

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 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 of Post _____ Department of New Hampshire, The American Legion

Article I NAME

Section 1. The name of this organization shall be _____, Post __, The American Legion. A Post of the Department of New Hampshire, The American Legion.

Article II OBJECTS

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

Article III NATURE

Section 1. This Post is a civilian organization and membership there in does not affect or increase liability for military or police service. Rank does not exist in The American Legion. No member shall be addressed by his military title in any meeting of this Post.

Section 2. While requiring that every member of the organization perform his or her full duty as a citizen according to his own conscience and understanding. This organization shall be absolutely, non-Political and shall not be used for dissemination of partisan principles, or for the promotion of the candidacy of any person seeking public office or preferment, nor shall distinction of class, creed, nationality, religion or sect be recognized or countenanced in the organization.

Article IV MEMBERSHIP

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

Section 2. All persons making application for membership in this Post must exhibit an honorable discharge or Department of Defense form 214 or such other form approved by the National organization. Proof of eligibility must be presented to a member of the membership committee and furnish such information relating to his or her service as may be requested by the Post.

Section 3. All applications for membership shall be acted upon at the next Post meeting, following the making of such application. All applications for membership are accepted or rejected by a majority vote at the regular Post meeting.

Section 4. 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 at a Post meeting. Provided, however, that he or she shall make payment of current dues at the time of reinstatement.

Section 5. No person who has been expelled by another Post of The American Legion shall be admitted to membership in this Post without the consent of the Expelling Post. Except that when such consent has been asked for and denied by such Post. He may appeal to the membership committee for membership in this Post but shall be ineligible for membership until the membership committee grants such permission. The decision of the membership committee however is subject to appeal to the membership of the Post. If said appeal to the membership is denied an appeal then may be made to the Executive Committee of the Department of New Hampshire to apply for membership in another Post.

Section 6. Transfers from and to this Post shall be governed by the rulings adopted by the Department of New Hampshire, and the National Headquarters of The American Legion. All application for resignation or transfer shall be referred to the membership committee for recommendation.

Article V LEGAL TITLE

Section 1. The legal title to all property, effects and assets of this Post shall rest in the membership thereof.

Section 2. Termination of membership for whatever cause shall be considered a withdrawal from the Post. In addition, shall be a release of all rights, titles to and interest in the property and assets of the Post.

Article VI DUES

Section 1. The annual dues of the Post will be set by a vote of the membership at a regular meeting upon the recommendation of the executive board. Dues shall be come payable on or after July first (1) each year.

Section 2. Reference Section four (4) National By-Laws. A member whose dues for the current year have not been paid by January first (1) shall be classed as delinquent, if his or her dues are paid on or before February first (1). He or she shall be automatically reinstated, if he or she is still delinquent after February first (1). He or she shall be suspended from all privileges. If he or she is still under such suspension on June Thirtieth (30) of such year his or her membership in The American Legion shall be forfeited.

Section 3. The Post shall pay to the Department of New Hampshire in a timely manner, all dues money obligated to the Department and National American Legion.

Section 4. The financial year of this Post shall be from July one (1) to June thirtieth (30), inclusive as per the Constitution of the Department of New Hampshire and the National American Legion organizations.

Article VII OFFICERS

Section 1. The Officers of this Post shall be Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Finance Officer, Sergeant-at-Arms, Judge Advocate, Service Officer, Chaplain, Historian and Children & Youth Officer.

Section 2. All Officers in Section one (1) except the Adjutant and Finance Officer are elected annually by secret ballot and by majority vote. Nominations shall be made at the regular meeting in January and elections held at the regular meeting in February. The Adjutant and Finance officer shall be nominated and elected at the same meetings to serve for 2 years. The installation shall be either before or at the regular meeting in March.

Section 3. No member, who is absent, shall be placed in nomination unless his or hers consent, in writing has been received by the Post Adjutant before the January meeting. This letter of consent will be read only if the person has been nominated.

Section 4. Nominations shall not be closed until all members present desiring to speak have had the opportunity to do so.

Section 5. If a full slate of officers is not nominated at the January meeting, nominations may be made for the vacant office at the February meeting.

Section 6. The Executive Board shall consist of all elected officers and the immediate Past Commander. The Judge Advocate will serve as a member without a vote on the Executive Board.

