

By-Laws

of

Peter Smith Post 327

THE
AMERICAN
LEGION



Shawnee, Kansas

Prepared by

Peter Smith Post 327

PETER SMITH POST NO. 327

THE AMERICAN LEGION

Shawnee, Kansas

BY - LAWS

ARTICLE I

Section 1. The Post existing under these By-Laws is to be known as Peter Smith Post No. 327, THE AMERICAN LEGION, Department of Kansas.

Section 2. The objects of this post are as set forth in the Preamble, and the National and Department Constitutions of the American Legion.

Section 3. Nothing in these By-Laws shall be so written or construed as contravening the precepts of the National and/or Department By-Laws and Constitutions.

ARTICLE II

MANAGEMENT

Section 1. The government and management of the Post is entrusted to the Executive Committee.

Section 2. The Executive Committee shall consist of nine (9) Duly Elected Officers and the Immediate Past Commander with voting power, all other Past Commanders shall be Ex-Officio members of the Ex-Committee with no voting power. The Post Commander shall be the Chairman of the Ex-Committee and shall take office immediately after installation.
(Rev. 10-16-78)

Section 3. All vacancies existing in the Ex-Committee among the Duly Elected Officer members of the Committee shall be filled in accordance with Article 5 Section 2 for the succession of Officers. A vacancy shall exist when a member or officer is absent from his Post for a period of three (3) consecutive meetings without a valid reason after being notified by the Ex-Committee. (Rev. 10-16-78)

Section 4. The elected officers of the Post shall be Post Commander, First Vice Commander, Second Vice-Commander, Adjutant, Finance Officer, two (2) Sergeants at Arms, and two (2) Post Executive Committeemen. In the election of 1971 to elect one (1) Post Executive Committeeman for a two year term and one (1) Post Executive Committeeman for a one year term; thereafter one (1) Post Executive Committeeman to be elected each year for a two year term. (Rev. 2-15-71)

Section 5. At the first regular meeting of each new Executive Committee each year, the Post Executive Committee shall appoint a Post Historian, a Post Chaplain, a Post Service Officer and a Post Judge Advocate. (Rev. 2-15-71)

ARTICLE III

Section 1. 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 ten (10) days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Commander and/or the Executive Committee at least every three months and as often as said Commander and/or Executive Committee may deem necessary. The Chairman shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee; five (5) members of the Committee shall constitute a quorum thereof. (Rev. 3-68)

Section 2. 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 except as otherwise provided in Article VII, Section 7, Sub-Section (h); shall hear the reports of Post Committee Chairman; and generally shall have charge of and be responsible for the management of the affairs of this Post. (Rev. 2-15-71)

ARTICLE IV

OFFICERS — THEIR DUTIES AND ELECTION

Section 1. The Officers shall be elected by secret ballot at a regular meeting not more than sixty (60) days nor less than fifteen (15) days prior to the Department Convention, and said Post Officers shall be installed prior to the Department Convention. The Officers so elected or appointed shall hold office until their elected or appointed successors are duly installed. The person receiving a simple plurality of the votes cast shall be declared elected, except for the offices of Sergeants at Arms. The two candidates for the office of Sergeants at Arms who receive the greatest number of votes shall be declared elected. (Rev. 2-15-71)

(a) Election of Officers shall be in the following order: Two (2) Sergeants at Arms; Post Executive Committeeman; Finance Officer; Adjutant; Second Vice Commander; First Vice Commander and Post Commander. (Rev. 2-15-71)

(b) Qualifications for the Office of Post Commander. All candidates for the Office of Post Commander shall be qualified as follows: Be a continuous member of the American Legion for at least five (5) years (Viet Nam veterans excepted); OR have been an elected Officer of the Post for one year; OR have been an appointed Officer of the Post for one year; AND have attended four (4) regular Post meetings within the year prior to his election to Post Commander. (Rev. 2-15-71)

Section 2. DUTIES OF POST COMMANDER. 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. He shall approve all order 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 copy thereof immediately forwarded to the Department Adjutant. He shall perform such other duties as directed by the Post.

