

**CONSTITUTION  
AND BY-LAWS  
OF  
CLINTON AMERICAN LEGION  
POST No. 259, INC.**

AS AMENDED AND REVISED THROUGH May 24, 2010



**THE AMERICAN LEGION  
DEPARTMENT OF MARYLAND  
CLINTON POST No. 259**

**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 associations in the great wars;

To inculcate a sense of individual obligation to the community, state, and nation;

To combat the autocracy of both the classes and the masses;

To make right the master of might;

To promote peace and good will on earth;

To safeguard and transmit to posterity the principles of justice, freedom, and democracy;

To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

**CONSTITUTION**  
**OF**  
**CLINTON AMERICAN LEGION**  
**POST No. 259, INC.**  
**THE AMERICAN LEGION**  
**DEPARTMENT OF MARYLAND**

**ARTICLE I - NAME**

**SECTION 1.** The name of this organization shall be Clinton American Legion, Post No. 259, Inc., Department of Maryland.

**ARTICLE II - OBJECTS**

**SECTION 1.** The object and purpose of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Department 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.** This organization shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking political office or preferment.

**SECTION 3.** Rank does not exist in the American Legion; no member shall be addressed by his military or naval rank in any meeting of this Post.

**ARTICLE IV - MEMBERSHIP**

**SECTION 1.** Eligibility to membership in this Post shall be prescribed by the National Constitution and By-Laws of the American Legion

**SECTION 2.** Applications for membership shall be made in writing under such regulations as may be prescribed by the American Legion National Organization. The application must be accompanied by a copy of the individual's DD form 214 or other official proof of honorable service as prescribed by the National Organization. The applicant must be sponsored by one member in good standing.

**SECTION 3.** The Post shall accept, reject, or refer back to the Membership Committee for further investigation, consideration and recommendation any application properly presented before it for action.

**SECTION 4.** An application for membership rejected by two-thirds or more of the members present voting against its acceptance may be resubmitted for action by the Post either by the Executive Committee or the Membership Committee at the next meeting of the Post following its rejection or at any subsequent meeting thereafter.

**SECTION 5.** Any member of this Post may be expelled or suspended for cause by a two-thirds vote of the Executive Committee within sixty days after charges are preferred under oath and in writing, and a fair trial had upon the same. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of the American Legion.

**SECTION 6.** A member who has been expelled or suspended from the Post for any cause may be reinstated to membership by two-thirds vote of the membership present in the Post meeting, provided however, that he shall make payment of any arrears in his dues at the time of expulsion or suspension, and any other regular dues which shall have been payable in the interval between his expulsion or suspension and his reinstatement.

**SECTION 7.** No person who has been expelled by another Post shall be admitted to membership in this Post without the consent of the expelling Post, except that where such consent has been asked for and denied, and the Department Executive Committee, on appeal by applicant, has granted permission to apply for membership in another Post.

## **ARTICLE V - OFFICERS**

**SECTION 1.** The administrative affairs of this Post of The American Legion shall, except as otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of one member for every 200 members of the Post not to exceed six 6, in addition to the officers of the Post. The term of office of the members of the Executive Committee shall be for one year. The Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

**SECTION 2.** The officers of this Post shall be a Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Finance Officer, Assistant Finance Officer, Historian, Chaplain, Service Officer, Judge Advocate, Sergeant Major, Sergeant At-Arms, Adjutant, Assistant Adjutant, and such other officers as may be deemed necessary by this organization.

**SECTION 3.** All Officers and Executive Committeemen, except the Immediate Past Commander, Adjutant, Assistant Adjutant, and Assistant Finance Officer, shall be elected annually and they shall hold office until their successors are duly installed. Any Officer or Executive Committeeman may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

**SECTION 4.** The Adjutant, Assistant Adjutant, and Assistant Finance Officer shall be appointed by the incoming commander. The Adjutant shall have a full vote on the Executive Committee. The Assistant Adjutant and Assistant Finance Officer shall have no vote except in the absence of the Adjutant or Finance Officer.

**SECTION 5.** Every member of this Post in good standing shall be eligible to hold office in this Post, except as otherwise provided in this Constitution and By-Laws.

**SECTION 6.** The duties of Officers and the Executive Committee shall be those usually pertaining to such officers or Executive Committeemen and further provided in the By-Laws.

