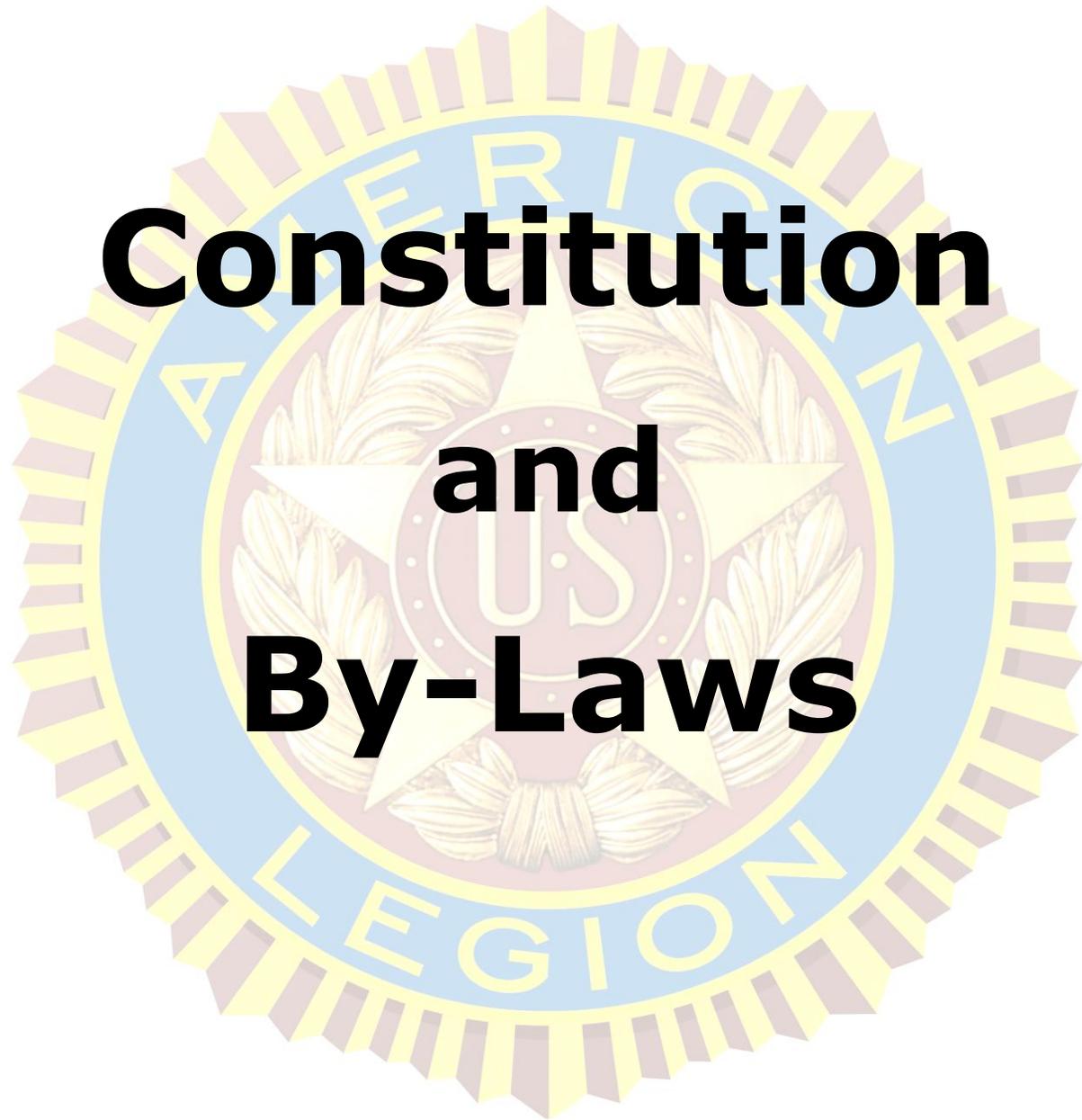


***Chapin American Legion Post 193***  
***102 Lexington Avenue, Chapin, South Carolina 29036***  
***Post Office Box 897, Chapin, South Carolina 29036***



**Amended and Restated March 2020**

## Preamble to the Constitution

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.