Section 3. DUTIES OF FIRST VICE COMMANDER. The Vice Commander shall, when called upon, assist the Commander and in his absence perform his duties, and shall succeed to his office in the event of his death, resignation or removal. He shall act as Chairman of the Post Membership Committee. Questionable matters of continuous membership and eligibility and/or re-instatement shall be referred to the Executive Committee by the First Vice Commander. (Rev. 2-15-71)

Section 4. DUTIES OF SECOND VICE COMMANDER. The Second Vice Commander shall assume and discharge the duties of the office in the absence or disability of the Post Commander and First Vice Commander, or when called upon to do so by either the Commander or First Vice Commander. In particular he should be interested in patriotic observance of all kinds, in developing Post Activities, and in the entertainment features which mark all meetings.

Section 5. DUTIES OF POST ADJUTANT. 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 the direction of the Commander handle all correspondence of the Post.

Section 6. DUTIES OF FINANCE OFFICER. The Finance Officer of the Post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the General Membership the conditions

of the finances of the Post with such recommendations as he may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He shall sign all checks disbursing the monies of the Post. He shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee, the premium for said bond to be paid out of the general funds of the Post.

The Finance Officer shall also serve as Chairman of the Finance Committee and is an ex-officio member of the House Committee. The Finance Officer may not serve as the Chairman of the House Committee nor may he be a member of such committee during any year of service as Post Finance Officer. (Rev. 2-15-71)

Section 7. 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 such other duties as may properly pertain to the Office.

Section 8. DUTIES OF POST CHAPLAIN. The Post Chaplain shall be charged with the spiritual welfare of the Post Comrades and will offer divine but non-sectarian 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 9. DUTIES OF THE SERGEANTS AT ARMS. The Sergeants at Arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to them by the Post Executive Committee. (Rev. 2-15-71)

Section 10. DUTIES OF THE SERVICE OFFICER. The Rehabilitation and Service Officer shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or State governments, employment, relief, etc. and shall serve as Chairman of Rehabilitation and Service Committee. (Rev. 3-17-75)

Section 11. DUTIES OF THE JUDGE ADVOCATE. The Judge Advocate shall be the legal advisor of the Post Officers and the Executive Committee, and shall perform such other duties as the functions of his office may require. (New 2-15-71)

ARTICLE V

OFFICERS — LIMITATIONS AND SUCCESSION

Section 1. No member may hold two offices simultaneously, either by election or appointment. (Rev. 2-15-71)

Section 2. In the event of a vacancy occurring among the duly elected officers, except for the office of Post Commander, for any reason, it shall be the duty of the Post Commander to schedule an election to fill such vacancy at the first regular meeting after notification has been given to the membership of the existence of such vacancy. The nomination for such vacated office and the election shall be conducted in accordance with the Robert's Rules of Order, as prescribed for regular election of officers. Such officer shall serve only for the expiration of the term of the vacated office. (Rev. 2-15-71)

ARTICLE VI

APPOINTMENT — STANDING COMMITTEES

Section 1. The Post Commander, immediately upon taking office each year, shall appoint the Chairman of the following committees: Publicity and Public Relations Committee, Child Welfare Committee. He shall appoint one (1) member to the House Committee in accordance with Article VI, Section 4. (Rev. 3-17-75)

Section 2. The Chairman of each Committee shall report to the Commander at the next regular meeting the names of the other members to serve on the committee. (Rev. 2-15-71)

Section 3. No committee shall consist of less than three (3) members, including the duly designated Chairman.

Section 4. The House Committee shall consist of three (3) members; (a) The Post Commander shall appoint one member each year, such member becoming the junior member of the Committee; (b) The senior member of the Committee shall serve as Chairman; (c) In the event of the retirement for any reason of any member of the House Committee, the Post Commander shall appoint a new member to the Committee; such member to serve out the remaining term of the member he replaces. He shall, however, be eligible for re-appointment as a member by the immediately succeeding Commander; (d) In case the Chairman retires or resigns, the Senior member on the Committee shall assume the Chairmanship for the balance of that year. The member appointed by the Commander to replace this position shall become the junior member of this Committee. He will serve out the remainder of the term of the man he replaced. (Rev. 12-31)

Section 5. The Post Commander shall appoint any and all other committees deemed essential at his discretion.

