

**BYLAWS**  
**of**  
**THE AMERICAN LEGION**  
**DEPARTMENT OF VIRGINIA**  
**THE AMERICAN LEGION POST 1799**



Prepared by  
**The American Legion**  
Department of Virginia  
**The American Legion Post 1799**

**P. O. Box 1799**  
**Haymarket, VA 20168**

Revised, Adopted and Approved  
**February 9, 2013**

**The American Legion Post 1799**

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## **The American Legion Post 1799**

### **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 per cent 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 Post, existing under these by-laws shall be known as The American Legion Post 1799, The American Legion, Department of Virginia.

Section 2: The objects of this Post are set forth in the Constitution of The American Legion.

### **ARTICLE II** **MANAGEMENT**

Section 1: The government and management of this Post are entrusted with the Post Officers and the Executive Committee as hereinafter provided.

### **ARTICLE III** **PARLIAMETARY AUTHORITY**

Section 1: The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern this organization in all cases in which they are applicable and in which they are not inconsistent with these bylaws and any special rules this organization may adopt.

### **ARTICLE IV** **MEMBERSHIP ELIGIBILITY**

Section 1: Any person shall be eligible for membership in The American Legion who has regularly enlisted, been drafted, inducted or commissioned and who as accepted for and assigned to active duty in the military services of The United States at some time during the periods specified by the National by-laws of The American Legion, or who being a citizen of The United States at the time of his entry therein, served on active duty in the Armed Forces of any of the Governments associated with The United States during either of the periods; provided, however that such service shall have been terminated by Honorable Discharge, or Honorable separation, and such person either shall have broken his continuity of service and returned to civilian status, or shall continue to serve honorably after the date of the cessation of such hostilities as fixed by The United States government; provided further, that no person shall be entitled to membership who

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being in such service during any of the said periods, refused on conscientious, political or other grounds to subject him or herself to military discipline or unqualified service.

Section 2: The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank shall not exist in the Legion; no member shall be addressed by his or her military or naval title in any convention or meeting unless he or she be at the time on duty with some branch of the military service.

### **ARTICLE V** **MEMBERSHIP**

Section 1: Any person who desires to become a member of this Post shall fill out an official application form. The application shall bear the applicant's signature.

(A) When submitted, the application form must be accompanied with one year's dues payment and proof of membership eligibility unless an American Legionnaire is in a current status.

(B) Once submitted, the application form will be forwarded to the Membership Committee or Adjutant for review and recommendation. Any dues payment will be forwarded to the Membership Chairman or Adjutant for processing.

(C) The application shall be presented at the next EXCOM meeting of the Post and when the applicant has been reported on favorably by the Membership Committee or Post Adjutant, the Commander shall ask whether there are any known reasons why the applicant shall not be admitted to membership. If no objections are voiced, the Post shall proceed to ballot upon him or her.

(D) American Legion transferees are processed in accordance with the Post Adjutant's Manual <http://www.legion.org/documents/legion/pdf/pam.pdf>

Section 2: It is the responsibility of the members to keep the Adjutant informed of their current and correct address.

Section 3: Each member shall pay their annual dues on-line at <http://www.legion.org/renew> or to the Membership Chairman or Adjutant.

### **ARTICLE VI** **VISITORS**

Section 1: Any member of the public may visit and attend the general membership meetings of this Post. Members of any other Post of The American Legion, in good standing, may visit and attend any meetings of this Post.

Section 2: Visitors shall not have the right to vote or debate in matters dealing with this Post, but may be allowed the privilege of the floor by a majority of the members present. He/she shall not be permitted however, to speak for or against any local Post candidate or candidates for nomination or election as officers. Violations of this section shall render the nomination and election to that position null and void.

### **ARTICLE VII** **MEETINGS**

Section 1: General membership meetings of this Post shall be held at least once a quarter. All meetings will be conducted in conformity to The American Legion Manual of Ceremonies.

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Section 2: Special meetings of the Post may be called by the Post Commander or a majority of the Executive Committee, or upon the written request of ten members of the Post in good standing; provided that a minimum of ten days notice exclusive of Sundays and Holidays, of the date and object of such meeting be given to every member and provided that no business be transacted at such meeting other than that for which the meeting was called.

Section 3: In the event a legal holiday occurs on the meeting dates set in Section 1 and Section 2 of this article, the Post Commander shall arrange to hold the meeting on another date.

Section 4: Ten members, in good standing, shall constitute a quorum at any General membership or special meeting of this Post as determined by the Roll Call of the Adjutant.

Section 5: The selling of any kind of tickets or other matters during any general membership and/or special meeting of this Post is prohibited and shall be held until the meeting is adjourned and the social period begins.

### **ARTICLE VIII DUES AND FEES**

Section 1: Each member shall pay to the Membership Chairman or Adjutant the sum of the current established amount for annual dues.

