.
- Sign all checks disbursing the monies of the Post.
- Must maintain financial records in a clear, concise and accurate manner so as to accommodate an annual audit, as set forth in Article XVI, Section 4.

SECTION 2. The Finance Officer shall only disburse funds for expenditures that have been approved as set forth in Article XVI, Section 2 and 3, of these By-Laws.

SECTION 3. The Finance Officer shall be covered by a fidelity bond, provided for by the Post, in such sum as set by the Executive Committee.

SECTION 4. The Finance Officer may have other duties, as prescribed in the Officer's Guide and Manual of Ceremonies, the Post Operations Manual, or as directed by the Post Commander.

SERVICE OFFICER

SECTION 1. The Post Service Officer shall keep veterans informed of rights, services, and benefits available and granted to them by law.

Primary Responsibilities of the Service Officer:

- Become familiar with the content of The American Legion Post Service Officer's Guide
- Become familiar with the content of the "Service Officer's Manual" prepared by the National Veterans Affairs and Rehabilitation Division.
- Become familiar with the laws that grant rights and benefits to veterans and dependents.
- Become familiar with the services and benefits available to veterans by the Department of Veterans Affairs (VA) and use that knowledge to make referrals to veterans in need.
- Bring to the attention of veterans and their dependents the rights and benefits granted them by law.

SECTION 2. The Service Officer may have other duties, as prescribed in the Officer's Guide and Manual of Ceremonies, or as directed by the Post Commander.

CHAPLAIN

SECTION 1. The Chaplain shall be the spiritual leader of the Post, and has an important role in all Post meetings and ceremonies. The Chaplain will ensure that the American Legion's 'Service to God and Country' program is carried out at the Post level.

Primary Responsibilities of the Chaplain:

- Provide spiritual, divine, but non-sectarian guidance to members of the Post.
- Become familiar with the "Manual of Ceremonies" which gives an important place to the Chaplain in the conduct of meetings.
- Officiate, when requested, at funerals of deceased members, public functions, rituals and Post ceremonies.
- Visit sick members at the hospital or home.
- Provide ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

SECTION 2. The Chaplain may have other duties, as prescribed in the Officer's Guide and Manual of Ceremonies and the Chaplain's Handbook, or as directed by the Post Commander.

SERGEANT-AT-ARMS

SECTION 1. The Sergeant-at-Arms is the sentinel, the outer guard of the Post. The Sergeant-at-Arms shall learn the identity of and introduce to the Commander all visiting comrades and guests of the Post, and is responsible for the stand of colors which will be properly displayed at all Post meetings and on ceremonial occasions.

Primary Responsibilities of the Sergeant-at-Arms

- Preserve order at all Post meetings.
- Arrange the meeting hall and assist the Commander and Adjutant in the preliminary meeting arrangements.
- Welcome new members and introduce them to other members.

- Serve as the flag etiquette member and become familiar with proper flag display and procedures used in operating a meeting.
- Ensure that the Uniformed Groups are well equipped and trained to perform honor and color guard details, burial details, and other pageantry.
- Custodian of all ceremonial equipment and supplies, including firearms.

SECTION 2. The Sergeant-at-Arms may have other duties, as prescribed in the Officer's Guide and Manual of Ceremonies, or as directed by the Post Commander.

JUDGE ADVOCATE

SECTION 1. The Judge Advocate is the guardian of the constitutional form of government and is the interpreter of the Constitution and By-Laws of the Post.

Primary Responsibilities of the Judge Advocate:

- Provide advice to the Commander, other officers, committee chairpersons, and members to rule on the legality of their actions and decisions.
- Procure proper council as necessary to provide advice regarding the conduct of Post business.
- Interpret rules of order at Post meetings.
- Ensures that the Constitution and By-Laws are periodically reviewed and updated if necessary.

SECTION 2. The Judge Advocate may have other duties, as prescribed in the Officer's Guide and Manual of Ceremonies, or as directed by the Post Commander.

HISTORIAN

SECTION 1. The Post Historian shall be responsible for preserving and compiling the records and incidents of historical significance of the Post and Post members.

Primary Responsibilities of the Historian:

- Work closely with the Adjutant in recording and preserving specific current records into Historical reference books.
- Deposit copies of Post matters of historical interest in the Post and Department archives and local and State libraries.

SECTION 2. The Post Historian should attend Department Conventions and make a point of knowing what historians of nearby Posts are doing. The Department Historian can advise Post Historian on Department and National Post history contests, historians associations, and materials to assist in maintaining best practices.

SECTION 3. The Historian may have others duties, as prescribed in the Officer's Guide and Manual of Ceremonies, or as directed by the Post Commander.

ARTICLE XIX

POST OFFICER DISCIPLINE and VACANCIES

SECTION 1. After notice and review by the Executive Committee, any elected officer may be removed from office for inefficiency or dereliction of duty. Likewise, an officer who is absent from three (3) consecutive meetings, or for a continuous period considered by the Executive Committee to be detrimental to the interest of the Post, may be removed from office. Removal from office requires a majority vote of Executive Committee.