Section 6. Members of any committee may be removed from their committee appointment by a two-thirds vote of the Executive Committee, Present and voting. (Rev. 3-17-75)

Section 7. The Post Commander shall be an ex-officio member of all committees. (Rev. 3-17-75)

ARTICLE VII

DUTIES OF COMMITTEES

Section 1. Legislative Committee. The Chairman of the Legislative Committee shall be the Parliamentarian of the Post. The Parliamentarian shall be consulted by the Commander in all manners of procedure at a meeting which in turn shall

be governed by Robert's Rules of Order as interpreted by the Parliamentarian. The Commander of the Post shall be advised and guided by the Parliamentarian in all matters pertaining to the conduct of the meeting as specified above.

Section 2. Publicity and Public Relations Committee. The Publicity and Public Relations Committee shall be charged with the promotion of local publicity of Post programs and activities.

Section 3. Rehabilitation and Service Committee. The Rehabilitation and Service Committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or State governments, employment, relief(etc., and is charged with the visiting and comforting of members and their families when sick or bereaved and with visiting ex-service men in nearby hospitals.

Section 4. Child Welfare Committee. The Child Welfare 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 purpose. 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 World War veteran shall be in need of the necessities of life" and "a square deal for every child," subject to vote of membership.

Section 5. Finance Committee. The Chairman of the Finance Committee shall be the duly elected Finance Officer.

(a) The Executive Committee shall be charged with the administration of the financial policy of the Post collaborating with the Finance Committee.

(b) The Finance Committee shall be charged with the supervision of receiving, disbursing, and accounting of all Post funds.

(c) The Post Finance Officer shall be responsible for the maintenance of a standard double entry system of books.

(d) It shall be the responsibility of the Finance Committee to have an annual audit to be accomplished by a recognized reputable accounting firm one month prior to the annual election of officers.

(e) It shall be the duty of the Finance Officer to produce and relinquish all Post books, receipts and accounts to the newly elected Post Finance Officer at the expiration of his term of service in that office.

(f) It shall be the duty of the Finance Officer to receive all funds and review all accounts maintained by the House Committee from funds accrued through business in the Post rooms. He shall immediately notify the Executive Committee of any deficiency or discrepancy in these accounts or funds.

(g) It shall be the duty of the Finance Officer to receive all funds and review all accounts of any special committees or activities handling Post monies. He shall immediately notify the Executive Committee of any discrepancy or deficiencies in these accounts.

Section 6. Membership Committee. The Chairman of the Membership Committee shall be the First Vice Commander.

(a) 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.

(b) All questions of eligibility and/or continuity of membership not immediately discernible from available records shall be referred to the Executive Committee for disposition.

(c) It shall be the duty of the Membership Committee to sponsor and advocate and exploit every means of obtaining new members.

Section 7. House Committee. The Chairman of the House Committee shall be the senior member of this Committee.

(a) The House Committee shall have full charge of all matters pertaining to the care and maintenance of the Post Quarters with the approval and/or at the direction of the Executive Committee. (Rev. 12-61)

(b) Approval, arrangements and supervision for the use of the Legion Hall shall be cleared through the House Committee. (Rev. 2-15-71)

(c) The House Committee shall meet once a week at the call of the Chairman of the Committee.

(d) The House Committee shall be in full charge of the operation of the Club Room and shall be empowered to employ and discharge the necessary employees for the successful operation and maintenance of the Club, subject to the approval of the Executive Committee as provided in Article III, Section 2.

(e) The Chairman of the House Committee shall be responsible for all funds accrued from business in the Club Room.

(f) It is the responsibility of the House Committee to see that proper decorum and propriety shall be maintained in the Club Room at all times to the end that no individual member or guest and/or guests shall suffer any embarrassment for the lack of such control.

(g) The rules as set forth by the House Committee and approved by the Executive Committee are in force at all times, and it is the individual responsibility of the person in charge of the Club Room at a specific time to enforce each and every rule to the fullest extent.