# CONSTITUTION

## **ARTICLE I**

### **NAME**

This association shall be known as CHAPIN AMERICAN LEGION POST 193, INC. established and chartered in South Carolina.

## **ARTICLE II**

### **OBJECTIVES**

#### **Section 1.**

The purposes, principles, aims and objects of this Post are declared to be in conformity with those of the American Legion, Department of South Carolina, of which this Post is a part, as enunciated in the Preamble to this constitution, identical with that of the National body of The American Legion adopted at the caucus in St. Louis, Missouri, May 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup>, 1919.

#### **Section 2.**

We further dedicate ourselves to the promotion of the welfare, prosperity and happiness of all people of South Carolina, to the preservation of the ideals and traditions of our state and pledge our single-minded adherence to the hallowed faith of our fathers.

#### **Section 3.**

Chapin American Legion Post 193, Inc. 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 preferment.

#### **Section 4.**

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

## **ARTICLE III**

### **ELIGIBILITY**

#### **Section 1.**

An individual is eligible for membership in The American Legion only if the individual

(1) has served in the Armed Forces of

(A) the United States at any time during

(i) the period of April 6, 1917, through November 11, 1918; or

(ii) any time after December 7, 1941; or

(B) a government associated with the United States Government during a period or time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and

(2) was honorably discharged or separated from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

#### **Section 2.**

There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

#### **Section 3.**

No person may be a member of more than one Post at any one time.

## **ARTICLE IV**

### **POST OPERATION**

#### **Section 1.**

Except where hereinafter specifically delegated, all power and authority are lodged in the members of the Post. The Post Adjutant is hereby authorized to set and plan the monthly Post meetings and will report to the Post Executive Committee the necessary arrangements of said meetings. A regular Post meeting must be held no less than once a month.

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**Section 2.**

The Executive Committee is hereby invested with the power to appoint such committees deemed necessary and to make such arrangements as may be deemed necessary for the holding of Post monthly meetings.

**ARTICLE V**

**EXECUTIVE COMMITTEE**

**Section 1.**

Between the meetings of the Post, the Executive Committee shall constitute the governing body of this Post, and such committee is hereby empowered to make all rules and regulations necessary and consistent with this Constitution and the By-Laws of this Post, and to do all things to promote and carry out its aims and purposes.

**Section 2.**

The Post Commander shall be the ex-officio Chairman of the Executive Committee and preside over the Executive Committee meetings.

**Section 3.**

The Executive Committee shall meet at such times and places as may be agreed upon by the committee or upon call by the Post Commander or the Post Adjutant as prescribed by the Constitution and By-Laws. The Executive Committee shall not meet less than once monthly.

**Section 4.**

The quorum of the Executive Committee will consist of a majority of committee members; a majority being one half of the members present plus one.

**Section 5.**

The Post Adjutant shall serve as secretary of the Executive Committee when in session.

**Section 6.**

Only the voting members shall be permitted to be present and privileged to participate in Executive Sessions of the Executive Committee.

## **ARTICLE VI**

### **ELECTION OF POST OFFICERS**

**SECTION 1.** The Executive Committee shall control the conduct of Post elections as follows:

(1) The Executive Committee shall select a Nominating Committee of no less than three members, in good standing, of the Post at the **March** meeting.

(2) The current Post Commander shall not be a member of the Nominating Committee, nor recommend any candidate for any office.

(3) The Nominating Committee shall prepare a list (Slate) of consenting Post members as candidates for offices of the Post and present it to the membership at the **April** meeting.

(A) Any member not on the list who desires consideration for an office may so state and be placed on the list.

(B) Any member in good standing is eligible to run for any office of the Post.

(4) Post Officers will be elected at the **May** meeting in accordance with the By-Laws.

## **ARTICLE VII**

### **POST OFFICERS**

#### **Section 1.**

In the case of vacancy by death, illness, incapacitation, resignation, removal from the Post, or disqualification of the Post Commander, the Post Adjutant shall immediately call the Executive Committee into session and such committee shall appoint/confirm the Post First Vice-Commander successor for the unexpired term. The Second Vice-Commander then becomes the First Vice-Commander, and so on with the vacancy to be filled occurring in the lowest-ranking Vice-Commanders position.