Section 2: From such dues and fees, this Post shall pay its obligations to National, Department and District only on those members who have paid one (1) year or more in dues.

Section 3: Should dues be two (2) months in arrears, the members shall be notified by the Post Adjutant that if the member shall fail to make payment within thirty days, he/she shall be dropped from membership. The member may be reinstated by the Post upon paying dues for the current year, and must be reinstated before being placed in good standing.

### **ARTICLE IX NOMINATION, ELECTION AND INSTALLATION**

Section 1: The nominating committee shall be appointed during the month of March by the current Commander and shall consist of at least three members. The nominating committee shall come up with a slate of officers for the New Year.

Section 2: The nomination and election of officers shall be at the general membership meeting in June of each year; the newly elected officers shall serve for one (1) year or until their successors are chosen.

Section 3: At the general membership meeting in June, the nominating committee shall submit to the organization, the names of nominees proposed for office. Following the report of the nominating committee, the presiding officer shall call for nominations from the floor.

Section 4: When no further nominations are presented, and the presiding officer is sure that every opportunity has been given for nominations, the presiding officer may declare the nominations closed or entertain a motion to close nominations. It is in order for any member to move to close nominations; the motion requires a 2/3 vote. A motion and a majority vote may reopen nominations.

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Section 5: The report of the nominating committee is never adopted. Voting is the act of adopting. A second is not required for a nomination.

Section 6: The membership of the organization may be informed of the names of proposed nominees before the meeting at which the committee submits its report.

Section 7: Being nominated to office does not put a person in office. Nominees must be elected. To be elected to office involves member voting. The usual method of voting will be as follows:

a. Voice Vote: Election may be by voice vote unless there is more than one candidate for an office, at which time a ballot vote is required.

1. Nominees are voted on in the order in which they are nominated.
2. Tellers may be appointed to assist with the count of votes and report to the presiding officer.
3. The presiding officer officially announces the result and declares the election.

b. Ballot Vote:

1. Where a ballot vote is required, it is important to make the necessary preparation for ballots, ballot boxes, time allotment and space as needed.

2. Tellers to count the ballots should be carefully selected and instructed on correct procedures. Common sense and parliamentary authority must govern the validity of ballots.

3. Tellers report the result of the election at the designated time and give copies of the report to the presiding officer and the Secretary.

4. The presiding officer repeats the results and declares the election.

Section 8: Delegates to the District and State convention shall be nominated and elected in the same manner as all other officers of the Post, at the general membership meeting at least thirty (30) days prior to the convention.

Section 9: In the event of a vacancy in any of the elective offices, an announcement of a special election to fill the position will be put onto the website, e-mail, or regular mail for members without e-mail capability, and an the election to fill such vacancy shall be held at the next general membership meeting after the distribution of the announcement.

Section 10: The installation of officers shall take place following their election. The installation of officers must occur before the Department Convention and be IAW the Department of Virginia Bylaws. New Officers elected during a special election will assume their duties immediately following the meeting.

Section 11: Any officer being absent for three (3) consecutive meetings, unless good and acceptable cause, satisfactory to a majority of the members present at a general membership meeting, can be shown for such absence, shall forfeit the right to hold such office and the Post Commander shall declare the office vacant and the Post shall proceed, as provided in Section 9, to fill such vacancy.

Section 12: In the absence of any regular officer of this Post, the Commander shall have the power to appoint a qualified member to act during the meeting in which the absence of the regular officer occurs.

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**ARTICLE X**  
**SALARY OF OFFICERS**

Section 1: Officers of the American Legion are volunteers and not entitled to a salary for serving in an elected position.

Section 2: Officers and members of this Post may be reimbursed for expenses associated with American Legion Activities as approved by the Executive Committee.

**ARTICLE XI**  
**DUTIES OF OFFICERS**

Section 1: The Commander shall preside at all meetings, preserve order and enforce the Constitution of The American Legion and the by-laws of this Post. He/She shall decide all questions of order subject to an appeal to the Post. He/She shall not vote except by ballot but shall have the deciding or “tie-breaking” vote in case of a tie. He/She shall prescribe any and all other special duties for other officers and committees and act ex-officio on all committees.

The Commander shall appoint all committees and shall call special meetings when deemed necessary.

Section 2: The First Vice-Commander shall assist the Commander in the discharge of his/her official duties and shall assume and discharge the duties of the office of Commander in the absence or disability of the Commander.

The First Vice-Commander shall be chairperson of the Post membership committee.

Section 3: The Second Vice-Commander shall assist the Commander in the discharge of his/her official duties and shall assume and discharge the duties of the office of Commander in the absence or disability of the Commander and the First Vice Commander.