## **ARTICLE VI - FINANCE**

**SECTION 1.** The revenue of this Post shall be derived from initiation fees, annual membership dues and such other sources approved by the Post, that are in conformance with all local, state and federal laws, codes and ordinances in compliance with all articles of the Constitution and By-Laws of THE AMERICAN LEGION and the American Legion, Department of Maryland.

**SECTION 2.** The amount of such membership or initiation fees and the amount of such annual Post dues shall be fixed and determined by this Post.

**SECTION 3.** The Post shall pay to Department Headquarters the National and Department annual membership dues for each member of the Post.

## **ARTICLE VII - CHARTER MEMBERS**

**SECTION 1.** Members who joined the Post prior to December 13, 1965, shall be known as Charter Members.

## **ARTICLE VII - AMERICAN LEGION AUXILIARY**

**SECTION 1.** This Post recognizes an auxiliary organization known as the "American Legion Auxiliary".

**SECTION 2.** Membership in the American Legion Auxiliary shall be as prescribed in Article XIII, Section 2 of the National Constitution of the American Legion.

**SECTION 3.** These organizations shall be governed in the Department of Maryland by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by The American Legion, Department of Maryland, Inc.

## **ARTICLE IX - AMENDMENTS**

**SECTION 1.** This Constitution is adopted subject to the provisions of the National Constitution of the American Legion and the Constitution of the Department of Maryland, The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provision hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

**SECTION 2.** This constitution may be amended at any Post regular meeting by a vote of two-thirds of the members of said Post present and voting at such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at a regular meeting of the Post and acted upon at the first regular meeting following such reading, and provided further that written notice shall have been given to all members at least ten (10) days in advance of the date that such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

**BY-LAWS**  
**OF**  
**CLINTON AMERICAN LEGION**  
**POST No. 259, INC.**  
**DEPARTMENT OF MARYLAND**

**ARTICLE I - NAME, OBJECTS & FISCAL YEAR**

**SECTION 1.** The Post existing under these By-Laws is known as Clinton American Legion, Post No. 259, Inc., The American Legion, Department of Maryland.

**SECTION 2.** The objects of this Post are set forth in the Post Constitution.

**SECTION 3.** The administration and financial year shall be from July 1, to June 30.

**ARTICLE II - MANAGEMENT**

**SECTION 1.** The government and management of this Post is entrusted to an Executive Committee.

**SECTION 2.** The Executive Committee shall consist of one member for every 200 members of the Post to be known as Executive Committeemen, the Immediate Past Commander, Commander, First, Second, and Third Vice Commanders, Finance Officer, Assistant Finance Officer, Judge Advocate, Service Officer, Historian, Chaplain, Sergeant Major, Sergeant-At-Arms, Adjutant, and Assistant Adjutant.

**SECTION 3.** The Executive Committee shall regularly meet at the call of the Commander, at least once each month. Special meetings shall be called at the request of the Commander or upon the joint written request of any five (5) members of the Executive Committee after first giving a three day notice thereof to each Executive Committee member.

**SECTION 4.** The quorum for any Executive Committee shall consist of 51 percent of the voting members. The Adjutant or Assistant Adjutant shall record the minutes of said meeting and in their absence, the Commander shall designate another member of the Committee to record the minutes.

**SECTION 5.** Each meeting of the Executive Committee shall be conducted in a business-like manner and any member of this Post in good standing may attend any meeting of the committee, but will not have a vote therein and may speak only through recognition by the chairman.

**SECTION 6.** The Executive Committee shall require adequate bond for all persons having custody of Post funds, shall hear reports of chairman of committees, shall have charge of and be responsible for the management of the affairs of the Post, and shall hire such employees as may be necessary. This includes both full time and part time employees. The Executive Committee may authorize and approve normal expenditures of Post funds after consultation with the finance committee not to exceed twenty five hundred dollars (\$2,500.00) in the normal operation of the Post facilities. Any expenditure not covered previously shall, after consultation with the finance committee, be referred to the Post at the next regular meeting. and any expenditure authorized

shall be reported to the Post at the next regular meeting. The Post Commander shall be authorized to make normal expenditures up to five hundred dollars (\$500.00) and emergency expenditures up to one thousand dollars (\$1,000.00) without prior approval, but shall account for and report all expenditures to the next Executive Committee.

