



**The American Legion
Phippsburg Memorial Post 216**

Constitution and By-Laws

Draft

Constitution

The American Legion Phippsburg Memorial Post 216

Preamble

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Article I - Name

1. The name of this organization shall be: Phippsburg Memorial Post 216, The American Legion, Department of Maine.
2. The Post was established on September 15, 2010. The government and management of this Post is entrusted to the Post Commander, and the Executive Committee, and shall operate on a calendar year (January 1st through December 31st).

Article II - Objects

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

1. This Post is a civilian organization and membership herein does not affect or increase liability for military or police service.
2. Rank does not exist in the American Legion; no member shall be addressed by his or her military or naval title in any meeting of this Post.

3. This organization 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 or endorsement.

Article IV - Membership

1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion. The minimum membership of this Post shall be fifteen (15).
2. All applications for membership, which are accompanied by the necessary annual dues, shall be acted upon at the next Post meeting following receipt and shall at said meeting be either accepted, rejected, or referred for further investigation and consideration. If a majority of members present cast their votes against the acceptance of said application, then such application shall be recorded as rejected. A rejected applicant must wait six (6) months before reapplying.
3. A receipt shall be issued to any member, prospective member, or transferee, upon payment of any dues received; every member shall furnish the Post Adjutant with their mailing address, phone number, and e-mail address for notification purposes.
4. A member may be expelled from the Post upon proper showing of cause, i.e. disloyalty, neglect of duty, dishonestly and conduct unbecoming a member of The American Legion. All charges must be made under oath and in writing by the accusers. No member shall lose his/her membership until given a fair trial as stipulated in the Post Officer's Guide, an official publication of The American Legion. It shall require a two-thirds (2/3) vote of the members present at a regular meeting to expel a member.
5. A member who has been expelled from this Post for cause may be reinstated to membership by a two-thirds (2/3) majority vote of the members present at a regularly scheduled meeting, provided payment of any arrears in dues during the interval between expulsion and reinstatement, are paid.
6. No member who has been expelled by this Post shall be admitted to membership in another Post without the consent of this Post; members expelled may appeal to the Executive Committee of the Department of Maine for reinstatement to the expelling Post. During any appeal process the member so expelled shall be ineligible for membership.
7. A member in good standing is defined as one who has a valid membership card for the current Legion year. A member must be in good standing to vote on Post affairs.

8. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If dues are paid on or before February 1st he or she shall be automatically reinstated. If he or she is still delinquent after February 1st, he or she shall be suspended from all privileges. If he or she is still under suspension by June 30th of such year, his or her membership in The American Legion shall be forfeited. A member whose membership has been so suspended or forfeited may be reinstated to active membership in good standing by majority vote of the Post and the payment of current dues for the year in which reinstatement occurs.

Article V - Officers

1. The administrative affairs of this Post shall, except as otherwise provided in the By-Laws, be under the supervision of the Executive Committee, consisting of the Post Commander, Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Service Officer, Sergeant-at-Arms and Judge Advocate. The Post may elect such additional officers, as it deems necessary.
2. The Elected Officers of this Post shall be:
 - A. Commander*
 - B. Vice-Commander*
 - C. Adjutant*
 - D. Finance Officer*
 - E. Historian*
 - F. Chaplain*
 - G. Service Officer*
 - H. Sergeant-At-Arms
 - I. Judge Advocate

* - Required by The American Legion Department of Maine Constitution

3. All officers will serve for two (2) years, or until a successor is installed or as otherwise herein provided; An officer may be removed from office for cause, provided the affected person is afforded charges under oath, and in writing, one (1) month prior to the contemplated action; Such removal requires a two-thirds (2/3) majority vote of the Executive Committee.

Article VI - Nominations - Elections – Vacancies

1. The officers shall be nominated by a Nominating Committee of three (3) members in good standing of this post, appointed by the Executive Committee, of whom not more than one (1) shall be an officer, at the March meeting during the odd year. The Nominating Committee shall then report to the general membership the names of the candidates for each office at the April meeting of the odd year. Nominations shall also be accepted from the floor at said meeting for any of the offices listed in Article V, Section 2.