Section 4: The Post Adjutant shall:

- (A) give due notice of all meetings of the Post and shall keep the minutes of such meetings;
- (B) conduct the correspondence and keep records of the Post, including lists of names, addresses and previous records of members;
- (C) notify candidates of their election to membership;
- (D) read all communication, documents and take the proper record of the same;
- (E) perform such duties as may be necessary for the proper handling of the business incident to his/her office;
- (F) before the close of each meeting, pay and deliver to the Finance Officer all money received by him/her during the meeting and take the Finance Officer’s receipt;
- (G) deliver to the Finance Officer, in a period not to exceed two weeks all Monies received by him/her between meetings and take the Finance Officers receipt;
- (H) record and maintain for posterity a full and complete accounting of all Post business pertaining to his/her duties as Adjutant;
- (I) keep such books and accounts as may enable him/her to properly handle the Posts business and maintain a full and complete record;
- (J) be a full voting member of the Post Executive Committee;

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- (K) be the Secretary of the Executive Committee;
- (L) contact each member who is two months in arrears in dues and notify such member(s) that should they fail to make payment within thirty days, the member(s) in arrears shall be dropped from membership;
- (M) with the assistance of the Commander, notify the Post membership of the death of a member of this Post.

### Section 5: The Post Finance Officer shall:

- (A) deposit in such bank or institution as may be designated by a vote of the Post at a regular or special meeting of the Post, in the name of The American Legion Post 1799, all money within seventy two (72) hours after receiving same;
- (B) be answerable for all the money received by him/her belonging to the Post and give his/her receipt for the same;
- (C) pay all obligations of the Post, whether for management, expense, donations or other expenses by check, regularly drawn as will be hereinafter provided;
- (D) attend the meetings of the auditing committee or public accountant and produce all books, vouchers and papers called for or required for the proper audit of his/her accounts;
- (E) pay no bills or claims unless by an order regularly voted by the Post except as otherwise instructed in these By-laws;
- (F) perform other such duties as may be necessary to properly discharge the obligation of his/her office;
- (G) have the bankbooks at every meeting for verification and report receipts and expenses;
- (H) be a full voting member of the Executive Committee;
- (I) be the treasurer of the Executive Committee;
- (J) be a member of the Finance Committee;
- (K) draw a check for funds only for the purpose for which it was collected and, list as a receipt and /or expense how these monies apply to donations, benefits or other purposes.

### Section 6: The Post Judge Advocate shall:

- (A) be in charge of the administration of all legal matters of the Post;
- (B) interpret and rule on any questions concerning the Constitution and by-laws of The American Legion and of this Post;
- (C) be available to all Post officers and committees for legal advice pertaining to their duties and responsibilities;
- (D) obtain advice and counsel for all legal matters pertaining to Legion activities from Department or National Judge Advocates and/or professional legal counsel to be authorized for all civil actions as required.

### Section 7: The Post Historian shall:

- (A) be chief of the Post Administrative History and Memorials;
- (B) consolidate the reports of all Memorial exercises held during his/her term of Office;
- (C) be custodian of such books, manuscripts, pamphlets, relics and like possessions relating to the Great Wars belonging to the Post;
- (D) Perform other such duties pertaining to his bureau as may be required of him/her.

### Section 8: The Post Chaplain shall:

- (A) conduct all devotional exercises at Post meetings;
- (B) perform other such duties as may be required of him/her, including the visiting of the sick and informing the Service Officer should his/her services be requested or required;
- (C) perform other such duties or obligations that may be required of this office as pertains to The American Legion Manual of Ceremonies;



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Section 9: The Post Sergeant-At-Arms shall:

- (A) attend all meetings of the Post;
- (B) assist in keeping order during the meetings;
- (C) see that none but members of The American Legion are admitted at the meetings of the Post, and to that end he/she shall inform him/herself as to the identify of those who are members. Prospective members will not be admitted to the regular meeting until their membership applications have been approved;
- (D) be responsible for the proper arrangement of the meeting hall and care for the Posts equipment;
- (E) perform such other duties as may be assigned him/her by the Post Commander;
- (F) examine a visiting members dues card and ascertain if the visiting member is entitled to a seat as outlined in Article VI of Section 1 of these by-laws.

Section 10: The Post Service Officer shall:

- (A) handle all claims and data in connection with disability, pension, and other claims which may come before the Post;
- (B) provide him/herself with the necessary forms and become acquainted with the correct and most effective method in filing claims and obtaining immediate action and relief;
- (C) be on the alert at all times to see that every veteran and member of this Post is receiving what is due him/her under existing laws;

Section 11: The Public Affairs Officer shall:

- (A) increase awareness among the veteran's community and the community at large of the American Legion's advocacy of Veterans issues;
- (B) interface with members of the local media in order to communicate activities of the post
- (C) see that the activities of the Post are given proper and sufficient publicity; to see that articles are regularly prepared for the newspapers and to explore additional programs and projects in an effort to promote better Post and community relationships.