**SECTION 7.** The Executive Committee shall act as a disciplinary committee in all cases concerning the Post. The Committee shall conduct an impartial hearing in all cases and shall either substantiate or dismiss such charges as are brought before it. The Committee shall have the power to suspend for any period up to, but not exceeding ninety (90) days. It shall not have the power of expulsion, but may make such recommendation to the membership who shall have final word as to an individual's expulsion. Should any member of the Executive Committee be involved in the action being heard by the committee, he (or she) shall immediately be disqualified as a member of the disciplinary committee and a substitute shall be appointed by the Commander. Should an individual's conduct warrant suspension of more than ninety (90) days, the Executive Committee shall bring that recommendation to the body who shall have the final say. The action from the disciplinary committee shall be governed by the procedure set forth in the Department Constitution and By-Laws.

**SECTION 8.** Officers and members of the Post Executive Committee and officers of our auxiliary units are ineligible to receive compensation for work performed and cannot be paid employees of the Post.

**SECTION 9.** The Executive Committee shall perform such other duties not listed in this article as may be required by other articles of these By-Laws and the Constitution.

**SECTION 10.** An officer or Executive Committeeman who misses three (3) or more Executive and/or regular Post meetings without prior notification to the Commander or Adjutant will be considered for removal from office for inefficiency as per Article V, Section 3 of the Constitution. The Commander may deem a member excused for illness, family emergency, employment, or attendance at an official American Legion function as per Article VIII, Section 4 of the By-Laws.

### **ARTICLE III - DUTIES OF OFFICERS**

**SECTION 1.** Duties of the Post Commander. It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and shall be the Chief Executive Officer of the Post. He shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. He shall perform such other duties as directed by the Post.

**SECTION 2.** Duties of the First Vice Commander. The First Vice Commander shall assume and discharge the duties of the office of Commander in the absence of, disability of, or when called upon by the Post Commander. In addition to the foregoing, the First Vice Commander shall be chairman of such committees as assigned by the Post Commander.

**SECTION 3.** Duties of the Second Vice Commander. The Second Vice Commander shall be in charge of such committees as appointed by the Post Commander.

**SECTION 4.** Duties of the Third Vice Commander. The Third Vice Commander shall be in charge of such committees as appointed by the Post Commander.

**SECTION 5.** Duties of the Post Adjutant. The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings of the Post and Executive Committee. He will keep such records as the Department and National Organizations may require, render reports of

membership annually or when called upon at a meeting, and under the direction of the Commander, handle all correspondence of the Post. He will perform other such duties as designated by the Post Commander. The Assistant Adjutant will perform these duties in the absence of the Adjutant, or as delegated by the Adjutant.

**SECTION 6.** Duties of the Finance Officer. The Finance Officer of the Post shall be chairman of the Finance Committee and shall report once a month to the Executive Committee and the membership the condition of the finances of the Post. He shall make such recommendations as may be expedient or necessary covering the expenditure of funds and the maintenance of the financial integrity of the Post. He shall maintain a general fund checking account for the Post funds and shall sign all checks disbursing funds from this account., and have the supervision over a special checking account in which all revenues received from the operation of the club facilities and the rental of that portion of the building and grounds available for public use are maintained, including the disbursement of funds from this account. The Assistant Finance Officer shall perform these duties in the absences of the Finance Officer or as delegated by the Finance Officer.

**SECTION 7.** Duties of the Service Officer. The Post Service Officer shall assist all veterans in obtaining information as to their veteran's rights and benefits and to assist in community affairs. He shall be responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted to them by law. He shall work closely with the Child Welfare and Visiting Committees. He shall be chairman of the Rehabilitation and Service Committee

**SECTION 8.** Duties of the Post Historian. The Post Historian shall be charged with the individual record and incidents of the Post and Post members, and shall perform such other duties as may properly pertain to the office as may be determined by the Post Commander or the Executive Committee.

**SECTION 9.** Duties of the Post Chaplain. The Post Chaplain shall be charged with the spiritual welfare of the Post members and offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., and adhere to such ceremonial rituals as are recommended by the National or Department Headquarters.

**SECTION 10.** Duties of the Sergeant Major. The duties of the Sergeant Major shall be to preserve order at all meetings and shall perform such other duties as may be assigned to him by the Post Executive Committee.

