

**ELK PLAIN POST 118
OF THE AMERICAN LEGION
DEPARTMENT OF WASHINGTON**

CONSTITUTION/BY-LAWS

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 association 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 goodwill 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, OBJECTS, AND NATURE**

Section 1. The Name of this organization shall be Elk Plain Post 118, The American Legion, Department of Washington.

Section 2. The objectives and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of the American Legion.

Section 3. The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by his military or naval title in any convention or meeting of the Legion.

Section 4. The American Legion shall be absolutely nonpolitical 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.

ARTICLE II 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 under such regulations as may from time to time be prescribed by the Post Executive Committee.

Section 3. All applications for membership shall be acted upon at the next Post 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 the members cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

Section 4. There shall, be no form or class of membership except an active membership; and dues shall be paid either annually or for life.

Section 5. Any member of this Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial had upon the same. *

Section 6. A member who has been expelled or suspended from this Post 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 7. 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, 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.

* Before proceeding under this section, Posts should make inquiry as to whether or not the Department Constitution and By-Laws has provided a different procedure, which should be followed.

ARTICLE III MEETINGS

Section 1. The regular meeting of the Post shall be held at the Elk Plain Grange on the first and third Tuesdays of each month when possible, at which may be transacted such business as may be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post.

Section 2. The Post commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

Section 3. Upon the written request of 3 members, the committee shall call a special meeting of the Post.

Section 4. Four (4) members present shall constitute a quorum.

Section 5.

- (a) Meetings conducted by Elk Plain Post 118 should be expected to be held in a reasonable and responsible manner. While it is understood that discussions on various topics can become passionate, disrespect or angry/violent behavior will not be tolerated.
- (b) Any member who displays intimidating, bullying, profane, racist, gender discriminating or disrespectful behavior toward any other member will be addressed by the Commander and issued a warning to immediately curtail such behavior.
- (c) Should the offending member not curtail his/her behavior, the Commander will ask the Sergeant at Arms to escort the offending member from the meeting at which time he/she will not be allowed to return to that meeting.
- (d) Should the offending member display the same or similar behavior at any subsequent meetings he/she will again be removed from the meeting and his/her name will be referred by the Commander to the Executive Committee for suspension/removal from the Post.

ARTICLE IV OFFICERS

Section 1. Executive Committee

- (a) The government and management of the Post is entrusted to an Executive Committee of Elk Plain Post 118, to be known as the "Executive Committee."
- (b) The Executive Committee shall consist of the officers of the Post. The officers of this Post shall be elected annually on June 1st and take office at the meeting next following that of the election. All elections of officers/executive committeemen shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.
- (c) All vacancies existing in the officer/Executive Committee from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who succeeded. A vacancy shall exist when a

member or officer is absent from the Post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

Section 2. The officers of this Post shall be a commander, a vice-commander, an adjutant, a finance officer, a Post historian, a Post chaplain, a Post service officer and a sergeant-at-arms, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.

Section 3. All officers/executive committeemen shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer/executive committeeman may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 5. The duties of officers/executive committee shall be those usually appertaining to such officers and committee and as further provided.

ARTICLE V DUTIES OF OFFICERS

Section 1. Duties of Post Commander.

- (a) It shall be the duty of the Post commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such officer shall be the chief executive officer of the Post.
- (b) The commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department adjutant.
- (c) The Commander shall see that officers perform their duties, enforce the Constitution, By-Laws, Rules and Regulations of the Post; appoint all committees not otherwise provided for; give the deciding vote when a tie occurs; examine and announce the result of all balloting and other votes. He/she shall not make or second any motion or take part in any debate while in the Chair; he/she shall ascertain from the Financial Secretary/Treasurer before adjournment of the meeting the amount of money received since the previous meeting.
- (d) At the end of his/her term, he/ she shall make a report showing the progress and condition of the Post.

