

CONSTITUTION AND BY-LAWS



DIGNAM-WHITMORE
AMERICAN LEGION POST #526
FAIRBORN, OH 45324

DEPARTMENT OF OHIO

REVISED: APRIL 2008

SIGNED

HENRY S. LONG
JUDGE ADVOCATE

SIGNED

GEORGE E. COPPER
COMMANDER

CONSTITUTION OF DIGNAM-WHITMORE AMERICAN LEGION POST #526

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

Section 1: The name of this organization shall be Dignam-Whitmore Post #526, Incorporated, The American Legion, Department of Ohio.

ARTICLE II – OBJECTS

Section 1: The objects and purposes of this Post shall be to promote the principles and policies as set forth at the foregoing Preamble, the National and Department Constitutions of the American Legion.

ARTICLE III – NATURE

Section 1: The Post is a civilian organization; membership therein does not affect nor increase liability for military or police service.

Section 2: This Post 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 public office or preferment.

Section 3: Rank does not exist in the Legion; no member shall be addressed by his/her military or naval title in any convention or meeting of the legion.

ARTICLE IV – MEMBERSHIP

Section 1: Membership eligibility 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 under such regulations and in such form as may be prescribed by the Post Executive Committee.

Section 3: All applications for membership shall be acted upon at the next Post General Membership Meeting following the making of such application; and shall at such meeting be accepted, rejected or referred for further investigation and consideration. A majority vote of the members present will accept an application for membership.

Section 4: Any member of this Post may be suspended or expelled in accordance with Article IV, Section 2, of the Department of Ohio By-Laws of the American Legion.

Section 5: Any person, who has been expelled or suspended from this Post for any cause, may be reinstated to membership by a majority vote of the membership present in a post meeting. An approved reinstatement is contingent upon payment of the current year's dues. No person, who has been expelled by a Post, shall be admitted to membership in this Post, without consent of the expelling Post, except where such consent has been asked for and denied by such Post, he may then appeal to the Department of Ohio Executive Committee for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

Section 6: There shall be no form or class of membership except an active membership. No person shall be a member of this Post who is also a member of another Post of The American Legion.

Section 7: The Post Commander shall appoint a Life Membership Committee consisting of a minimum of three Post #526 Awarded Life Membership(s) a minimum of once a year. Executive Committee approval of Life Membership awards shall be final. New Life Membership(s) shall be awarded at an appropriate presentation.

ARTICLE V – POST 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 the Executive committee which shall consist of the officers of this Post. The term of office of members of the Executive committee shall be for one year. This Post 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 (Chairman of the Executive Committee), First Vice Commander, Second Vice Commander, Assistant Second Vice Commander, Adjutant, Assistant Adjutant, Finance Officer, Assistant Finance Officer, Chaplain, Service Officer, Sergeant-At-Arms, Assistant Sergeant-At-Arms, Historian, Judge Advocate, Public Relations Officer, and a Board of Trustees composed of the immediate Past Post Commander and six elected Trustees. Other officers as may be deemed necessary may be appointed by the Executive Committee subject to the approval of the membership at a Post General Membership Meeting.

Section 3: All officers, except the Assistant Second Vice Commander, Assistant Adjutant, Assistant Finance Officer, Historian, Judge Advocate, Public Relations Officer, and immediate Past Commander shall be elected annually and shall hold office until their successors are duly installed or as otherwise provided. The Post Commander shall recommend to the Post Executive Committee for approval Assistant Second Vice Commander(s), Assistant Adjutant, Assistance Finance Officer, Historian, Judge Advocate, Public Relations Officer, and such other officers deemed necessary for the efficient administration of Post affairs.

Section 4: The Board of Trustees is a part of the Post Executive Committee and functions as a separate body. The President of the Board of Trustees shall read the minutes of Trustee Meetings at the next meeting of the Executive Committee. The duties of the Board of Trustees are as outlined in the Post By-Laws.

Section 5: Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 6: The duties of the officers of this Post shall be those pertaining to such offices and committeemen and as provided in the Post By-Laws.

Section 7: In the event a vacancy occurs in the office of Post Commander, the First Vice Commander shall succeed to that office. In the event a vacancy occurs in any other elected office and more than six months remains in the term of the vacated office, a special election will be held to fill the office. If less than six months remain in the term of the vacated office, the vacancy shall be filled by appointment by the Commander; approved by the Post Executive Committee and subject to approval of the membership at the next Post General Membership Meeting.

Section 8: The resignation of a Post Officer or Post Executive Committee Member shall occur by written notice of the officer or committeeman to the Post Commander, or by verbal announcement of the officer or committeeman to the membership at a Post General Membership Meeting.