Section 7. Every member of this Post in Good Standing shall be eligible to hold an office in this Post.

Section 8. The duties of Officers and the Executive Board members shall be those duties usually pertaining to those positions and as further provided in the By-Laws.

Section 9. All vacancies existing in the Executive Board, or in any office of the Post for any cause other than expiration of the term, shall be filled by a majority vote of the remaining members of the Executive Board. And a person so appointed shall hold office for the un-expired term of the person whom he or she succeeds. A vacancy shall exist when a member or officer is absent from his post for a continuous period considered detrimental to the interest of the Post by the Executive Board.

Article VIII COMMITTEES

Section 1. The Commander, upon taking office each year, shall appoint the following standing committees of the Post. Americanism, Membership, Veterans Affairs and Rehabilitation, Public Relations, Children and Youth, Finance, National Security, Advisor to the Sons of The American Legion, and any other committees requested by the Executive Board or by the members at a regular Post meeting.

Article IX MEETINGS

Section 1. The regular meeting of the Post shall be held at the Post Home on the _____ of each month at ____ PM. Eleven (11) members shall constitute a quorum, for transacting such business as may be properly 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. Special meetings of the Post can be called by a majority vote of the Executive Board, in writing, or upon the written petition of twenty (20) members in good standing.

Section 3. A majority of the Executive Board must be present at their meetings to act on any business, which would have an affect on the Post.

Article X FINANCE AND CONTRACTS

Section 1. The revenue of this Post shall be derived from membership or initiation fees, from annual membership dues and from other sources as may be recommended by the Executive Board and approved by the membership at regular Post meetings.

Section 2. After contracts have been approved by the membership and/or the Executive Board, the Commander, Adjutant and the Judge Advocate shall sign it. In the event that there is no Judge Advocate, the Finance Officer shall sign.

Article XI CHARTER MEMBERS

Section 1. Members who signed the original application for a Charter will be known as Charter Members.

Article XII AUXILIARY MEMBERS

Section 1. _____ of The American Legion recognizes an Auxiliary organization to be known as the Auxiliary, Unit Number ____ of the _____ Post ____.

Section 2. _____ of The American Legion recognizes and sponsors the organization known as the Sons of The American Legion, _____ of the _____, Post ____.

Article XIII RULES OF PROCEDURE

Section 1. The majority shall rule on all motions or resolution not otherwise provided for.

Section 2. All differences of opinion with regard to points of order or mode of procedure not otherwise provided for shall be governed by Parliamentary practice as set forth in Robert's Rules of Order and as interpreted by the Judge Advocate.

Article XIV AMENDMENTS

Section 1. This constitution is adopted subject to the provisions of the National Constitution of The American Legion, and of the Constitution of the Department of New Hampshire, The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions here shall automatically repeal or modify the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution and By-Laws may be amended at any regular Post meeting by vote of Two-Thirds of the members of said Post attending such regular meeting, provided that the proposed amendment shall be submitted in writing and read at the immediate prior regular meeting of said Post. And provided further that written notice, either special or in the Monthly Newsletter, shall have been given to all members at least ten (10) 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 Constitution and By-Laws is to be voted upon.

_____ **POST** _____ **BY-LAWS**

Article I BY-LAWS

Section 1. The post existing under these By-Laws is to be known as Young-Richardson, Post 59 the Department of New Hampshire, The American Legion.

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

Article II MANAGEMENT

Section 1. The government and management of the Post is entrusted to an Executive Board as determined under article seven (7), section six (6) of the Post Constitution to be known as the Executive Board.

Article III POST EXECUTIVE BOARD

Section 1. The Executive Board shall meet for organization and such other business as may come before it at the call of the Commander within ten (10) days after the Installation of the new Officers. Thereafter, the Executive Board shall meet on a day and time set forth by a majority of the Executive Board and as often as said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Board on written request of a majority of the Executive Board members.

Section 2. The Executive Board shall hire and set the compensation for such employees as may be necessary. Shall require bonds for persons having custody of National, Department and Post funds. The Post shall secure and pay for the required bonds. The Executive Board shall authorize and approve all expenditures and shall make a report to the general membership at the next regular Post meeting.