#### **Section 2.**

In the event of vacancy by death, illness, incapacitation, resignation, removal from the Post, or disqualification of any other Post Officer, such vacancy shall be immediately filled at a meeting of the Executive Committee and the officer(s) so elected by the Executive Committee shall continue to discharge the duties of the office until the next Post election.

## **ARTICLE VIII**

### **POST COMMANDER & POST VICE-COMMANDERS**

#### **Section 1.**

The Post Commander shall be the ex-officio Chairman of the Executive Committee and shall preside over the Executive Committee meetings.

The incumbent shall take care that the high principles and purposes of the American Legion are preserved.

They shall be the official spokesperson, on all occasions, for the Post.

With the approval and consent of the Executive Committee, they shall discharge the duties prescribed by the Post Constitution and By-Laws and shall further perform all duties incident to the office of Chief Executive Officer (CEO) of this organization, and faithfully carry out the mandates of the Post and all duties devolved by the Executive Committee.

The Post Commander, or their designee, is expected to attend District meetings held at such places and times as may be selected by the District Commander.

#### **Section 2.**

The Post Vice-Commanders will consist of three (3) annually elected officers. The titles of these Post Officers are:

- 1<sup>st</sup> Vice-Commander
- 2<sup>nd</sup> Vice-Commander
- 3<sup>rd</sup> Vice Commander

#### **Section 3.**

All Vice-Commanders serve for a term of one year, unless Article VII, Section 1 has taken affect.

## **ARTICLE IX**

### **POST DISCIPLINE**

#### **Section 1.**

Any Post member or Post officer convicted of a felony by any duly constituted court cannot be a member of Chapin American Legion Post 193.

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**Section 2.**

Upon the filing by any member of charges against any other member of the Post, coming out of the failure on his part of performing the duties of his office, according to the Constitution and By-Laws of the Post - neglect, incapacity, inability to serve, or failure to carry out the orders or directions of the Post Commander, or the Executive Committee, or conduct unbecoming a Chapin American Legion Post 193 member - then the offending member shall be served with a copy of the charges and shall be given twenty (20) days from the set date to file a request with the Post Adjutant for a hearing of the charges before the Executive Committee. Upon notification by the Post Adjutant of a day fixed and time set, he shall be required to appear before the Executive Committee and answer such charges as may be preferred against him.

**Section 3.**

If said member fails to file such a request within the specified time, then the Executive Committee shall have the power to act on the charges, at such time as the Post Commander may designate.

**Section 4.**

A two-thirds (2/3's) vote of the Executive Committee on the said charges shall be binding upon him, and at any trial held, the Post Judge Advocate shall be the presiding officer.

No member in good standing shall lose his/her membership until given a fair trial. The Executive Committee shall be the sole judge of the admissibility of evidence.

**Section 5.**

Any member who has been suspended or expelled has the right to appeal to the Executive Committee and its decision shall be final.

**ARTICLE X**

**AMENDMENTS**

**Section 1.**

(1) The Constitution may be amended at any regular Post meeting by a vote of two-thirds (2/3's) of the members of the Post attending such regular meeting.

(2) The proposed amendment(s) shall have been submitted in writing to the Post Adjutant at least thirty (30) days prior to the next regular scheduled Post meeting.

(3) The first reading will take place at that next regular Post meeting.

(4) The amendment(s) will be voted on at the following regular scheduled Post meeting.

## **ARTICLE XI**

### **FINANCE**

#### **Section 1.**

The primary revenue of Chapin American Legion Post 193 shall be derived from annual membership dues. Additional revenue shall be derived from other sources as may be recommended by the Executive Committee and approved by the Post membership.

#### **Section 2.**

The amount of annual Post membership dues as prescribed in the aforementioned section, as recommended by the Executive Committee, shall be determined by two-thirds vote (2/3's) of members present at a regularly scheduled Post meeting and cannot be lower than the membership dues of the preceding year.

## **ARTICLE XII**

### **SUBSIDIARIES**

#### **Section 1.**

The American Legion recognizes an auxiliary organization known as the American Legion Auxiliary (Auxiliary). The American Legion, Department of South Carolina recognizes as a program within the Department, The Sons of The American Legion (SAL) and American Legion Riders of South Carolina (ALRSC).