2. The officers listed in Article V, Section 2 shall be elected by written ballot at the May meeting of the odd year, and shall hold office from installation at the June meeting of the odd year for a period of two (2) years, or until their successors are chosen and installed.
3. Every member in good standing in this Post shall be eligible to hold office of this post.
4. The duties of the officers shall be those usually pertaining to the respective office and as further provided in the By-Laws.
5. In the event of a vacancy of the Post Commander, the Vice Commander will automatically ascend to that position. If, after the Vice Commander ascends to Post Commander, he should die, resign, or otherwise be removed from office, the Post Executive Committee shall, by a majority vote, elect a successor. The same situation applies to a Commander - (Elect); the Vice Commander - (Elect) will ascend to the position of Post Commander without further elections. For other vacancies occurring on the Post Executive Committee, their successors will be elected by a majority vote of the Executive Committee. Should other vacancies occur on the Executive Committee - (Elect), that office will remain vacant until after Officer Installation, successors will then be elected by a majority vote of the newly installed Executive Committee.
6. If determined by a majority vote of the Post Executive Committee, a vacancy shall occur when an officer has three (3) or more unexcused absences from mandatory meetings, or American Legion functions.

Article VII - Finance

1. The revenue of this Post shall be derived from annual membership dues or from such other sources as may be provided by the Post Executive Committee.
2. The amount of Annual membership dues shall be fixed and determined by a majority vote of the members present and voting at a General Membership meeting.
3. The Post shall pay to Department Headquarters, the National and Department annual membership dues for every member of this Post.

Article VIII - American Legion Auxiliary - *Reserved*

Article IX – Sons of the American Legion - *Reserved*

Article X – American Legion Riders - *Reserved*

Article XI - Amendments

1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion, and the Department Constitution of the Department of Maine, The American Legion. Any amendment to said National 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.

2. This Constitution may be amended at any regular Post General membership meeting by a two-thirds (2/3) majority vote of the members present and voting, provided that the proposed amendment shall have been submitted in writing and read at the next regular meeting of the Post, preceding the meeting the vote will take place; and provided further, that written notice shall have been given to all members at least twenty (20) days in advance of the date when such amendment is to be voted upon, notifying all members that at such meeting a proposal to amend the Constitution is to be voted on.

Constitution Amendment Summary		
Date	Section	Amendment

By-Laws

The American Legion Phippsburg Memorial Post 216

Article I

1. The Post existing under these By-Laws is to be known as Phippsburg Memorial Post 216, The American Legion, Department of Maine. The purpose of this Post is as set forth in the Preamble and the Constitution.

Article II - Management

1. The government and management of this Post is entrusted to the Executive Committee, consisting of all officers.
2. Article VI of the Constitution of this Post sets forth the policy for elections and vacancies.

Article III - Post Executive Committee

1. The Post Executive Committee shall meet for organization and such other business as may come before it, within thirty (30) days after installation. Thereafter, the Committee shall meet at least once each month, with the exception of December, and as often as the Post Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of the Committee. A majority of the voting members of the Committee shall constitute a quorum. The Post Commander will serve as the Chairperson.
2. The Post Executive Committee shall supervise the expenditures of all funds, may require bonds for all persons having custody of the Post funds, shall hear the reports of committee chairpersons; and generally shall have charge and responsibility for the management of the affairs of the Post.
3. The Post Executive Committee shall be authorized to expend funds for the operation and overall management of this Post up to an amount of \$500.00 for any single expenditure. Any amount over the afore stated amount needs approval of the majority of the post members in attendance at a regularly schedule meeting except in an emergent situation where the Post Executive Committee shall authorize the expenditure and advise the post membership of the specifics of the emergent situation at the next regularly schedule meeting of the Post.

Article IV - Duties of Officers

1. *POST COMMANDER*: The Post Commander shall preside at all meetings of the Post and Executive, and have general supervision over the business affairs of the Post. He or she shall perform other duties as directed by the Post.
2. *VICE-COMMANDER*: The Post Vice Commander shall assume the duties of the Post Commander in the absence of that Officer, or when called upon by the Post Commander. He or she shall be the chairman of the Membership Committee or in charge of the membership.
3. *POST ADJUTANT*: The Post Adjutant shall have charge of and keep full, and accurate records of all meetings and proceedings; maintain other records as the National, Department, and Post directs; be responsible for all correspondence, filing, and records; be responsible for membership rosters, cards, reports and mail.
4. *FINANCE OFFICER*: The Finance Officer shall have charge of all funds of the Post and Post finances. He or she shall ensure that funds are safely deposited in a local financial institution as approved by the Post Executive Committee, and shall report at least once a month (except December) to both the Executive Committee and the General Membership the condition of all Post finances, with such recommendations as he or she may deem necessary for raising funds with which he or she is to carry on the activities of the Post. He or she shall sign all checks disbursing monies of the Post. He or she shall furnish such surety bond as required by the Executive Committee and perform other duties as directed by the Post Commander or the Executive Committee.
5. *HISTORIAN*: The Historian shall collect, evaluate and compile the written and photographic information concerning Post activities and records of merit; determine which records are of merit or have a historical nature, and ensure their proper collation, storage and safe keeping; preserve other objects, i.e.: trophies and relics that have a historical value to the Post.
6. *CHAPLAIN*: The Chaplain shall be charged with the spiritual welfare of Post comrades and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., shall adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.
7. *SERVICE OFFICER*: The Service Officer shall promote the rehabilitation of comrades and render assistance in securing hospitalization, relief, and prosecution of claims pertaining to the Veterans Administration and any other service organization.

