



**American Legion  
Department of Ohio**

## **Post Constitution & By-Laws**

**Rev. 8/24/2023**

---

# Constitution

*Department of Ohio.*

## PREAMBLE

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in all wars; to inculcate a sense of individual obligation to 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, Location and Objects**

**Section 1. Name:** The name of this corporation shall be Name

**Section 2. Location:** The principal office of the corporation shall be the facilities of Name, Address and State of Ohio.

**Section 3. Objects:** The objects of said corporation are:

- a) To conduct a local Post known as a Name
- b) To hold title to real estate and personal property which are to be used for the pleasure, convenience, and benefit of the said Post and for carrying out its patriotic, civic purposes.

## ARTICLE II

## **Membership**

**Section 1. Members:** The membership of this post shall be regulated by the rules laid down by The American Legion and the By-Laws herein and as may be from time to time amended by the said American Legion in its conventions or by its Executive Committee. No person shall be a member of this Post unless he or she has been elected to membership in this Post, has paid the dues required of members of this Post and has provided the proper documentation proving eligibility. Swearing ceremonies will occur at the 1<sup>st</sup> Vice Commander's or Membership Team, etc discretion.

- a. **Dues:** The Annual dues for this Post shall be \$ per member. The Post shall pay for all new members serving active duty for their first year membership in the Post

## **ARTICLE III**

### **Meetings**

**Section 1. Annual Meetings:** The April Meeting will serve as our Annual meeting to elect Officers and Trustees.

**Section 2. Monthly Meetings:** The Post shall conduct regular meetings on Date and time, at which time may be transacted such business as may be properly brought up for action; such meetings may be converted into entertainment meetings from time to time, as may be deemed advisable by the officers of the Post.

**Section 3. Special Meetings:** Pursuant to such notices as may be sent out by the Adjutant of this Post, special meetings may be held at any time. Said notices shall be by mail, newspaper, telephone or otherwise, but no business materially affecting the assets of the corporation or for the change of the Post Constitution or By-Laws of the corporation shall be taken up or considered at any special meeting unless notice is given as described in Article X, Section 2 for the Code of Regulations and as described in Article IX for the By-Laws.

**Section 4. Quorum:** Five members shall constitute a quorum, for the transaction of business at any Monthly or special meetings of the Post.

**Section 5.** In the event of uncontrollable circumstances, a virtual meeting may take the place of a live, in person meeting.

## **ARTICLE IV**

### **Trustees**

**Section 1. Election of Trustees:** The election of Post Trustee shall be for a term of one 3 year, one 2 year and one 1 year positions . The Duties of the Post trustees are to care for and maintain the building.

**Section 2. Power of Trustees:** The Board of Trustees shall have the control of the property ; subject only to the actions of the members in the meeting assembled. It may propose By-Laws not inconsistent with these regulations, initiate and enforce rules governing the use of the property of the Post by its members, their children, and guests; the Commander may fill vacancies on the board

**Section 3. Trustees Meeting:** The Board of Trustees shall hold a regular meeting on the First Tuesday of the month. Special meetings of the Board of Trustees may be called by the Commander.

**Section 4. Quorum:** 3 shall constitute a quorum, for the conduct of business.

## **ARTICLE V**

### **Officers**

**Section 1.** The officers of this corporation shall be a Commander, Vice Commander, a Second Vice Commander, an Adjutant, and a Finance Officer. The Post shall elect said officers by a majority ballot cast by regular members of this Post. They shall hold offices for one (1) year or until their successors are elected and qualified.

**Section 2. Commander:** The Commander shall be the Commander of the Post and shall preside at all meetings of the Trustees. He/or she shall sign the records and minutes. He/or she shall manage and conduct the business generally of the Post under the direction of the Executive Committee. The Commander may appoint any open, elected position, with the majority approval of the Membership.

**Section 3. First Vice Commander:** First Vice Commander of the Post. He/or She shall perform all the duties of the Commander in the case of the absence or disability of the Commander, as determined by the Membership. He/ or She shall also be the Membership Chairman of the Post and maintain the membership records. He/ or She shall read reports of membership monthly when called upon at any meeting.

**Section 4. Second Vice Commander:** The Second Vice Commander shall be responsible for assisting the Commander in all his/her duties. The Second Vice Commanders interests shall be in the patriotic observances of all kinds, in developing Post activities and entertainment events.

**Section 5. Adjutant:** The Adjutant shall have the charge of and keep a full correct record of all proceedings of all meetings, keep records as the Department and National organizations may require, and under the direction of the Commander, handle all correspondence of the Post. He/or she shall be one signer of all Post Accounts.