- (e) He/she shall, together with the Treasurer, sign and file with the United States Government on behalf of the Post, an annual financial report if required by public law or regulation. The filing of such report will be required unless the Post has received express notification from the United States Government that it is exempt from such requirements.
- (f) The commander shall perform such other duties as directed by the Post.

Section 2. Duties of Vice-Commander. The vice commander shall assume and discharge the duties of the office of commander in the absence and in case of death, resignation, disqualification, refusal or neglect of the Commander to discharge the duties of his/her office, or when called upon by the Post commander the Vice Commander shall then perform all duties incumbent upon the Commander for the remainder of the term of office.

Section 3. Duties of Post Adjutant.

- (a) The adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National Organizations may require, render reports of membership annually or when called upon at a meeting, and under direction of the commander handle all correspondence of the Post.
- (b) He/she shall notify applicants for membership in writing of their election or rejection, and members of their suspension, expulsion or acceptance of resignation. He/she shall report to the Department and National Treasurer immediately the suspension, expulsion, or reinstatement of a member.
- (c) He/she shall attend to all correspondence of the Branch, and properly mark and file all papers ready for inspection at any time, and notify the members of special meetings when ordered by the President.
- (d) He/she shall make semi-annually a report to the Branch showing the number of members elected, rejected, initiated, suspended, reinstated, with-drawn, and the number of deaths, giving date of death; also, the receipts, benefits paid, amount expended, and amount on hand. Within one week after his/her term expires, or upon an earlier termination thereof, he/she shall deliver to his/her successor all books and papers together with all other property of the Post in his/her possession.
- (e) No less than 30 days before each election, the Adjutant shall mail to every member notice of the election, stating the offices for which election shall be had and the time, place, manner for nomination and election. For purposes of this provision, the requirement that notices be mailed are met if the notices are mailed to the last known address of the member.

Section 4. Duties of the Finance Officer/Treasurer.

- (a) The finance officer/treasurer of the Post shall have charge of all finances and see that they are safely deposited in some local bank and

shall report once a month to the Executive Committee the condition of the finances of the Post, with recommendations as may deem expedient or necessary for raising funds with which to carry on the activities of the Post.

- (b) The finance officer/treasurer shall sign all checks disbursing the monies of the Post and shall furnish such surety bonds in such sum as shall be fixed by the Post Executive Committee.
- (c) He/she shall, together with the Commander, sign and file with the United States Government on behalf of the Post, an annual financial report if required by public law or regulation. The filing of such report will be required unless the Post has received express notification from the United States Government that it is exempt from such requirements.

Section 5. Duties of Post Historian. The Post historian shall be charged with the individual records and incidents of the Post and Post members and shall perform other duties as may properly pertain to the office, as may be determined by the Post or the Executive Committee.

Section 6. Duties of Post Chaplain. The Post chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time.

Section 7. Duties of Sergeant-at-arms. The sergeant-at-arms shall preserve order at meetings and shall perform such other duties as may be from time to time assigned by the Post Executive Committee.

ARTICLE VI APPOINTMENTS

Section 1. The Post commander, immediately upon taking office each year, shall appoint the following standing committees: Americanism, Ceremonies, Children and Youth, Economic, Finance, Foreign Relations, Graves Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, National Security, Sons of the American Legion and Visiting or VAVS. Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the Post commander.

Section 2. Americanism Committee. The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-

American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

Section 3. Ceremonials Committee. The principal duty of the Ceremonials Committee is to insure all new members are properly initiated. The committee also concerns itself with proper presentation of other rituals outlined in the Manual of Ceremonies-burial detail and wearing of Legion regalia.

Section 4. Children and Youth Committee shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of a war veteran shall be in need of the necessities of life" and "a square deal for every child."

Section 5. Economic Committee. The Post Economic Committee is primarily concerned with local employment programs, Veterans' preference, government employment and re-employment rights.

Section 6. Finance Committee. The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds.

Section 7. Foreign Relations. This committee has become active as America has recognized its responsibility as a world leader. Maintaining and securing world peace and friendship abroad through community endeavors have become as essential as any aspect of treaty law.