#### **Section 2.**

**AMERICAN LEGION AUXILLARY (AUXILLARY):** Membership in the American Legion Auxiliary shall be limited to the:

(1) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and

(2) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917, to November 11, 1918 and any time after December 7, 1941 who, being a citizen of the United States at the time of their entry therein served on active duty in the Armed Forces of any of the governments associated with the United States during either eligibility periods and died in the line of duty or after honorable discharge;

(3) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941 who served on active duty in the Armed Forces of the United States during either eligibility periods and died in the line of duty or after honorable discharge; and

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(4) to those women who of their own right are eligible for membership in The American Legion.

**SONS OF THE AMERICAN LEGION (SAL):** All male descendants, adopted sons and stepsons of members of The American Legion, and such male descendants of veterans who died in service during World War I, World War II, and Korean War, the Vietnam War, Lebanon, Grenada, Panama, and the Persian Gulf War, during the periods set forth in Article IV, Section 1, of the National Constitution of The American Legion, or who died subsequent to their honorable discharge from such service, shall be eligible for membership in The Sons of The American Legion.

**AMERICAN LEGION RIDERS OF SOUTH CAROLINA (ALRSC):** Regular membership in the American Legion Riders of South Carolina shall be open to any verified current member of The American Legion, American Legion Auxiliary and The Sons of The American Legion.

**Section 3.**

The Auxiliary shall be governed in each Department of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by such Department of The American Legion.

The organization of Detachments and Squadrons shall conform with regulations of the Department of The American Legion having jurisdiction, with regulations of the National Executive Committee of The American Legion, and with the National Constitution and By-Laws of The Sons of The American Legion.

The ALRSC (American Legion Riders of South Carolina) is a program of The American Legion Department of South Carolina and subject to the rules, regulations, policies, oversight and control thereof. Such oversight and control shall be exercised through a committee of The Internal Affairs Commission of The Department of South Carolina to be known as the American Legion Riders Committee, members whereof shall be appointed in accordance with Department of South Carolina policy.

**ARTICLE XIII**

**PARLIAMENTARY PROCEDURE**

**Section 1.**

If the conduct of a hearing, meeting, proceeding or other activity is not otherwise governed by the Post Constitution or By-Laws, then Robert's Rules of Order (current edition), shall govern the conduct of the above described Post activities.

## **BY-LAWS**

### **ARTICLE I**

#### **MISSION**

##### **Section 1.**

The mission of CHAPIN AMERICAN LEGION POST 193, INC. is in accordance with the requirements of the Department Constitution and By-Laws.

##### **Section 2.**

The Charter of the CHAPIN AMERICAN LEGION POST 193, INC. shall be displayed at all regular Post meetings.

### **ARTICLE II**

#### **ELECTION OF POST OFFICERS**

##### **Section 1.**

The Post Officers elected in May shall take office at the regular scheduled meeting in June and shall forthwith assume the performance of the duties of their respective offices.

##### **Section 2.**

In electing Post Officers, the following protocol will be followed:

(1) The Executive Committee shall select a Nominating Committee of no less than three members, in good standing, of the Post at the **March** meeting.

(2) The current Post Commander shall not be a member of the Nominating Committee, nor recommend any candidate for any office.

(3) The Nominating Committee shall prepare a list (Slate) of consenting Post members as candidates for offices of the Post and present it to the membership at the **April** meeting.

(4) Post Officers will be elected at the **May** meeting.

(A) The Post Commander, or his designee, shall preside over the election.

(B) A quorum of the membership (10% of paid membership) must be present to hold the election.

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(C) The Post Commander/Designee shall call for any additional nominations to the Slate from the floor.

(D) Additional nominations for Post Officers will be accepted by membership vote.

(E) Nominations for Post Officers will be closed by membership vote.

(F) The vote for Post Officers will be called for by membership vote.

(G) All voting will be done first person (voters must be present to cast ballots); there will be no voting by proxy or electronic voting.

(H) For unopposed candidates, Voice Vote will be primary means; if a clearer result is needed, then Show-of-Hands Vote will be used.