**Section 6. Finance Officer:** The Finance Officer shall see that all funds in their possession shall be safely deposited in a local bank and shall report to the membership at least once per month at the monthly meeting, the conditions of the finances of the Post. He/or She shall be one of the Signer for any checks disbursing the monies of the general and membership funds. The Adjutant and Finance Officer shall be on all Post accounts. The Finance Officer and Adjutant shall be fully bonded or covered through the Post liability insurance policy. The Finance Officer acts as the liaison to the Canteen. The Finance Officer shall also be on any accounts for the Sons of the American Legion.

**Section 7. Non-elected Offices or Officers:** The Post Commander may appoint members for the following positions:

**a). Chaplain:** The chaplain shall be charged with the spiritual welfare of the Post and shall perform such other duties as are prescribed in the Official Ritual of Legion; shall attend, and

when requested, officiate at the funeral of deceased comrades, dedications and public functions.

**b). Post Historian:** The Post Historian shall be the publicity officer of the Post and shall regularly furnish proper publicity material to the local newspaper and to the National and Department publications. He shall be charged with keeping of individual reports and incidents of the Post, and Post members and shall perform such other duties as might be incumbent upon that office.

**c). Service Officer:** The Service Officer, who may hold any other elective or appointive office, shall advise and assist deserving members and veterans, or their dependents, in the preparation and prosecution of their equitable claims for benefits from any government agency; shall assist deserving members and veterans to secure suitable and gainful employment; shall dispense relief to worthy indigent members and veterans or their dependents, from a fund so provided by the Executive Committee; shall officially contact and cooperate with all the various governmental agencies having to do with veterans affairs; shall submit a report monthly to the Executive Committee and annually to the Post as to activities of his office; shall perform such other duties as may be delegated by the Commander of the Post.

**d). Sergeant-at-Arms:** The Sergeant-at-Arms shall be responsible for those present in the meetings as to their eligibility for participation therein and shall report to the Commander as to any visitors present. He shall obey and enforce all orders of the Commander in preserving order at the meetings and shall let no one enter or depart during the opening or closing ceremonies. He shall oversee the stand of colors which shall be displayed at Post meetings and ceremonial occasions. He shall be responsible for ensuring that all colors on display at the Post are in serviceable condition. He shall perform such other duties as may be delegated by the Post Commander or prescribed by the Legion Manual.

**e). Color Guard:** The Color Guard shall perform such duties as are prescribed in the Official Ritual of the American Legion and as may be delegated by the Commander.

**f). ASSISTANT FINANCE OFFICER:** The assistant finance officer will assist the finance officer in all duties.

**g.** Such other positions and titles as may be deemed necessary, may be created for the betterment of the Post.

**Section 8.** At the end of their term in office, all elective and non-elective officers shall turn over to their successors and/or the corporation, all Post correspondence and property that may have been entrusted to their care.

## **Section 9. POST EXECUTIVE COMMITTEE**

- a. Between meetings, the administrative power shall be vested in the Executive Committee which shall consist of the Commander, First Vice Commander, 2nd Vice Commander, Finance Officer, Past Commander and three trustees. Date and Time.
- b. The Post Commander shall serve as chairman in the absences of the Commander the 1st Vice shall serve in that capacity. The Adjutant shall serve as Secretary of the PEC

## **ARTICLE VI**

### **Discipline**

**Section 1.** Each Post of The American Legion, Department of Ohio, shall be the judge of its own membership, subject to the restrictions of the National American Legion Constitution and By-Laws and the Department of Ohio Constitution and By-Laws, except that 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 2.** Members may be reprimanded, suspended, or expelled from The American Legion, and officers may be reprimanded, removed from elected office, suspended, or expelled from membership only upon providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duties, dishonesty, and conduct unbecoming a member or officer of The American Legion. All charges must be made under oath in writing by an accuser, and no member in good standing shall be reprimanded, suspended, or expelled, nor shall any elected officer be reprimanded or removed from office, suspended, or expelled, until given a fair trial in such manner and form as the Department Executive Committee shall prescribe in the Department of Ohio Uniform Code for the Conduct of Disciplinary Proceedings. The trial proceedings shall be recorded by visual or sound recording or by verbatim transcription. The trial board verdict shall be announced at the next regular meeting of the post

membership, whereupon the membership may, except in the case of an acquittal, affirm, modify, or reverse the findings and sentence of the trial board.