8. *SERGEANT-AT-ARMS*: The Sergeant-at-Arms shall preserve order and decorum at all meetings and other official functions; when required arrange and participate in patriotic ceremonies, functions, and other designated events; ensure proper equipment is set-up or provided, i.e.: tables, chairs, podium, sound system, etc; be custodian of all flags and memorabilia, including proper display, procurement and replacement; and perform other duties as directed by the Post Commander or the Executive Committee.
9. *JUDGE ADVOCATE*: Shall advise the Post Commander and the Executive Committee on legal questions, inquiries, administrative policies, procedures, and act as parliamentarian, when applicable.

Article V – Appointments and Duties

1. Upon assuming office the Post Commander shall appoint Chairpersons to the Standing Committees. Those appointed shall perform tasks commensurate with titles and duties listed, and Legion publications as applicable, including directives from the Post Commander and the Executive Committee. The Post Commander may delegate authority to chairpersons to select additional Post Members to their respective committees; the Post Commander shall also appoint chairpersons to other non-standing committees, as necessary for the smooth operation of the Post. All appointed Committee Chairpersons and Committee members shall serve at the pleasure of the Post Commander. The duties of Standing Committees are:
 - A. *MEMBERSHIP COMMITTEE*: Under the direction of the Post Vice-Commander, this Committee shall have charge of all matters pertaining to the membership of this Post, i.e.: new members, reinstatements, transfers, and retention of current members; ascertain all eligibility requirements.

Article VI - Meetings

1. Regular General membership meetings will normally be held on the third (3rd) Thursday of each month (except December) at which may be transacted such business as may properly be brought up for action, such meetings may be converted into entertainment meetings, as may be deemed advisable by the Executive Committee. The monthly meeting date can be changed by the Post Commander or a majority of the Executive Committee due to unforeseen circumstances.
2. The Post Commander or a majority of the Executive Committee may call a special meeting of the Post at any time.
3. Upon written request of four (4) members, the Commander shall call a special meeting of the Post. However, at a special meeting only that business for which the meeting was called will be transacted.

4. Six (6) members in good standing shall constitute a quorum.
5. The Executive Committee may consider motions made on the floor from the general membership that normally fall under its purview. Motions considered or not considered by the Executive Committee will be recorded in the official minutes.
6. All meetings and proceedings shall be conducted under prescribed guidelines, rituals, and proper orders of business as per the “Officer’s Guide And Manual of Ceremonies” and “Roberts Rules of Order” revised, except as otherwise provided in these By-Laws. The “Officer’s Guide And Manual of Ceremonies” should be referred to for a condensed version of parliamentary procedures.

Article VII - Resolutions

1. *Outside Resolutions:* All resolutions received from other Posts, District(s), State or National Headquarters reported to this Post, shall merely embody the opinion of the sender, and if required, this Post will concur, non-concur, or endorse, and forward same before any publicity is given, other than the mere passage through Post 216.
2. *Post 216 Resolutions:* Resolutions submitted to higher authority by members of Post 216 shall be prepared in the proper format, and read to the General Membership for appropriate endorsement, prior to being forwarded.

Article VIII - Amendments

1. These By-Laws may be amended at any regular Post meeting by a two-thirds (2/3) majority vote of the members present and voting, provided that any such proposed amendment(s) shall have been submitted in writing and read at the next regular meeting of this Post; preceding the meeting the vote will take place; and provided further, that written notice shall have been given to all members at least twenty (20) days in advance of the date when such amendment is to be voted upon, notifying the members that at such meeting a proposal to amend the By-Laws is to be voted upon.

By-Laws Amendment Summary		
Date	Section	Amendment