## **ARTICLE XII** **EXECUTIVE COMMITTEE**

Section 1: The Executive Committee shall:

- (A) meet for the organization and such other business as may come at least once per month or at the call of the Post Commander or Chairperson of the Executive Committee;
- (B) have the powers to make its rules for guidance of its affairs for proper regulation of such matters as may come within its jurisdiction'
- (C) elect its own Chairperson.
- (D) The Post Finance Officer shall be the treasurer of the Executive Committee;
- (E) The Post Adjutant shall be the Secretary of the Executive Committee;
- (F) The Secretary shall be empowered to conduct meetings in the absence of the Chairperson;
- (G) have charge of and be responsible for the management and affairs of the Post;
- (H) have general control and supervision of the finances of the Post;
- (I) be charged with the preparation of the yearly budget and handling of the funds under that budget;
- (J) authorize and approve all expenditures;
- (K) require adequate bonds from all persons having custody of Post funds totaling \$15,000 or more;
- (L) have authority in all matters affecting the maintenance of discipline and good conduct among the members of the Post;

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- (M) establish rules and regulations concerning the utilization of Post facilities;
- (N) appoint a building committee;
- (O) have the ability to call a special meeting of the Post;
- (P) present their report in writing with the report being signed by the Chairperson or Secretary;

**ARTICLE XIII**  
**MEMBERS OF THE EXECUTIVE COMMITTEE**

Section 1: The Executive Committee shall consist of all the elected officers of the post.

Section 2: All Past Commanders shall act ex-officio on the Executive Committee with the same voting power as an elected member.

Section 3: Three members of the Executive Committee shall constitute a quorum.

**ARTICLE XIV**  
**POST COMMITTEES**

Section 1: The Membership Committee shall:

- (A) investigate the qualifications and eligibility of all applications for membership and in the event of their disapproval, report the same in writing to the Executive Committee;
- (B) announce at each meeting of the Post the names of all approved candidates and their sponsors;
- (C) be chaired by the First Vice Commander who in turn may select members at large from the membership roster of the Post to serve on this committee. These selections are subject to approval of the Post Commander.

Section 2: The Finance Committee shall:

- (A) consist of the Post Commander, who shall be its Chairperson; the Post 1<sup>st</sup> Vice Commander; Post Finance Officer; Post Service Officer; and the Post Adjutant.
- (B) be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds.
- (C) be authorized to expend up to fifty dollars (\$50.00) in any emergency case pertaining to a veteran.

Section 3: Nominations Committee shall:

- (A) be appointed during the month of March by the current Commander and shall consist of at least three members
- (B) come up with a slate of officers for the New Year
- (C) submit to the organization in June, the names of nominees proposed for office

Section 4: Any additional committees that maybe required will be appointed by the Post Commander and can be terminated at anytime.

**ARTICLE XV**  
**DISCIPLINARY ACTION**

Section 1: Disciplinary action against members of this Post shall be handled in accordance with Article IV of the Department Bylaws.

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**ARTICLE XVI  
DEATH OF MEMBER**

Section 1: Immediately upon the death of a member of this Post, the Post Commander and Adjutant shall at once notify the members of the death, and of the time and place of the funeral, and give other such information as may be necessary. They shall have the power to arrange for and have delivered to the deceased members residence or funeral home, a suitable floral piece, in the name of the Post, the cost of which to be assumed by the Post and the sum of such floral piece to be established on a yearly basis.

Section 2: It is of particular importance that the Post Chaplain and Post Service Officer be made aware of the death of a Post member.

**ARTICLE XVII  
CHANGES TO THE BY-LAWS**

Section 1: All proposals to alter, amend, annul, suspend or change these by-laws shall:

- (A) be submitted in writing to the JAG of the Post, or in absence of the JAG, the Post Commander.
- (B) be presented by the JAG or Post Commander to the EXCOM for approval by at least one member in good standing.
- (C) be submitted to the general membership via the website, e-mail, or regular mail for members without e-mail capability, at least thirty (30) days prior to the convening of a general membership meeting and laid over without debate or change until the next general membership meeting of the Post;
- (D) have the amendment or change read at the following general membership meeting of the Post at which time each alteration, amendment or change shall be debated and voted upon;
- (E) be accepted provided that each alteration, amendment and/or change is accepted by two-thirds of the members present.

Section 2: Any amendment to these by-laws shall become effective immediately upon the adjournment of the meeting at which they are voted upon and approved.

Section 3: These by-laws supersede and cancel all previous by-laws.

Compiled by: Richard Menton  
Judge Advocate

Approved by: Michael High  
Commander