Section 8. Graves Registration and Memorial Committee. The duties of this committee involve recording of grave sites and complete information on veteran's burial in cemeteries assigned to the Post. Special assistance can be given the service officer in providing flags, headstones or proper interment in national cemeteries.

Section 9. House and Entertainment Committee. The House and Entertainment quarters promotion of club advantages and arrangement for social activities.

Section 10. Legislative Committee. The Legislative Committee needs to have knowledge of what is going on in Congress- what we favor or oppose, and should be ready to initiate action in support of our position when requested by the national or Department organization.

Section 11. Membership Committee. The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatements and eligibility of members.

Section 12. Public Relations Committee. The Public Relations Committee shall be charged with the promotion of public support of the Legion's programs by the establishment of proper contact with The American Legion Magazine, Department and national Legion news service and by local publicity of Post programs and activities.

Section 13. Veterans Affairs and Rehabilitation Committee. The Veterans Affairs and Rehabilitation committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state government, employment, relief, etc.

Section 14. Security Committee. The Security Committee shall work with and coordinate Legion efforts with the local Civil Defense Council on matters pertaining to national, civilian and home defenses. It shall assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.

Section 15. Sons of The American Legion Committee. This committee shall have supervision over the operations of the Post's squadron of the Sons of The American Legion.

Section 16. Visiting or VAVS Committee. This committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.

ARTICLE VII POST EXECUTIVE COMMITTEE

Section 1. The government and management of the Post is entrusted to an Executive Committee, of Elk Plain Post 118 members, to be known as the "Executive Committee."

Section 2. The Executive Committee shall consist the officers of the Post. The officers of this Post shall be elected annually on June 1st and take office at the meeting next following that of the election. All elections of officers and executive committeemen shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

Section 3. All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the

committee or officer who succeeded. A vacancy shall exist when a member or officer is absent from the Post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

Section 4. The Post Executive committee shall meet for organization and such other business as may come before it at the call of the Post commander within 10 days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the commander at least every Quarter and as often as said commander may deem necessary. The commander shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee; 4 members of the committee shall constitute a quorum thereof.

Section 5. The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of the Post.

ARTICLE VIII ELECTIONS

Section 1. The provisions of this Article shall govern the election for all Post officers or other elected Post positions.

Section 2. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 3. Election of officers shall take place at a time prescribed by the Post. No less than 30 days before each election, the Adjutant shall mail to every member notice of the election, stating the offices for which election shall be had and the time, place, manner for nomination and election. For purposes of this provision, the requirement that notices be mailed are met if the notices are mailed to the last known address of the member.

Section 4.

(a) Every regular member shall have the right to nominate a candidate for any office or position to be filled.

(b) Each candidate shall be nominated at a regular or special meeting of the Post not less than four (4) weeks before the date of the election, but not less than 10 days after the notice of nomination and election has been sent out. Nominations may be made in writing, with the nominations to be received by the Adjutant not less than 30 days before the date of the election.

(c) Elections shall be by secret ballot. When there are two or more candidates for any office, the election shall be by ballot and the plurality of all

votes cast for such office shall be necessary to elect. There shall be no write-in votes for candidates not officially on the ballot. Any such write-in shall not be counted but will not invalidate the rest of the ballot. Each eligible regular member shall be entitled to one vote for each position to be filled.

(d) When there is but one candidate for any office, the Commander may declare that such person has been elected.

(e) Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the counting of the votes and at any polling place. The election may be held at a regular meeting of the Post, or a Post may provide in its by-laws that ballots may also be cast by mail not more than ten (10) days, nor less than one (1) day before the regular meeting, or that the election may be by a secret mail ballot. Whenever such elections are conducted by mail ballot, the last date on which ballots must be received in order to be counted shall be considered to be the date of the election. The Adjutant shall preserve for one year the ballots and all other records pertaining to the election.