**SECTION 11.** Duties of the Sergeant-At-Arms. The duties of the Sergeant-At-Arms are to assist in the performance of all duties of the Sergeant Major.

**SECTION 12.** Duties of the Judge Advocate. The duties of the Judge Advocate shall be to supply professional advice in the conduct of the Post business or to procure proper counsel. He is the guardian of the constitutional form of Post government. He shall be responsible for the correct parliamentary procedure of all Post meetings.. He will work with the Review Board. He shall serve as chairman of the Constitution and By-Laws Committee.

**SECTION 13.** Duties of the Review Board. The Review Board, composed of seven (7) elected members shall be impartial. The two elected members receiving the fewest votes shall be alternate members, and shall serve at the call of the Review Board chairman. The Review Board, while in session, will listen to any and all complaints against any member of this Post, members of other Posts, or guests of this Post. This Board will meet only upon request of the Commander or Executive Committee to hear any or all complaints. The Review Board, after careful investigation and deliberation, will present their findings to the Executive Committee and will not have a vote in said Committee. The Review Board will work with and coordinate through the Judge Advocate.

## **ARTICLE IV - DELEGATES**

**SECTION 1.** All delegates and alternates to a Department Convention shall be elected by ballot at the meeting in March. The number of delegates and alternates elected shall comply with Department regulations. The nominees shall express an intent to attend the Departmental Convention and special meetings. In the event a delegate or alternate is unable to attend the Department Convention or special meetings, the Commander shall be notified so that he may appoint an alternate member to attend.

**SECTION 2.** All delegates and alternates shall continue to function as delegates of the Post for any election or other specially called convention that the Department may find to be necessary between the time of their election and the election of new delegates and alternates.

**SECTION 3.** Any member of this Post, in good standing, shall be eligible to be a candidate for delegate to the Department Convention.

**SECTION 4.** The out-going Commander shall lead the delegation at the Department Convention.

## **ARTICLE V - ELECTIONS**

**SECTION 1.** All elections of Officers, Executive Committeemen, Review Board and Delegates and Alternates to the Department Convention shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates,

**SECTION 2.** Any member of this Post in good standing, shall be eligible to hold office. The Post Commander may succeed himself in office for one (1) term for a total of two (2) successive years.

**SECTION 3.** Nominations for officers shall be made at the regularly scheduled meeting in March. Second nominations shall be made at the regularly scheduled meeting in April, at which time nominations will close. Nominations shall not be made from the floor at the May meeting except for offices that do not have candidates. At the nomination meetings, a member nominated for office shall accept or decline the nomination. If unable to appear in person, the nominee may accept or decline in writing to the Adjutant not later than the April meeting prior to the elections. If a nominee fails to accept or decline the nomination as set forth above, it shall be deemed and constituted to be declined and the name of the nominee shall be stricken from the ballot. Election of officers shall be from approximately 12 o'clock noon until 7:30 P.M. on the regularly scheduled meeting in May. The voting on election day shall only be for validly nominated and qualified candidates. Write-in votes shall not be accepted nor allowed.

**SECTION 4.** All elected Post Officers and Executive Committeemen shall be sworn in in accordance with procedures provided by The American Legion Department of Maryland and will assume their duties on the closing date of the Department Convention.

**SECTION 5.** All vacancies existing in the Executive Committee or in any office of the Post from any cause other than the expiration of the term of office shall be filled by a majority vote of the members in good standing present at the next regular meeting of the Post, and a member so appointed shall hold office for the remainder of the term of the Executive Committeeman or Officer he succeeds. A vacancy shall exist when an Executive Committeeman or officer is absent from his position for a period considered detrimental to the best interest of the Post by a two-thirds vote of the Executive Committee in accord with Article II, Section 2, of these By-laws.

## **ARTICLE VI - APPOINTMENTS**

**SECTION 1.** The Post Commander, immediately upon taking office each year, shall appoint an Adjutant, Assistant Adjutant, Assistant Finance Officer, and the chairmen of the following standing committees: Membership, House, Entertainment Ways and Means, Finance, Audit, Publicity, Public Relations, Service and Rehabilitation, Visiting, Americanism, Athletic, Sons of The American Legion, Child Welfare, Defense Committee, Nominating Committee, and other such committees as may be necessary. Such standing committees shall consist of those members as hereafter set forth and the chairmen thereof as shall be designated by the Post Commander. The committees shall meet at such times as may be required.