ARTICLE VI – FINANCE

Section 1: The revenue of this Post shall be derived from membership dues and from such other sources as may be approved by the Post Executive Committee.

Section 2: The amount of such membership dues shall be fixed and determined by the general membership.

Section 3: The Post shall pay to Ohio Department Headquarters the National and Department dues for each Post member and to the District and County, dues as assessed for each member.

Section 4: Expenditures exceeding \$200.00, except expenditures for maintenance, utilities, taxes, janitorial services, and such other expenditures as herein authorized, shall be presented to the Post Executive Committee for consideration and recommendation before presentation to the Post membership for final action.

Section 5: The Service Officer, Chaplain, Adjutant, and Finance Officer maybe allocated funds for expenses as determined by the Post Executive Committee and approved by the Post membership.

Section 6: An independent accounting firm may be secured by the Post Executive Committee for the proper recording of taxable accounts.

ARTICLE VII – AMERICAN LEGION AUXILLIARY

Section 1: This Post recognizes an Auxiliary organization to be known as Dignam-Whitmore American Legion Auxiliary Unit #526, The American Legion, Department of Ohio.

Section 2: Membership in the Unit Auxiliary shall be as prescribed by the National Constitution of the American Legion and National Constitution of The American Legion Auxiliary.

ARTICLE VIII – AMENDENTS

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, The American Legion. Any amendments to said National or Department Constitutions which are in conflict with the provisions hereof shall be regarded as automatically repealing or modifying the provisions of the Constitution to the extent of such conflict.

Section 2: Amendment(s) to this Constitution may be made at any General Membership or special meeting of this Post by a majority vote of the members present provided that notice of such meeting has been mailed to each member a minimum of ten days prior to the first ready of the proposed amendment.

Section 3: Amendment(s) to this Constitution must be read at two separate Post General Membership meetings prior to adoption.

BY-LAWS OF DIGNAM-WHITMORE AMERICAN LEGION POST #526

ARTICLE I – NAME AND PURPOSE

Section 1: This Post, existing under these By-Laws, shall be known as Dignam-Whitmore Post #526, Incorporated, The American Legion, Department of Ohio.

Section 2: The purposes of this Post are as set forth in the Post Constitution.

ARTICLE II – MEMBERSHIP

Section 1: Any person shall be eligible for membership in the American Legion if they meet the criteria established by the National Constitution and By-Laws of the American Legion.

Section 2: There shall be no Associate, Honorary or Posthumous memberships permitted in this Post. There shall be no other class of membership other than an active membership.

Section 3: No person shall be a member of more than one Post. The number of members of this Post shall not be limited. Any person eligible may become a member of this Post upon his or her acceptance at any Post General Membership meeting, providing that the prescribed application has been signed and dues for at least one year have been paid.

Section 4: Each candidate for membership must be proposed by a member of this Post. The candidate shall give his or her name, address, and dates and branch of service.

Section 5: American Legion membership is annual from January 1st through December 31st. Members failing to renew their membership by January 1st shall be deemed delinquent. If dues are not paid by February 1st, the member shall be suspended with no membership right except that of reinstatement.

Section 6: Any member may resign from this Post while in good standing and may thereafter apply for membership in another Post. Upon resignation, the member is not entitled to a rebate of any part or portion of dues paid.

Section 7: Any member in good standing may transfer his or her membership to another Post by means of a formal transfer. The transferring member shall not be entitled to a rebate of any part or portion of dues paid.

Section 8: The annual dues of this Post shall be established by the Post Executive Committee and presented to the membership for approval/disapproval at the next Post General Membership Meeting.

Section 9: The annual dues of this Post shall be payable in accordance with the membership programs of the Department of Ohio.

ARTICLE III – DELEGATES/ALTERNATES TO DISTRICT AND DEPARTMENT CONVENTIONS

Section 1: This Post shall be entitled to representation at District and Department conventions on the basis of one delegate and one alternate for the first twenty-five members, two delegates and alternates for sixty-six members and an additional delegate and alternate for each additional one hundred members paid up thirty days prior to Department Convention.

Section 2: Delegates and alternates to represent this Post at the District and Department Conventions shall be elected by ballot not later than thirty days prior to the District Convention. The delegates and alternates elected shall be those receiving the greatest number of votes in descending order.

Section 3: Post members elected as delegates or alternates serving as delegates to the Department Convention may be furnished expenses as determined by the Post Executive Committee and approved by the membership. Such determination shall be made at the Post Executive Committee Meeting immediately preceding the Department Convention.

Section 4: All delegates or alternates furnished expenses to attend a Department Convention shall be present on the floor for all business sessions of said Convention unless specifically excused by the Delegation Chairman. Failure to be so present shall require the member to return to the Finance Officer expenses awarded within ten days of the close of the Convention.