SECTION 2. All Post 86 officer vacancies from any cause other than the expiration of term of office shall be filled as follows: The Commander shall recommend a candidate to fill the unexpired term of the vacant position, the Executive Committee must accept the candidate by a majority vote, and the membership shall approve of the candidate by majority vote.

ARTICLE XX COMMITTEES

SECTION 1. The Executive Committee shall have the authority to establish and dissolve either standing or ad-hoc committees as deemed necessary to facilitate the business of the Post. Standing committees are those established to manage projects and activities of the Post on a continuing or long-term basis, whereby, committee members may be appointed to serve for more than one year. Ad Hoc committees are those established to manage short-term projects and activities, and will be dissolved when the task is completed. The purpose and responsibilities of each committee shall be set forth by the Executive Committee. The Executive Committee shall appoint, for each committee, a chairperson to be in charge of the affairs of the committee. It will be the responsibility of the chairperson to recruit members to serve on the committee. All committees shall be subject to and report to the Executive Committee.

SECTION 2. The following committees should be established as standing committees.

Section 2.1 Property Management Committee: This committee is responsible for the maintenance and upkeep of all real property and tangible personal property of the Post and for maintaining an inventory of all said property belonging to the Post, as specified in Article XII, Section 4. The committee must ensure that the building and grounds are properly maintained and will evaluate the need for services, repairs, upgrades, additions, or changes to the building, equipment, or grounds. The committee will ensure that all contracts for services are in writing and approved through the budget process. Once approved, the committee will oversee the performance of the contracts and will coordinate with the Finance Officer to ensure proper distribution for payments. In addition, this committee is responsible for managing the rental of the Post building and equipment, within the procedural guidelines establish by the Executive Committee and approved by the membership.

Section 2.2 Member Outreach Committee: This committee provides a central point of contact for receiving reports of members who have long term or serious medical conditions, and of those who have passed away. The committee keeps the membership informed of, and coordinates visitations of those who are sick, and, informs the membership of members who have passed, sends condolences and memorial contributions, and if requested by the Funeral Director, coordinates the scheduling of the Honor Guard detail.

Section 2.3 Uniformed Groups Committee: This committee oversees the operations of the Honor Guard Team, Color Guard Team, or other uniformed groups that the Executive Committee deems as necessary to represent the Post in parades, funerals, Post ceremonies, patriotic observances, and other such special community events. Unless otherwise designated by the Executive Committee, this committee will be chaired by the Sergeant-at-Arms.

Section 2.4 Sons of The American Legion Committee: This committee oversees the operations of the Sons of The American Legion Squadron 86.

SECTION 3. The following committee should be established as an ad-hoc committee.

Section 3.1 Constitution and By-Laws Committee: This committee shall review, evaluate, formulate and recommend changes to the Post Constitution and By-Laws. Any such recommended changes shall be presented to the Post Executive Committee for review and approval and then to the membership for final approval as provided for in the Article XXI of these by-laws. This Committee shall ensure that the Constitution and By-Laws are reviewed at least every three (3) years. This Committee shall maintain a log to record the dates of all reviews and amendments, and such log shall be kept in the file with the master copy of these documents. Unless otherwise designated by the Executive Committee, this committee will be chaired by the Judge Advocate.

**ARTICLE XXI
AMENDMENTS**

SECTION 1. These By-Laws may be altered, amended, repealed or added to, by a majority vote of the votes cast by the membership at a regular Post meeting provided that 1) such changes have been recommended by a resolution of the Post Executive Committee, 2) the proposed changes have been submitted in writing and read at a preceding regular meeting of the Post, 3) that notice was given to the membership at least ten (10) days in advance of the date when such amendments are to be voted upon, 4) a quorum is present at said meeting.

SECTION 2. These By-Laws and any changes therein shall be officially adopted and will become effective immediately upon approval by the membership.

SECTION 3. These By-Laws, after adoption, are subject to the provisions of the Constitution of the Department of North Carolina and the National Constitution of The American Legion and any part of these By-Laws, to be found in conflict with either the Department or Nation Constitution and By-Laws must be considered void.

SECTION 4. A copy of these By-Laws shall be filed with The American Legion Department of North Carolina Headquarters

CERTIFICATION

These By-Laws of American Legion Post 86 Department of North Carolina supersede any and all previously known or unknown, written and/or amended, reported or not reported By-Laws for governing the actions of American Legion Post 86.

It is hereby certified that these By-Laws were approved by a majority vote of the Post Executive Committee on _____, 2019, and by a majority vote of the votes cast by the membership at a regular Post meeting on _____, 2019.

| | |
|----------------|-------|
| _____ | _____ |
| Commander | Date |
| _____ | _____ |
| Adjutant | Date |
| _____ | _____ |
| Judge Advocate | Date |

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**Constitution and By-Laws
American Legion Post 86
Department of North Carolina
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