**SECTION 2.** Membership Committee. The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of the membership of the Post, reinstatement, and eligibility of members. This Committee shall be chaired by an officer of the Post and shall have two (2) or more members as appointed by the Commander.

**SECTION 3.** House Committee. The House Committee Chairman shall be appointed by the Commander, along with such other members as may be deemed necessary, not to exceed five (5) persons. The House Committee shall be responsible for all matters pertaining to rentals of the Post, scheduling of the hall, utilization and control of necessary janitorial services insofar as halls, kitchen, parking area and rest rooms are concerned.

**SECTION 4.** Entertainment Ways and Means Committee. The Entertainment Committee shall have charge of all matters pertaining to, and arrangement of, social activities of the Post. This committee shall consist of a chairman and as many appointed members as deemed necessary.

**SECTION 5.** Budget and Finance Committee. The Finance Committee shall consist of the Finance Officer as chairman, chairman of the House Committee and two (2) or more members of the Post as appointed by the Post Commander. It shall be charged with the administration of the financial policy, the preparation of budget recommendations, the supervision of receipt and expenditure of all funds of the Post at the direction of the Executive Committee and the proper accounting of all funds and revenues of the Post.

**SECTION 6.** Audit Committee. The Audit Committee shall consist of three (3) or more members, not connected with the disbursement of funds. It shall cause the start of the annual audit to be made by itself or an auditing firm within thirty (30) days of the close of the Legion year. All books, accounts, and financial records of the Post shall be turned over to the committee which shall conduct the audit or deliver the records to the auditing firm performing the audit. The committee shall make every effort to deliver the results of the audit to the Executive Committee within a reasonable time after the thirty (30) day delivery date. The Audit Committee shall conduct periodic audits as required throughout the year.

**SECTION 7.** Publicity Committee. The Publicity Committee shall be charged with the assembly, publication, and dissemination of the Post bulletin, the promotion of public support of the legion's program by the establishment of proper contact with the American Legion Magazine, Department and National Legion news service. It shall also be charged with promoting public support of Legion programs through publicity on Post programs and activities in the local news media.

**SECTION 8.** Service and Rehabilitation Committee. This Committee will be chaired by the Service Officer who will supervise all matters pertaining to the need of comrades in the prosecution of all just claims against the United States or state governments, employment, relief, etc.

**SECTION 9.** Visiting Committee. The Visiting Committee shall be charged with visiting and comforting of members of the families when sick or bereaved, and visiting ex-servicemen in nearby hospitals.

**SECTION 10.** Americanism Committee. The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements of proper observance of the patriotic occasions, encouragement of patriotic and civic phases of instruction in schools, including oratorical contests in the schools and Boys State, Americanization of aliens, combating anti-American propoganda by education of the general public in American Ideals through public forums, etc., and activities for community and civic betterment.

**SECTION 11.** Athletic Committee. The Athletic Committee shall be charged with the promotion of physical development and clean sports by the organization of Post athletic teams, American Legion baseball, recreation, etc., and by the cooperation and support in the general recreational and athletic program of the community.

**SECTION 12.** Sons of the American Legion Committee. This Committee shall oversee the operations of the Post's squadron of the Sons of the American Legion.

**SECTION 13.** Child Welfare Committee. The Child Welfare Committee shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community, laboring for the betterment of child conditions and in coordinating service and agencies in the community for the above services. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of a veteran shall be in need of the necessities of life" and "a square deal for every child."

**SECTION 14.** Defense Committee. The Defense Committee shall work with and Coordinate Legion efforts with the local defense council on matters pertaining to national, civilian and home defense. To assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.

**SECTION 15.** Nominating Committee. The Commander shall appoint a Nominating Committee consisting of three (3) members. The Committee shall meet no later than the regularly scheduled February meeting of the Post. The Committee shall consider and select from members of the Post in good standing those members they find qualified for consideration for filling the various offices of the Post and report its findings at the regular nominating meetings in March and April. The nominations made are for the guidance of the members and shall not preclude nominations from the floor.

## **ARTICLE VII - 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 opinions of this Post on the subject and copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

**SECTION 2.** All resolutions and motions coming from the floor during regular meetings and which call for the expending of funds shall be referred to the Executive Committee for consideration. The Executive Committee shall report its findings and recommendations to the membership at the next scheduled regular meeting at which time the proposed expenditure shall be acted upon accordingly.