(I) All voting will be conducted by "motion, second, discussion, vote" protocol and a voting majority is required for passage.

(J) A voting majority will be one half of the members present plus one.

(K) Unopposed candidates listed on the Slate will be voted on by a single vote of the membership.

(L) Opposed candidates listed on the Slate will be voted on by Written Ballot (the Slate) by the membership.

(M) Tied votes will be resolved at that time by each candidate giving a maximum 4-minute presentation to the membership stating their qualifications. Further ties will be submitted to a committee of at least 3 Past Commanders for resolution. There will be no appeal from their decision.

(5) Post Officers will be installed at the **June** meeting. The induction of the Officers should be by a present Officer or a Past Officer from the Department. If circumstances dictate otherwise, any Past Commander of Chapin American Legion Post 193 may perform the installation.

(6) The names of the newly elected officers shall be reported to Department Headquarters **immediately following the election** or by **July first (1<sup>st</sup>)** on forms provided by the Department.

(7) All American Legion protocol for installation of officers should be followed if possible.

## **ARTICLE III**

### **FINANCES**

#### **Section 1.**

The Post shall pay into the treasury of the Department, the said amount for each member for each fiscal year.

#### **Section 2.**

The Finance Officer of the Post shall have charge of all finances and see that they are safely deposited in a local bank or banks, and shall report once a month to the Executive Committee the condition of the finances of the Post with such recommendations as may be deemed expedient or necessary for raising funds with which to carry on the activities of the Post. Post checks will require the signature of two authorized Post Officers. The Finance Officer shall be responsible to ensure that proper authorized signatures are on all checks disbursing monies of the Post and shall furnish such surety bonds in such sums as shall be fixed by the Executive Committee.

## **ARTICLE IV**

### **EXECUTIVE COMMITTEE**

#### **Section 1.**

Between the meetings of the Post, the Executive Committee shall constitute the governing body of this Post, and such committee is hereby empowered to make all rules and regulations necessary and consistent with this Constitution and the By-Laws of this Post, and to do all things to promote and carry out its aims and purposes

#### **Section 2.**

The Executive Committee shall consist of the following members. All members shall have full voting rights except the Commander who can vote only in case of tie votes by the Committee.

Commander  
1<sup>st</sup> Vice Commander  
2<sup>nd</sup> Vice Commander  
3<sup>rd</sup> Vice Commander  
Adjutant  
Finance Officer  
Service Officer  
Historian  
Chaplain  
Sergeant at Arms  
Judge Advocate

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Building Coordinator  
Immediate Past Commander  
ALR Chapter 193 Director

The Post Commander shall be the ex-officio Chairman of the Executive Committee and shall preside over the Executive Committee meetings.

**Section 3.**

The Executive Committee shall meet at such times and places as may be agreed upon by the aforementioned committee or upon call by Post Commander or the Post Adjutant as prescribed by the Constitution and By-Laws. The Executive Committee shall not meet less than once monthly.

**Section 4.**

The Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures of Post funds. Post officers or Post members shall not expend Post funds in excess of \$200.00 per item or enter into any long-term obligations of the Post without prior approval of the Post membership. Additionally, the Executive Committee shall require adequate bond from all persons having custody of Post funds, shall hear the reports of Post committee chairs, and generally, shall have charge of and be responsible for the affairs of this Post.

**ARTICLE V**

**DUTIES OF OFFICERS**

**POST COMMANDER**

**Section 1.**

- (1) The duties of the Post Commander shall be to preside over the Post meetings and serve as the ex-officio Chairman of the Executive Committee.
- (2) The incumbent shall take care that the high principles and purposes of The American Legion are preserved.
- (3) The Post Commander shall be the official spokesperson on all occasions for The American Legion, Chapin American Legion Post 193.
- (4) With the approval and consent of the Executive Committee, they shall discharge the duties delegated by the Constitution and these By-Laws and shall further perform all duties incident to the office of Chief Executive Officer (CEO) of the organization, and faithfully carry out the mandates of the Post and all duties devolved by the Executive Committee.
- (5) The Post Commander, or their designee, is expected to attend District meetings held at such places and times as may be selected by the District Commander.