Section 5: The outgoing Post Commander is automatically elected as the first delegate and will serve as the Post Delegation Chairman.

ARTICLE IV – NOTICES

Section 1: Each member shall furnish the Post Adjutant a current mailing address to which all correspondence may be sent.

Section 2: Ten days prior notice by mail shall be given to each member of all special meetings of this Post. In an emergency, as many members as possible shall be contacted by telephone. The notice shall contain the date, time, place, and purpose of the meeting. When the notice is by mail, the Post Commander or Adjutant shall certify the date of mailing.

ARTICLE V – MEETINGS

Section 1: General Membership Meetings of this Post shall normally be held at a time recommended by the Executive Committee and approved by the Post General Membership on the third Tuesday of each month at the Post home. Total membership must be notified of a proposed time change a minimum of ten days prior to the meeting.

Section 2: Twelve paid-up members shall constitute a quorum at any general membership or special meeting of this Post.

Section 3: The Post Executive Committee shall normally meet on the second Tuesday of each month at a time established by the Committee. Other meetings of the Post Executive Committee may be called by the Commander or by written notice by at least three members of the Committee. The Chairman of the Post Executive Committee will decide the time and date of the special meeting.

Section 4: A majority of the Post Executive Committee shall constitute a quorum of any meeting of the Committee.

Section 5: The Chairman of the Post Executive Committee or a majority of the Post Executive Committee shall have the power to call a special meeting of this Post provided that Article V, Section 2 is complied with.

ARTICLE VI – ANNUAL ELECTION OF OFFICERS

Section 1: The Executive Committee shall recommend a Nominations Committee, consisting of three members, approved by the General Membership, no later than the February General Membership Meeting. The committee will report on candidates at the March General Membership meeting, with additional nominations from the floor, which can be made at this time. The candidates for Post offices and Executive Committee will be voted on at the April General Membership Meeting prior to District Convention. The Post Commander cannot appoint, nor be a member of, the Nominating Committee.

Section 2: Annual election of Post Officers will be by secret ballot by the attending membership who is in good standing. Only members present during the General Membership Meeting will be eligible to cast a ballot. A write-in candidate will not be considered for any office.

Section 3: Certification of eligibility to vote will be the responsibility of the Adjutant, Assistant Adjutant, or an officer designated by the Post Commander. Candidates for the office of Post Commander or their representatives may be observers during the election. In the event of a dispute as to eligibility to vote, the Post Membership Records shall prevail.

Section 4: In the event of a tie for any office, an election by secret ballot will be held at the next General Membership Meeting. Secret balloting will continue during this meeting until one candidate is elected by majority vote.

ARTICLE VII – INSTALLATION & INITIATION

Section 1: Installation of all officers, members of the Post Executive Committee and members of the Board of Trustees shall take place no later than the August General Membership Meeting.

Section 2: Initiation of new members shall be conducted at the discretion of the Post Commander not less than once per year.

ARTICLE VIII – RULES

Section 1: The rules of procedure at all meetings of this Post shall be as set forth in the Officer Guide and Manual of Ceremonies, The American Legion, or, when not covered by such manual, as provided by Roberts Rules of Order.

ARTICLE IX – LIMITATION OF LIABILITY

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

ARTICLE X – DUTIES OF OFFICERS

Section 1: Duties of Post Commander: It shall be the duty of the Post Commander to preside at all meeting of this Post and to have the general supervision over the business affairs of this Post. He or she shall be the Chairman of the Post Executive Committee. He or she shall represent the Post in all capacities requiring Post representation unless he or she directs otherwise.

Section 2: Duties of First Vice Commander: The First Vice Commander shall assume and discharge the duties of the Post Commander when the Post Commander is absent or when called upon by the Post Commander to do so. The First Vice Commander shall be the Chairman of the Membership Committee.

Section 3: Duties of the Post Second Vice Commander: The Second Vice Commander shall assume and discharge the duties of the Post Commander in the absence of the Post Commander and the First Vice Commander. The Second Vice Commander shall recommend to the Post Commander, a member(s) to be appointed as Assistant Second Vice Commander(s). Such appointment shall be subject to Post Executive Committee approval. The Second Vice Commander shall be Chairman of the Post Activities Committee with duties consisting of, but not limited to, scheduling the Post home, entertainment, ordering supplies and provisions, and catering of American Legion and/or private functions excepting the Lounge. The Second Vice Commander shall maintain suitable records of all expenses and income and make monthly reports to the Post Executive Committee and the membership during General Membership Meetings.