**Section 3.** If the accused is suspended or expelled, or is removed from office, the accused person may appeal such a decision to the Department Executive Committee. Said appeal must be filed with the Department Adjutant within thirty (30) days of the decision of the post membership on the trial verdict. The Department Executive Committee shall hear the appeal, with the Department Judge Advocate presiding, and determine the issue at its meeting next following the action of the Post. The Department Executive Committee shall conduct its hearing solely upon the evidence considered by the trial board, and oral argument of the parties. The decision of the Department Executive Committee shall be final, if appeal to it be made; otherwise, the decision of the Post shall be final. The Post Executive Committee shall appoint a member or members of the Post or may retain counsel to prosecute the charges and the disciplined member may be represented by person or by counsel of their own choosing.

## **ARTICLE VII**

### **SEAL**

This corporation has a seal, which is described as follows: A seal press containing the emblem of the American Legion with the name of the Post and the number of the Post thereon.



## **ARTICLE VIII**

### **Order of Business**

Unless otherwise ordered by the majority vote of the members present, the order of business at all regular and special meetings of the Post shall be as follows:

1. Presentation of the Colors
2. Opening prayer
3. Reading of minutes of previous meeting
4. Introduction of guests and prospective and new members
5. Committee reports
6. Balloting on applications
7. Sick call, relief, and employment
8. Post Service Officer's report
9. Initiation of candidates
10. Unfinished business
11. Election of officers, trustees, or appointment of committees
12. New business (and correspondence)
13. Memorial to a departed Post member
14. The good of the American Legion. (The membership shall be permitted to make any suggestions of any kind, character, or description, save of religion or partisan politics)
15. Closing prayer
16. Retirement of Colors

## **ARTICLE IX**

### **By-Laws**

By Laws for the further government of membership of the Post may be adopted, amended, or repealed by a majority vote of the membership present at any meeting if there is a quorum. Notice of repeal of the said By-Laws or amendment of said By Laws, shall have been announced at the previous meeting and a written copy thereof filed with the Adjutant, together with a declaration as to the date of the meeting at which the person proposing the action to be taken.

### **Delegates**

Delegates shall represent the Post as prescribed in the By-Laws of this corporation.

## **ARTICLE X**

### **Repeals and Amendments**

**Section 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 Ohio. Any amendments to said National Constitution or Department Constitution, which conflicts 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 regular Post meeting by a majority vote of the members of said Post attending such regular meeting, providing that the proposed amendment shall have been submitted in writing and read at the last preceding regular meeting of said Post, and providing further, that written notice shall have been given to all members at least thirty (30) 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 Constitution is to be voted upon.

**(End of Post Constitution)**

## **By-Laws**

*Department of Ohio*

### **ARTICLE I**

#### **Membership**

**Section 1.** Any person shall be eligible for membership in this Post of the American Legion who was a member of the Army, Navy, Marine Corps, Coast Guard, Air Force or National Guard of the United States and assigned to active duty during any of the eligibility dates set by the American Legion handbook.

All dates inclusive, or who, being a citizen of the United States at the time of his/her entry therein, served on active duty in the armed forces of any of the governments associated with the United States during any of said periods; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any of said periods; provided further, that no person shall be entitled to membership who, being in such service during any of the said periods, refused on conscientious, political or other grounds to subject him/herself to military discipline or unqualified service.

**Section 2. MEMBER RESPONSIBILITIES:** All members and their guests shall immediately report an incident that they are involved in or a witness to, to a Post Officer , bartender on duty or Canteen Manager. The member(s) or guest(s) shall also fill out a written statement as so as practical describing the incident.

The Post Officer, bartender or Canteen Manager shall also fill out a written statement describing what happened and take pictures if necessary. Examples of pictures might include: Any injury to a person or any area of the Post or property that is involved, etc....

**Section 3.** This Post shall by acclamation or secret ballot, admit or reject any applicant provided that all applicants admitted to membership be eligible under provisions of Article 1, Section 1 of the By-Laws herein. Majority vote elects.

**Section 4.** This Post shall forward to Department Headquarters the National and Departmental dues for each of its members as such are collected and/or payable annually.

**Section 5.** This Post shall forward to the District \$ per member as a per capita tax assessment as shall be constitutionally provided at the beginning of the Membership year.

**Section 6.** No person who has been expelled by or from another Post shall be admitted to membership to this Post without the consent of the expelling Post, except when permission to admit such person has been granted by the Executive Committee of the Department of the expelling Post.

**Section 7.** A member, whose dues for the current year have not been paid by January 1 of each calendar year, becomes delinquent. If dues have not been paid by February 1, the member is suspended, but nevertheless a member with no privilege except that of reinstatement by vote of the Post and payment of dues. If the delinquent member does not pay any dues owed, the member is dropped from the roll by constitutional mandate and the membership forfeited.