**Section 2.**

**POST FIRST VICE-COMMANDER**

As Commission Chairperson, Internal Affairs, the incumbent oversees all phases of Internal Affairs and assures the Post Commander, Post Adjutant, and the Executive Committee that all sub-committees have met, findings reported and/or plans implemented as required.

The primary duties and responsibility of the Post First Vice-Commander is oversight of all sub-committees that formulate Internal Affairs.

The Post First Vice-Commander will represent the Post Commander and/or the Post at various functions as prescribed by the Post Commander and the Post Adjutant throughout the ensuing year.

In addition, in case of where the Post Commander cannot fulfill his/her duties as outlined in Article VII; Section 1 of the Constitution, the Post Adjutant will call a special meeting of the Executive Committee for the purpose of filling the unexpired position of the Post Commander. The Post First Vice-Commander upon approval will ascend to Commander and fulfill the unexpired term as directed by the Executive Committee.

The Post First Vice-Commander's term of office is for one (1) year, unless otherwise provided for in the Post Constitution.

**Section 3.**

**POST SECOND VICE-COMMANDER**

The duties and responsibilities are to serve as Commission chairperson of Americanism and to oversee functioning responsibility of the various Americanism programs for the Post.

The incumbent works closely with each committee and their chairs, as appointed by the Post Commander.

The incumbent will learn history, program operational procedures, and time frames for all the Americanism programs conducted by both National and Department Headquarters. These major programs are, but not limited to, Oratorical, Boys State, Baseball, and Law Cadet. As Commission chairperson, numerous other programs are conducted throughout the year that warrants Post awareness and knowledge. The incumbent is responsible to disseminate appropriate information concerning these programs to the Post. The incumbent oversees all phases of Americanism and assures the Post Commander, Post Adjutant, and Executive Committee, that all sub-committees have met, findings reported, and/or plans implemented as required.

The incumbent works closely with the Post Commander and Post Adjutant to assure all programs outlined by the Executive Committee are implemented.

The incumbent throughout the year will represent the Post Commander and/or Post Adjutant at various functions prescribed by the Post Commander and/or Post Adjutant. The Post Second Vice-Commander's term of office is for one (1) year unless otherwise provided for in the Post's Constitution.

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**Section 4.**

**POST THIRD VICE-COMMANDER (Optional)**

When this position is filled, the duties will be as generally outlined in The American Legion, Department of South Carolina By-Laws as applicable to the Post positions.

**Section 5.**

**POST ADJUTANT**

The Post Adjutant shall be the Chief Operating Officer (COO) of the organization and shall be charged with the administration of policies and procedures of both the National and Department American Legion, as well as, the policies and mandates of Chapin American Legion Post 193 and the Executive Committee. The incumbent shall perform such other duties as are usually incident to the office.

**Section 6.**

**POST FINANCE OFFICER**

The incumbent shall be the Chief Financial Officer (CFO) of the organization and the Fiscal Agent for the Post.

They shall keep the accounts, receive all funds, and sign all vouchers for the Post. If the Executive Committee shall so require, at any or all of the meetings, they shall be prepared to render true accounting of the financial condition of Chapin American Legion Post 193. The Executive Committee has the option to call for an independent audit at any time and particularly at the conclusion of the Post Finance Officer's term.

With the Post Historian, the Post Finance Officer shall carefully prepare all of the permanent records of the Post and shall be the official custodian of all such records.

**Section 7.**

**POST BUILDING COORDINATOR**

The incumbent shall be in charge of the Post Headquarters Building and supervise its management, to include scheduling of third-party occupants. Any changes to the building lease agreement or any other long-term agreements affecting the Post must be approved by the Post Membership.

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**Section 8.**

**POST CHAPLAIN**

The Post Chaplain shall be elected by the Post Membership from among the Post members of Post 193 who are willing and qualified to serve. The incumbent shall discharge all duties incident to the office, and do all things required by the Executive Committee.

It shall be the particular duty of the Post Chaplain to promote the "Service to God and Country" program of The American Legion in the Post and assist the Post in carrying out that objective.

The incumbent shall be responsible for all religious and memorial services for all Post meetings.