Section 5. Installation of Post officers shall take place at the first or Second meeting of the Post following their election and shall be by such ceremony as the National Association may provide. Any National Officer, a Past Commander of the National Association, a Commander or Past Commander of Department shall act as Installing Officer. In their absence any officer of the Department or the Past Commander of a Post may act as such.

Section 6. All officers and executive committeemen shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committeeman may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

Section 7. The duties of officers and the executive committee shall be those usually appertaining to such officers or committee and as further provided in the By-Laws.

ARTICLE IX NOTICES

Section 1. Every member shall furnish the Post adjutant with an address for mailing.

Section 2. The Post adjutant shall cause notice of the annual election to be given at least **30 days** prior thereto.

ARTICLE X RULES OF ORDER

All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, except as herein otherwise provided.

ARTICLE XI DUES AND FEES

Section 1. Per Capita Collection and Payment:

Annual per capita dues and fees shall be collected at the Post level or paid by the Post and transmitted to the Department. Membership cards shall be sent to Department with required dues and fees.

Section 2. National Dues: National per capita dues are as established at the annual National Convention.

Section 3. Department Dues: The annual Department per capita dues are as established at the annual Department Convention.

Section 4. Life and Paid Up for Life (PUFL) Dues:

(a) Life Membership may be granted by a Post to its members, but once granted, the Post shall be responsible for payment of such members' National and Department per capita dues and fees as long as such members do not transfer out of the Post or resign from American Legion membership.

(b) This Post has authorized participation in the National PUFL program.

(1) Annual per capita dues and fees will be reimbursed by to the Post in the amount specified in the original purchase, without regard to subsequent changes.

(2) PUFL members shall be automatically counted toward the Post and Department specified membership goal at the start of each Legion year.

Section 5. Delinquency, Suspension, and Forfeiture of Membership: National and Department per capita dues are due and payable on 31 December of the calendar year preceding the Legion year, and a member is delinquent if not paid by January 1st. If the member is still delinquent after February 1st; he/she will be suspended from all privileges. Suspended members will be removed from the membership roll if not paid by June 30th.

Section 6. Post Fiscal Year: Although dues are based on the "Legion year" which is the calendar year, the Post fiscal year shall be from August 1 through July 31.

Section 7. The revenue of 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.

ARTICLE XII American Legion Auxiliary

This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Elk Plain Post 118, The American Legion.

ARTICLE XIII LIMITATIONS OF LIABILITIES

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

Section 2. The Post is authorized, upon affirmative vote of the membership, to pay all the expenses for investigating services, employment of counsel, and other necessary expenditures in any cause, matter, case or cases where an officer, representative, employee, agent or one charged with acting in behalf of the Post and/or its affiliates is charged with any violation or violations of any law, or is sued in any civil actions with respect to any matter arising out of his/her official duties except if such officer, representative, employee or agent is charged with a breach of his/her trust to the Post or any subordinate body or member thereof.

Section 3. This provision does not apply to suits brought against the Post or any of its officers, representatives, and agents by the National Association.

ARTICLE XIV AMENDMENTS

Section 1. This Constitution/Bylaws are adopted subject to the provisions of the National Constitution of The American Legion and of the Department Constitution of the Department of Washington, The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict 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. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting; Provided that the proposed amendment shall have been submitted in writing and

read at the next preceding regular meeting of said Post; and, provided, further, that written notice shall have been given to all members at least 30 days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

ARTICLE XV ORDER OF BUSINESS

The order of business for post meetings shall be:

- a. Roll call to determine if quorum is present
- b. Reading of minutes of previous meeting
- c. Introduction of guests and prospective and new members
- d. Committee reports
- e. Balloting on applications
- f. Sick call, relief and employment
- g. Post service officer's report
- h. Unfinished business
- i. Initiation of candidates
- j. New business and correspondence
- k. Memorial to a departed post member
- l. The good of The American Legion

The order may be changed at the discretion of the commander.