



February 1, 2024

CONSTITUTION HARDIN POST 113 DEPARTMENT OF KENTUCKY

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

The name of this organization shall be Hardin Post 113, The American Legion, Department of Kentucky.

Article II Nature

Section 1. This post is for a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2. This organization shall be non-political and shall not be used for partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Rank does not exist in The American Legion; no member shall be addressed by his/her military or naval title in any meeting of this post.

Article III Membership

Section 1. Eligibility to membership in this post shall be as prescribed by the national Constitution of The American Legion.

Section 2. Application for membership shall be made in writing per requirements of the National Organization.

Section 3. All applications for membership shall be processed by the Post Adjutant, and if necessary, be acted upon at the next executive board meeting following the making of such application, and shall at such meeting, be accepted, rejected, or referred for further investigation and consideration. If a majority of members present cast their vote against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not

be reconsidered until after the expiration of six months from the date of such rejection.

Section 4. Post members may be suspended or expelled from The American Legion only as provided in The American Legion, Department of Kentucky Constitution. Membership in the American Legion entitles the member only to attend official American Legion functions. The Executive Committee of the Post has absolute authority to control the conduct of Post members and their guests. Upon demonstrating conduct unbecoming by a Post member, the Executive Committee in its sole discretion, by majority vote of its members may exclude a Post member from participation in all non-official functions.

The Post Commander has authority to temporarily suspend and exclude a member's participation until the next regularly scheduled Executive Committee meeting.

Any member who has been suspended from Post non-official functions will be notified by registered mail by the Adjutant of the reasons for suspension and will be given a date and time to appear before the Executive Committee for resolution of the matter.

The affected member has the right to appear before the Executive Committee to present his defense. Further appeals may be allowable at the discretion of the Executive Committee.

Section 5. A member who has been expelled or suspended from The American Legion for any cause may be reinstated to membership by a two-thirds vote of the membership present in post meeting, and the payment of current dues for the year in which the reinstatement occurs.

Section 6. No person who has been expelled by a 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 by such post, he may then appeal to the state Executive Committee of the Department of the expelling post for permission to apply for membership in this post and shall be ineligible for membership until such permission is granted.

Article IV Officers

Section 1. The administrative affairs of this post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of nine voting members, who shall be elected officers of the Post. The term of office of members of the Executive Committee shall be for one year. This post, by its By-Laws, may provide for such other standing committees and non-voting members of the Executive Committee as the business of the organization may require.

Section 2. The officers of this post shall be a Commander, two Vice-Commanders, an Adjutant, a Finance Officer, a Post Chaplain, Post Service Officer, Sergeant-At-Arms, Publicity Officer who shall have their name placed in nomination by the Nominating Committee or shall be nominated from the floor at the meeting preceding the annual election to be placed on the printed ballot. Write-in candidates can be nominated from the floor on election night. Every individual who desires to run for office must provide a copy of his or her DD Form 214/discharge or other proof of eligibility for membership at the time his or her name is placed in nomination. Personnel nominated from the floor must provide this proof prior to taking office.

Section 3. All officers and executive committee members shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committee member may be removed for inefficiency by the Executive

Committee with two-thirds of said committee being necessary to affect such removal.

Section 4. Every member of this post in good standing shall be eligible to hold office in this post. Members holding officer or chairperson positions requiring inclusion on the Commonwealth of Kentucky Department of Charitable Gaming License must maintain license qualification IAW Kentucky laws and regulations.

Section 5. The duties of officers and the executive committee members shall be those usually appertaining to such officers or committee members and as further provided in the By-Laws.

Article V Finance

Section 1. The revenue for this post shall be derived from membership or initiation fees, from annual membership dues, and from such other sources as may be approved by the Post Executive Committee.

Section 2. The Annual Membership Dues for Hardin Post 113 is \$48.00 per year beginning 2025 membership year.

Section 3. The Post shall pay to Department Headquarters the National membership dues and Departmental annual membership dues for each member of the post.

Article VI Charter Members

Members who joined this post prior to the issuance of charter shall be known as charter members.

Article VII American Legion Auxiliary

Section 1. This post recognizes an auxiliary organization to be known as the Auxiliary Unit of Hardin Post 113, The American Legion.

Section 2. Membership in the Auxiliary shall be as prescribed by the national Constitution of the American Legion Auxiliary.

Article VIII Organized Member Programs

Section 1. Hardin Post 113 recognizes the Sons of the American Legion Squadron 113, whose activities will follow the Department of Kentucky Constitution and will be governed by the Executive Committee.

Section 2. Hardin Post 113 recognizes an organized program known as the American Legion Riders (ALR), Hardin Post 113, which is administered by its elected Board of Directors and subject to the Executive Committee of Hardin Post 113.

Article IX Amendments

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of the American Legion and of the Department Constitution of the Department of

Kentucky, The American Legion. Any amendment to said National Constitution or Department Constitution, which conflicts with any provisions 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 vote of two-thirds of the members present at said meeting, providing that the proposed amendment or amendments shall have been submitted in writing and read at the two preceding regular monthly meetings of the Post and that written notice shall have been given to all members of when the vote shall take place (via the Post Newsletter or special mailing) and the proposed changes made available to all members (either hard copy or via E-mail) at least 14 days prior to the date when such amendment(s) is(are) to be voted upon. These By-Laws shall be reviewed during each odd numbered year by the Constitution and By-Laws Committee. These documents will be maintained and dated to reflect maintenance and review compliance by the Post Adjutant. A signed copy of this Constitution and Post By-Laws shall be posted on the Post Bulletin Board.

I CERTIFY THAT THE FOREGOING CONSTITUTION AND BY-LAWS WERE DULY READ and were passed by a two-thirds majority vote of the membership present at the regular business session of this Post held 1 February 2024.

ATTEST:

Drew Chitty
ADJUTANT

Clarence Robinson
COMMANDER