Section 4: Duties of the Post Adjutant: The Adjutant shall have charge of and keep a full and complete record of all the proceedings of all meetings, keep such records as the National and Department organizations may require, render reports of membership annually or when called upon at meetings, and under direction of the Post Commander, handle correspondence of the Post. A single exception shall be made in the case of the Post Service Officer who shall be responsible for all correspondence pertaining to that office. The Adjutant may recommend to the Post commander a member to be appointed as Assistant Adjutant. Such appointment shall be subject to Post Executive Committee approval.

Section 5: Duties of the Post Assistant Adjutant: The Assistant Adjutant will be under the direct supervision of the Post Adjutant. The Assistant Adjutant will assume the duties of the Adjutant in his/her absence or when called upon by the Post Commander to do so. The Assistant Adjutant shall be a member of the Membership Committee and shall be responsible for all membership records and awards.

Section 6: Duties of the Finance Officer: The Finance Officer shall have charge of all funds and accounts of this Post except those specifically delegated to other officers or committees by the Post Executive Committee. The Finance Officer shall deposit in some local bank all funds under his or her charge and provide a full and accurate report at each Post Executive Committee and General Membership Meeting on the status and condition of such accounts and funds. The Finance Officer shall be a voting member of all committees where the obligation, expenditure or receipt of funds are involved. The Finance Officer will assure all persons authorized to disburse funds or sign checks are properly recorded with the bank. The Post Commander will assure that an audit is performed on all accounts prior to the installation of new officers and that such audit report is presented at the first Post Executive Committee Meeting in August. The Finance Officer shall cause a Surety Bond to be established covering all person charged with the responsibility for Post funds and accounts. The cost of such bond is to be borne by the individual accounts. The Finance Officer may recommend to the Post Commander a member to be appointed as Assistant Finance Officer. Such appointment shall be subject to Post Executive Committee approval.

Section 7: Duties of the Post Assistant Finance Officer: The Assistant Finance Officer shall be under the direct supervision of the Finance Officer and will assume and perform the duties of the Finance Officer in his or her absence or when called upon by the Post Commander to do so. The Assistant Finance Officer shall be authorized to disburse funds and sign checks in the absence of the Finance Officer.

Section 8: Duties of the Post Historian: The Historian shall be charged with recording and retaining the history of this Post, its activities and those of its members and to perform such other related duties as directed by the Post Commander.

Section 9: Duties of the Post Service Officer: The Service Officer shall be charged with the welfare of Post members, nonmember veterans and the families of all veterans. The Service Officer shall assist veterans and/or their families in preparation of compensation, insurance of death claims and other forms of service work incident to that office. The Service Officer shall report at each meeting cases of sickness and other matters of local service work. The Service Officer shall be responsible for all correspondence pertaining to that office.

Section 10: Duties of the Post Chaplain: The Chaplain shall be charged with the spiritual welfare of the Post and its members and will offer divine, but nonsectarian, service at dedications, funerals, public functions and Post meetings. The Chaplain shall adhere to such ceremonial rites as are recommended by the National or Departmental organizations from time to time.

Section 11: Duties of the Post Sergeant-at-Arms and Post Assistant Sergeant-at-Arms: The Sergeant-at-Arms and Assistant Sergeant-at-Arms shall preserve order at all Post meetings and perform such other duties as may properly pertain to the office. They shall advance, post, and retire the colors at all Post meetings.

Section 12: Duties of the Post Judge Advocate: The Judge Advocate is the interpreter of the Constitution and By-Laws of the Post. He/she may be called upon at any time by the Commander, other officers or members of the Post to rule on the legality of their actions and decisions in so far as they affect the good of the American Legion.

Section 13: Duties of the Post Board of Trustees: The Board of Trustees shall be responsible for all Post buildings, equipment, lands and furnishings and shall be responsible for the maintenance and repair thereof. The Board of Trustees shall be charged with the investment of such funds as may be designated for investment at any meeting or with administration of such funds as may be set aside as a Post Building Fund. The Board of Trustees shall elect a President at a meeting held within thirty days of their installation and the results of such election will be announced at the next Post General Membership Meeting. The Board of Trustees shall present to the Post Executive Committee any proposal to expend \$4000.00 or more, which has not previously been approved. The Trustees will consult with the Finance Officer to ensure funds are available before committing any funds.

ARTICLE XI – LOUNGE OPERATIONS

Section 1: The Lounge Operations shall be conducted from written Operation Instructions by the Trustees and approved by the Executive Committee.

ARTICLE XII – ADMENDMENTS

Section 1: Amendments to these By-Laws may be made at any General Membership or special meeting of this Post by a majority vote of the members present provided that notice of such meeting has been mailed to each member ten days prior to the first reading of the proposed amendment.

Section 2: All amendments must be read at two separate Post General Membership or Special meetings prior to adoption.