Article IV DUTIES OF OFFICERS

Section 1. COMMANDER shall preside at all meetings of the Post and Executive Board and shall enforce all laws and regulations of the Post. He or she shall be Chairman of the Executive Board and an Ex-Officio member of all committees except as otherwise provided by the Constitution and By-Laws. He or she shall perform such other duties as may be directed by the Executive Board or by the Post membership resulting from a regular or special meeting. He or she shall approve all orders directing the disbursement of funds, and shall make an annual report covering the business of the Post for the year, which shall be read at the annual meeting, and a copy thereof immediately forwarded to the Department Adjutant. The Commander in the event it is not feasible to contact the Service Officer, or the Veterans Affairs and Rehabilitation Committee may disburse for emergency purposes. Funds not to exceed two hundred dollars (\$200.00) for appropriate requests. The Commander shall submit a report detailing the emergency expenditure at the next Executive Board meeting and at the next regular Post meeting.

Section 2. SENIOR VICE COMMANDER shall act as the representative of the Commander on all matters referred to him or her, shall at his request preside over the meetings and perform such other duties as are incident to the Office. He or she shall be Chairman of the Post Membership Committee.

Section 3. JUNIOR VICE COMMANDER shall assist the Commander and Senior Vice Commander in the performance of their duties and perform such other duties as are incident to the Office.

Section 4. POST ADJUTANT, he or she shall issue all proper notices of the Post and keep a record of all meetings of the Post and Executive Board. He or she shall give a detailed report of the previous meeting of the Post at the next regular or special Post meeting. He or she shall conduct all correspondence pertaining to and shall perform such other duties as are incident to the Office. He or she shall keep records of Post membership including the names and addresses of all members.

Section 5. FINANCE OFFICER shall have charge of all finances, see that they are safely deposited in a local bank or banks, and shall report to the Executive Board when requested the finances of the Post, with such recommendations as he or she may deem expedient or necessary for raising funds with which to carry on the activity of the Post. He or she shall give a report of the Post Finances at the regular Post Meeting and a full report at the annual meeting of the Post. He or she shall be one of the three (3) persons who sign all checks for dispersing the monies of the Post; the others shall be the Commander or Adjutant in that order. The Finance officer shall furnish such secure bond in such sum as shall be fixed by the Executive Board.

Section 6. JUDGE ADVOCATE, he or she shall advise the Post Officers and the Post Executive Board on all legal matters including the construction and interpretation of the Post Constitution and By-Laws and shall perform such other duties as are incident to the Office. His rulings shall be binding unless or until overruled by the District or Department Judge Advocate.

Section 7. SERGEANT-AT-ARMS, he or she shall preserve order at all meetings and shall assist the Commander at all times. He or she shall have charge of the Colors of the Post and shall see that the assembly room is all set for all meetings per The American Legion Officers Manual. He shall perform such other duties as are incident to the Office.

Section 8. SERVICE OFFICER, he or she shall be in charge of administration of all matters pertaining to the relation of Veterans, the Veterans Administration and such matters that pertain to rights and benefits for Veterans and their families. That is provided for under the Federal and or the State Laws of New Hampshire.

Section 9. HISTORIAN, he or she shall collect and maintain the History of the Post including all records and data of value to the Post. He or she shall coordinate in proper form the History of the Post, so it may be entered in competition at the Department Convention.

Section 10. CHAPLAIN, he or she shall read the ritual over deceased comrades whenever requested and at all memorial services conducted by the Post. He or she shall procure and preserve a record of all deceased members of the Post and see that the graves of our comrades are properly marked. It shall be his or her duty to convey the sympathy of the Post to the Family of our deceased members and ascertain if assistance is needed. He or she shall be charged with the spiritual welfare of the Post and shall report on all members sick or deceased since the previous regular Post meeting. He or she shall adhere to such ceremonies as are contained the Manual of Ceremonies as recommended by the National Headquarters.

Section 11. CHILDREN AND YOUTH OFFICER, he or she shall be responsible for The American Legion Programs relevant to the Children of Veterans of the Post and of their relationship to the local community at large.

Article V DELEGATES

Section 1. Delegates and alternates to the Department Convention shall be elected, by ballot by the members in good standing at a regular Post meeting, no later than the April meeting. The Commander and Adjutant shall be delegates by virtue of their office.