**SECTION 3.** The Executive Committee shall submit in writing, no later than September 1, to the general membership for approval a proposed line budget for its term of office. Once the budget has been accepted, any additions (items not included) or increase in expenditures that exceed the budgeted amount must be referred to the Executive Committee for its findings and recommendations and be presented to the membership for acceptance or rejection at the next scheduled regular meeting.

## **ARTICLE VIII - MEETINGS**

**SECTION 1.** The regular meeting of the Post shall be held at the Post home on the fourth Monday of each month, at which time may be transacted such business as may properly be brought up for action: such meetings may be converted into an entertainment meeting as may be deemed advisable by the officers of the Post.

**SECTION 2.** The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time. The only business to be conducted at a special meeting shall be that specified for calling the meeting.

**SECTION 3.** A total of 25 members in good standing attending a regular or duly called special meeting shall constitute a quorum.

**SECTION 4.** Any member of this Post officially representing the Post at an officially recognized meeting or function of THE AMERICAN LEGION National Organization, The American Legion Department of Maryland, The American Legion Southern Maryland District Council, or The American Legion Prince George's County Council, and therefore unable to attend an official meeting of the Post, shall be excused for that meeting. Officers and committeemen shall be considered present at a regular meeting when they arrive before the call for Old Business and remain for the balance of the meeting.

## **ARTICLE IX - NOTICES**

**SECTION 1.** Every member shall furnish the Post Adjutant with his or her address for mailing purposes.

**SECTION 2.** The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

## **ARTICLE X - RULES OF ORDER**

**SECTION 1.** All proceedings of this Post shall be conducted under and pursuant to this Constitution and By-Laws and all cases not otherwise provided for herein, shall be governed by Robert's Rules of Order, newly revised.

## **ARTICLE XI - MEMBERSHIP**

**SECTION 1.** All applications for membership shall be acted upon at the second Post meeting following the first meeting at which such application is presented. This provision may be suspended at any Post meeting for the purpose of acting on such applications received at that meeting by and with the consent of two-thirds of the members present.

**SECTION 2.** The Post shall accept, reject or refer back to the Membership Committee for further investigation, consideration and recommendation any application presented properly before it for action.

**SECTION 3.** An application for membership rejected by two-thirds or more of the members present voting against its acceptance may be resubmitted for action by the Post either by the Executive Committee or the membership at the next meeting of the Post following its rejection or any subsequent meeting thereafter. An applicant, after being rejected twice for membership, is no longer eligible for membership in this Post.

**SECTION 4.** Life Membership Committee. The Life Membership Committee shall be composed of all honorary life members of the Post. The Chairman shall be elected by the Life Membership Committee and shall serve for a term of one year or for a lesser period of time as determined by the Life Membership Committee.

The Life Membership Committee shall act as the Nominating Committee for selecting honorary life members in the Post. At the regular Post meeting in March of each year, the membership shall be advised as to how to make recommendations for honorary life membership in the Post in accordance with the guidelines as stated below. All recommendations must be referred to the Life Membership Committee for their consideration.

The Life Membership Committee shall meet in May of each year. The Adjutant shall notify all committee members in writing at least two weeks prior, of the date, time, and place of the May meeting. In addition, the Commander, at his discretion, may call a special meeting at any time, provided the two week advance notice is given. The Committee will submit the name of candidates (if any) selected for honorary life membership in the Post for approval at the next membership meeting of the Post after first submitting same to the Executive Committee for their recommendation.

Guidelines for selecting candidates for honorary life membership in the Post shall be:

1. It is the intention of the Post that honorary life membership is to be conferred by the Post upon a member only when the member has rendered to the Post and to the American Legion services which are in truth and in fact distinguished, that is, marked or notable, in that by performance of such service, he has become preeminent among his fellow legionnaires and thereby entitled to great honor and to special reward.
2. The candidate shall have been a member in good standing of Clinton American Legion Post No. 259, Inc. for no less than ten (10) years.
3. The Life Membership Committee of its own volition may use additional criteria in selecting candidates.
- (4. Life Membership Awards will be presented at the annual Post Installation).