**Section 9.**

**POST SERVICE OFFICER**

The incumbent shall cooperate with the other officers of both the National and the State Department of The American Legion in performing the first duty laid upon this Post and each member thereof that is to care for our disabled comrades and the widows and orphans of deceased prior-service members.

They shall be prepared at all times to cooperate with the State Director, Governor's Office of Veterans Affairs, Department of Veterans Affairs, and the Department of Veterans Benefits in prosecuting all just claims of prior-service members and shall not hesitate to call upon any member of the Post or elsewhere, to assist in efforts thereabout.

**Section 10.**

**POST JUDGE ADVOCATE**

The Post Judge Advocate shall be the legal advisor, for all Post activities, to the Executive Committee, the Post Commander, the Post Adjutant, as well as, the other officers of Chapin American Legion Post 193.

The incumbent, when called upon by any duly authorized officer, shall prepare and submit his legal opinion upon any question arising in the Post.

The incumbent shall perform such other duties as may be assigned by the Post Commander, Post Adjutant or the Executive Committee and shall act as parliamentarian at all Post meetings.

It is the duty of the Post Judge Advocate to attend all scheduled Post meetings and to advise the Post Commander and Post Adjutant on any matters pertaining to the interpretation of the Constitution and By-Laws of Chapin American Legion Post 193.

**Section 11.**

**POST SERGEANT-AT-ARMS**

The incumbent, under the direction of the Post Commander and/or Post Adjutant, shall attend all scheduled Post meetings and shall take care of the Post colors and see that they are properly displayed and secured after each meeting.

The Post Sergeant-at-Arms shall see that all members attending the various meetings are properly qualified and shall call for such identification as deemed necessary.

**Section 12.**

**POST HISTORIAN**

The incumbent shall be charged with the preparation of the permanent records of Chapin American Legion Post 193.

The records shall faithfully promote the membership, aims, ideals, and principles of the Post. The incumbent shall perform such other duties as directed by the Post Commander, Post Adjutant, Post Vice-Commanders, and the Executive Committee.

**ARTICLE VI**

**POST DISCIPLINE**

**Section 1.**

Any Post member or Post officer convicted of a felony by any duly constituted court cannot be a member of Chapin American Legion Post 193.

**Section 2.**

Upon the filing by any member of charges against any other member of the Post, coming out of the failure on his part of performing the duties of his office, according to the Constitution and By-Laws of the Post - neglect, incapacity, inability to serve, or failure to carry out the orders or directions of the Post Commander, or the Executive Committee, or conduct unbecoming a Chapin American Legion Post 193 member - then the offending member shall be served with a copy of the charges and shall be given twenty (20) days from the set date to file a request with the Post Adjutant for a hearing of the charges before the Executive Committee. Upon notification by the Post Adjutant of a day fixed and time set, he shall be required to appear before the Executive Committee and answer such charges as may be preferred against him.

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**Section 3.**

If said Member fails to file such a request within the specified time, then the Executive Committee shall have the power to act on the charges, at such time as the Post Commander may designate.

**Section 4.**

A two-thirds (2/3's) vote of the Executive Committee on the said charges shall be binding upon him, and at any trial held, the Post Judge Advocate shall be the presiding officer.

No member in good standing shall lose his/her membership until given a fair trial. The Executive Committee shall be the sole judge of the admissibility of evidence.

**Section 5.**

Any member who has been suspended or expelled has the right to appeal to the Executive Committee and its decision shall be final.

**ARTICLE VII**

**AMENDMENTS**

**Section 1.**

(1) The By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3's) of the members of the Post attending such regular meeting.

(2) The proposed amendment(s) shall have been submitted in writing to the Post Adjutant at least thirty (30) days prior to the next regular scheduled Post meeting.

(3) The first reading will take place at that next regular Post meeting.

(4) The amendment(s) will be voted on at the following regular scheduled Post meeting.

**ARTICLE VIII**

**PARLIAMENTARY PROCEDURE**

**Section 1.**

If the conduct of a hearing, meeting, proceeding or other activity is not otherwise governed by the Post Constitution or By-Laws, then Robert's Rules of Order (current edition), shall govern the conduct of the above described Post activities.