(h) The House Committee shall not be authorized to expend any club funds above and beyond the ordinary operating expenses for supplies and salaries. All expenditures for improvements and modifications must be referred to the Executive and Finance Committee. The Executive Committee will approve all salaries for employees. (Rev. 2-15-71)

ARTICLE VIII MEETINGS

Section 1. The regular business meetings of the Post shall be held at the Legion Post building on the third Monday of each month, at the hour which shall be designated by the Post Commander and at which may be transacted such business as may properly be brought for action.

Section 2. The Post Commander shall conduct all meetings, but in his absence the following Officers shall conduct the meetings in this respective order: First Vice Commander, Second Vice Commander and Adjutant.

Section 3. The Post Commander shall have power to call a special meeting of the Post members at any time. At such special meetings the only business to be conducted shall be the matters especially designated as the purpose of such meeting.

Section 4. Upon the written request of twenty-five (25) members in good standing the Executive Committee or the Commander shall call a special meeting of the Post. (Rev. 2-15-71)

Section 5. Fifteen (15) members of the Post in good standing shall constitute a quorum for holding a regular meeting. There shall be no quorum requirement for a duly authorized special meeting.

Section 6. In the absence of the Post Commander, the First Vice Commander, the Second Vice Commander and the Adjutant, it shall be considered that a quorum of the necessary officers is not present, and the meeting shall be postponed.

ARTICLE IX

DELEGATES AND ALTERNATES

Section 1. Delegates and alternates to a District or Department Convention shall be elected by the Post at a regular meeting in accordance with District and Department By-Laws. Delegates and alternates shall be elected from the general membership who meet the following qualifications:

(a) Must be a member in good standing.

(b) Must have attended at least four (4) regular Post meetings within the year prior to the convention. (Rev. 2-15-71)

ARTICLE X

RESOLUTIONS

Section 1. All resolutions of State or National scope presented to this Post by a member or reported to this Post by a committee shall merely

embody the opinion of this Post on the subject and a copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

ARTICLE XI

NOTICES

Section 1. Every member shall furnish the Post Adjutant with his or her address for mailing purposes.

Section 2. The Post Adjutant shall cause notice of the annual election to be given at least one week prior thereof, by mailing notice to each member of the Post.

Section 3. Notice of Meeting shall be mailed out the week before each regular and/or special meeting.

ARTICLE XII

LIMITATIONS OF LIABILITIES

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

Section 2. This does not vitiate this Post's power and authority as a legal entity to contract for itself with third parties and incur from such contractual relationship all ensuing benefits and obligations.

ARTICLE XIII

THE AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as The Auxiliary of Peter Smith Post No. 327, THE AMERICAN LEGION.

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

ARTICLE XIV

RULES OF ORDER

Section 1. All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, except as herein otherwise provided.

ARTICLE XV

MEMBERSHIP AND DUES

Section 1. Membership in the Legion is annual for the calendar year. Dues are payable October 20th of each year, for the following year. If dues are not paid in advance of January 1st of each calendar year, the member continues to be in good standing until February 1st, and thereafter for two months the member is classed as delinquent. If dues are not paid by April 1st the member is suspended. In the nine months following April 1st the member shall have no privileges except that of reinstatement in the Post by a vote of the Post and the payment of dues. The amount of such annual Post dues shall be fixed and determined by this Post each year.

ARTICLE XVI

AMENDMENTS

Section 1. The By-Laws shall be amended in the following manner: the amendment shall be made in the form of a motion at a regular meeting and shall then be submitted to the proper committee by the Commander and to the Legislative Committee for matter and form, be re-read at the next meeting as amended and recorded. This motion shall then be tabled until the second meeting after original proposition. Approval of Amendments shall be by majority vote of members present.
(Rev. 3-17-75)

APPROVED: March, 1960

AMENDED: December, 1961

AMENDED: March 1968

AMENDED: February, 1971

AMENDED: March, 1975

AMENDED: October, 1978

AMENDED: December, 1978

AMENDED: September, 2005

ARTICLE XVII

THE SONS OF THE AMERICAN LEGION

Section 1. This Post recognizes an organization known as the Sons of the American Legion Post 327.

Section 2. Membership in the Sons of the American Legion, shall be as prescribed by the National Constitution of By Laws set forth at National Level.