## **ARTICLE XII - POST HOME**

**SECTION 1.** Canteen. The club facilities, herein known as the canteen, shall be part of the social activities of the Post and directed and operated by the Executive Committee. The canteen and social activities shall be open to every member of this Post in good standing and their guests who are not under suspension, and to members of its auxiliary units in good standing, not under suspension, subject to the posted rules of the Executive Committee.

**SECTION 2.** Building. The social halls, the rest rooms adjoining, Kitchen and limited use of the parking area, may be rented to individuals or organizations for their use. No other part of the building, including the canteen may be rented out or made available for their use. We may grant occupancy to civic, religious, or patriotic organizations, the American Legion and The American Legion Auxiliary under the same conditions. All rentals and uses must be for legitimate purposes, none of which can be for purposes not inimical to the principles or policies of The American Legion. No rentals are to be granted if they conflict with any function of this Post or its Auxiliary. No indecent show or exhibition, disorderly gathering, or any conduct detrimental to the integrity of The American Legion and this Post shall be permitted.

**SECTION 3.** Revenue. All revenue received from the operation of the canteen, rentals or use of the non-restricted portion of the building shall be turned over to the Finance Officer of the Post who shall allocate such receipts to those accounts which the Executive Committee shall direct

**ARTICLE XIII - LIMITATIONS OF LIABILITIES**

**SECTION 1.** This Post shall incur or cause to be incurred, no liability nor obligation whatever, which shall subject it to liability of any other Post, subdivision group of men, members of The American Legion, or other individuals, corporations or organizations.

**SECTION 2.** No member shall purchase any article of merchandise, item of food or contract for any service or labor, or otherwise incur any liability in the name of this Post, except as authorized under these By-Laws, by the Executive Committee, in the conduct of its duties, or by an official action of this Post at a regular meeting.

**ARTICLE XIV - AMENDMENTS**

**SECTION 1.** These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members of this Post present and voting at such meeting, provided that the proposed amendment shall have been submitted in writing and read at the last previous regular meeting of said Post, and provided further that written notice shall have been given to all members at least ten days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

**ARTICLE XV - PAST COMMANDERS CLUB**

**SECTION 1.** This Post recognizes an organization known as The Past Commanders Club. Membership shall consist of all Past Commanders in good standing of Clinton American Legion, Post No. 259, Inc. The chairman shall be elected by the Past Commanders Club members. Term of office and other organizational procedures will be decided by the Past Commanders Club members. The Past Commanders Club shall act as an advisory body to the Post Commander when so requested.

**ARTICLE XVI - READING OF MINUTES**

**SECTION 1.** Reading the minutes of regular meetings and the Executive Committee meetings shall be waived if the minutes are printed and made available to the membership prior to scheduled regular and Executive Committee meetings.

All references to the masculine gender in this Constitution and By-Laws shall refer to both genders.

Approved by the general membership.  
Attested to this 24th day of May, 2010

\_\_\_\_\_  
Robert A Wilson  
Adjutant

\_\_\_\_\_  
Brian S Kern  
Commander

\_\_\_\_\_  
Elbert D White  
Judge Advocate

## TABLE OF CONTENTS

### CONSTITUTION

<u>TITLE</u>	<u>ARTICLE</u>	<u>PAGE</u>
AMENDMENTS .....	IX	5
AMERICAN LEGION AUXILIARY .....	VIII	5
CHARTER MEMBERS .....	VII	5
FINANCE .....	VI	5
MEMBERSHIP .....	IV	3
NAME .....	I	3
NATURE .....	III	3
OBJECTS .....	II	3
OFFICERS .....	V	4
PREAMBLE .....	-	2

### BY-LAWS

<u>TITLE</u>	<u>ARTICLE</u>	<u>PAGE</u>
AMENDMENTS .....	XIV	14
APPOINTMENTS .....	VI	10
DELEGATES .....	IV	9
DUTIES OF OFFICERS .....	III	7
ELECTIONS .....	V	9
LIMITATIONS OF LIABILITIES .....	XIII	14
MANAGEMENT .....	II	6
MEETINGS .....	VIII	12
MEMBERSHIP .....	XI	12
MINUTES .....	XVI	14
NAME, OBJECTS & FISCAL YEAR .....	I	6
NOTICES .....	IX	12
PAST COMMANDERS CLUB .....	XV	14
POST HOME .....	XII	13
RESOLUTIONS .....	VII	11
RULES OF ORDER .....	X	12