Article VI COMMITTEES

Section 1. MEMBERSHIP COMMITTEE This Committee shall have charge of all new matters pertaining to membership of the Post including the procuring of New members, reinstatement, and eligibility of members. The Chairman of this Committee will be the Senior Vice Commander

Section 2. PUBLICITY COMMITTEE This 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 the National Legion News Service, and by local Publicity of Post Programs and Activities.

Section 3. VETERANS AFFAIRS AND REHABILITATION COMMITTEE This committee shall aide and advise all members of the Post and dependents of deceased members in obtaining all just benefits due them, also it shall aid all members in distress and provide such relief as deemed reasonably necessary. The Chairman of this Committee shall be the Post Service Officer.

Section 4. AMERICANISM COMMITTEE, This Committee shall be charged with the inspiration of Patriotism and Good Citizenship by arrangement for proper observance of Patriotic occasions, encouragement of Patriotic and Civic phases of instruction in schools, Americanization of aliens, and combating anti American propaganda. By education of the General Public in American Ideals through Public Forums, etc., and activities for community and civic betterment. The Chairman of this Committee shall be the Junior Vice Commander.

Section 5. CHILDREN AND YOUTH COMMITTEE, This Committee is charged with providing aid and services to children of Veterans. Cooperation with other established agencies in the Community for the above purposes. The Committee shall act as an intermediary for needy children of Veterans in obtaining the fulfillment of the Legion Pledge that "No Child of a World War Veteran shall be in Need of the Necessities of Life, and a Square Deal for Every Child". The Chairman of this Committee shall be the Children and Youth Officer.

Section 6. FINANCE COMMITTEE, shall be charged with presenting to the Executive Board and the regular membership meeting a Budget for the New Year, commencing July first (1). The Chairman shall be the Post Finance Officer.

Section 7. NATIONAL SECURITY AND EMERGENCY PREPAREDNESS' COMMITTEE, this Committee shall work with and coordinate all Legion efforts with the local defense committee on matters pertaining to National, Civilian, and Home Defenses and Emergency if that should take place. It shall assist the armed forces of the United States in recruiting efforts and be active in Community Activities for the defense of the Nation and the security of America.

Section 8. SONS OF THE AMERICAN LEGION, this Committee is responsible for relations between the Sons of The American Legion and the Post. This Committee should advise the Sons on what they can do to promote their goals for National, Department and the Community.

Article VII COMPLAINTS AND CHARGES

Section 1. All complaints must be made in writing and signed by the member or members making same and given to the Adjutant to be brought before the Executive Board for action.

Section 2. All charges for violations or infringements of any rule of conduct shall be in writing and signed by the member or members making the same and given to the Adjutant to be brought before the Executive Board for action. A member or members preferring charges shall be ready to appear before the Executive Board with witnesses, if any, when notified that a hearing on the charge is to be heard.

Section 3. A member against whom charges have been preferred shall be notified to appear at the hearing; all notices will go out by certified mail. If said member does not respond within seven (7) days after having received the first notice the Executive Board shall take whatever action it may deem necessary against the member so charged.

Article VIII RESOLUTIONS

Section 1. All Post resolutions having state or National significance shall merely embody the opinion of this Post on the subject. A copy of same shall be forwarded to Department Headquarters for its approval before any publicity is given or other action is taken by the Post. Article IX INFORMATION Section 1. All members shall furnish the Post Adjutant with his or her address for mailing purposes along with telephone numbers and electronic mail address if applicable.

Section 2. The Post Adjutant shall post notice of the Annual Elections on the Post Bulletin board at least two (2) weeks before the nominations and election of the incoming officers. This to be included in the notice to the members.

Article X LIMITATIONS OF LIABILITIES

Section 1. This Post shall not incur, or cause to be incurred, any liability or obligation what so ever, which shall pass on to any other Post, subdivision, group of men or women members of The American Legion or other individuals corporations or organizations.

Article XI CANTEEN OR LOUNGE

Section 1. Whereas the National or Department does not get involved with the canteen or lounge unless it is detrimental to The American Legion. It is the duties of each post to establish their own rules pertaining to the canteen or lounge in conjunction with the New Hampshire Liquor Commission and the Laws of the State of New Hampshire.

These Constitution and By-Laws were approved on this Day ___ and year ___, by the Post membership at a regular meeting.