**Section 8.** Under no circumstances shall the membership roster of names and addresses be used for other than Legion purposes, except by consent from the Post Executive Committee.

**Section 9.** There shall be no form or class of membership in this Post except an active membership. Social Membership is prohibited.

**Section 10.** All new members shall assume the American Legion obligation as prescribed by the Manual of Ceremonies of the American Legion.

**Section 11.** Each member shall be given a copy of By Laws, upon request.

## **ARTICLE II**

### **Elections**

**Section 1.** No candidate for nomination or election to, or no incumbent of, any remunerative elective public office, shall hold any elective office or any appointive office in this Post of the American Legion, provided that members of Post Standing Committee shall be affected, unless approved by the Post Executive Board.

**Section 2.** Nomination of candidates for elective offices shall be submitted to the membership by a nominating committee duly appointed by the Commander, which committee shall be appointed prior to the monthly meeting in March of each year.

**Section 3.** Nomination for candidates for elective offices shall be submitted to the floor of the Post, first by the nominating committee, second by nominations made by members from the floor at the first monthly meeting in April of each year. All nominations shall be made only with the consent of the person being nominated.

**Section 4.** The nominations duly made shall be placed on a ballot and voted upon by secret ballot and elected by the Post by a majority vote. Said ballots shall be counted and new officers shall be announced and presented to the Post.

**Section 5.** In the event an Officers position is uncontested, the election of that position shall be made by motion of unanimous vote by the membership at the nomination meeting.

**Section 6.** There shall be no Absentee Ballots.

**Section 7.** All elective officers of this Post shall be installed before June 1<sup>st</sup> following their election. Those elected to fill vacancies caused by death, resignation or removal from office, prior to the completion of their terms, shall be installed as soon as possible.

**Section 8.** In the event of uncontrollable circumstances, elections may be held electronically as directed by the majority vote of the trustees.

**Section 9.** The election of officers for both the Legion and the S.A.L shall be at the April Meeting.

## **ARTICLE III**

### **Duties of Officers**

**Section 1.** It shall be the duty of all officers, Commander, First Vice Commander, Second Vice Commander, Adjutant and Finance Officer, to attend all meetings of the Post, unless otherwise excused by the Commander. Any officers of the Post missing three (3) meetings shall constitute a resignation.

## **ARTICLE IV**

### **Meetings**

**Section 1.** Notice of all special meetings shall be forwarded to all members of the Post at least one (1) day prior to the date of such meeting. The notice of such meetings and no other business than that specified in such notice shall be transacted at such meeting.

**Section 2. Records Retention:** The Adjutant shall keep the following Post records indefinitely, but not limited to:

- Meeting Minutes
- Finance Reports
- Membership Records

These records must be kept physically secured at the Post.

## **ARTICLE V**

### **Dues and Finances**

**Section 1.** The annual membership dues shall be set by the Executive Committee annually, which shall be payable before January 1<sup>st</sup> for the succeeding calendar year, and in accordance with Article 1, Section 6 of the By-Laws as such may apply to a delinquent member.

**Section 2.** All Post officials and employees handling American Legion monies shall be properly bonded, and or covered by the Post liability insurance policy. The bonds and or Post liability insurance policy provided by Post officials shall be approved by the Executive Committee of the Post and paid for by the Post.

**Section 3.** Bills or invoices shall be paid by checks signed by the Finance Officer or Adjutant.

**Section 4.** The Finance Officer shall deposit all funds (but the Canteen deposit which the Canteen Manager will do) of this Post in a local bank to be named by the Executive Committee.

**Section 5.** All proceeds payable to the Post from any source other than membership dues may be set aside in separate funds.

**Section 6.** No banking accounts shall be opened or closed without the approval of the Executive Committee.

**Section 6a.** Unless approved by the Executive Committee, all Post funds shall be deposited in an authorized Post banking account.

## **ARTICLE VI**

### **Committees**

**Section 1.** The Commander may organize any committee that he/or she deems necessary.

## **ARTICLE VII**

### **Delegates**

**Section 1.** Delegates and alternates to the District and Department conventions shall be elected at a regular monthly meeting of the post held at least (30) days prior to the dates of such conventions.

**Section 2.** American Legion members of Post ? that are elected to a District Officer Position (Commander, First Vice Commander, Second Vice Commander, and Finance Officer) shall be delegates, with vote, to be exercised with their respective Post, provided they are present and registered to the District and State Convention in the year which they hold district office.

All Past District Commanders, while in good standing with Post ? , shall be Delegates to all District and State Conventions, with vote, to be exercised by their respective Post, only if they are present and registered at those conventions.

**(End of Post By-Laws)**