

**THE AMERICAN LEGION**

**DEPARTMENT OF  
WASHINGTON**



**CHENEY, WASHINGTON  
POST 72  
POST BYLAWS**

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**Revised November 15, 2016**

## **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 AND AUTHORITY**

The name of this organization shall be Cheney post 72, The American Legion, Department of Washington, having been chartered by the National Organization of The American legion and incorporated as a non-profit veterans' organization in accordance with the laws of the State of Washington. Nothing in this Bylaws, Rules of Conduct, policies, and procedures may conflict with the National Constitution and Bylaws or Department Bylaws.

## **ARTICLE II. NATURE**

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

**Section 2.** This organization 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.

## **ARTICLE III. ORGANIZATION**

**Section 1.** This Post shall be organized in accordance with and under the guidance of The American Legion Department of Washington and The American Legion National Organization

## **ARTICLE IV. MEMBERSHIP**

**Section 1.** Any person shall be eligible for membership in The American legion Post 72 who meets the eligibility requirements for membership as established in the National Constitution of the American Legion.

**Section 2.** There shall be no form of class of membership except an active membership, and dues shall be paid either annually or for life.

**Section 3.** No person may be a member of more than one Post at any one time.

**Section 4.** This Post shall be the judge of its own membership, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or to remain a Post membership.

A. Each applicant for membership in this Post shall present a completed official membership application or transfer form, together with the current dues and proof of eligibility, for a vote by the Post membership.

B. Applications for membership shall be acted upon at the Post general meeting and shall be accepted, rejected or referred for further investigation and consideration. If five or more members cast their vote against such application shall be recorded as rejected. A rejected application shall not be considered until after the expiration of six months from the date of such rejection.

C. No person with charges pending by another Post for violations that could lead to expulsion or suspension shall be permitted to transfer to this Post, until those charges have been settled.

(1) When charges have been served, the Post shall file a copy of those charges with the Department Adjutant.

(2) When those charges have been settled, a copy of the resolution of such charges shall be filed with the Department Adjutant.

(3) While such charges are pending, the Department Adjutant shall ensure that a transfer of the person charged is not permitted, notifying in writing both the person charged and the admitting Post that the transfer is denied until the charges have been resolved.

(4). When the Department Adjutant receives a copy of the resolution of charges, the admitting Post shall be so notified, with their options explained.

(5). If the charges result in expulsion and when, if appeal is made, the Department Executive Committee has upheld the expulsion, or the time for appeal has expired, the Department Adjutant shall so notify the National Adjutant

D. No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post, except

(1) When such consent has been asked for and denied by the expelling Post,

an appeal may be made to the Executive Committee of the Department of the expelling Post for permission to be admitted the membership in another Post; and

(2) Such person shall be ineligible for membership until such permission is granted.

**Section 5.** Suspension or Expulsion. A member may be expelled or suspended from the Post and thus, from The American Legion only after a fair trial, with the right to appeal, and only for disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of the Legion. The method of preferring charges, conducting the trial, and providing the right to appeal shall be as specified in the Post Rules.

## **ARTICLE V. POST OFFICERS**

**Section 1.** The elected officers of this Post shall be Commander, First Vice Commander, Second Vice Commander, Adjutant, Finance Officer, Sergeant at Arms, Chaplain, Historian, and Service Officer. The Junior Past Commander is considered elected, having previously been elected Commander. The Post Executive Committee may appoint other Officers as necessary.

**Section 2.** Election of Post Officers:

A. The officers shall be elected by secret ballot, to serve for the term of their elections, which is from the close of Department Convention to the dose of the following Department Convention, or until their successors are elected.

(1) The annual nominations of Post Officers shall be held at the regular meeting in April of each year. The election of Post Officers shall be held in May immediately after nomination. Nominations shall be preceded by consent of the nominee.

(2) A majority of the votes cast at the Post election is required to elect

(3) Each serving officer not declining shall be automatically entered into nomination for the same office for the succeeding term. This action shall not affect the option of the membership of nominating any other eligible Post member to any office of choice.

(4) One person may hold more than one office in the Post provided that the duties of such officers are not mutually exclusive.

(5) Every member of this Post in good standing shall be eligible to hold office.

**Section 3.** Immediately following elections, the Post adjutant shall notify the Department Adjutant of the names, addresses, and telephone numbers of the installed Post Officers and shall include the date of election. In addition, the Post Adjutant shall inspect the service records of the elected Post Officers and shall certify the eligibility of each to be a

member of The American Legion. Such certification shall include the office, name, military service of eligibility, dates of active duty, and service number(s).

## **ARTICLE VI. VACANCY IN OFFICE**

Section 1. Vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of their term, shall be filled by a majority vote of the remaining members of the Executive Committee, and a person so elected shall hold office for the unexpired term of the member of the committee whom he/she succeeds. A vacancy may be considered by the Executive Committee to exist when a member or officer is absent without appropriate explanation for three or more consecutive (regular and Executive Committee) meetings.

## **ARTICLE VII. RESIGNATION OR REMOVAL FROM OFFICE**

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

A. A resignation from any officer shall be submitted in writing to the Post Commander or Adjutant, or orally to the Executive Committee when it is in session. Such resignation shall be considered effective, thus creating a vacancy on the date specified in the resignation, or if not specified, on the date received.

### **Section 2. Removal from Office**

The Executive Committee shall have the power to remove any of its members in accordance with the provisions of this Section.

A. Any member of the Executive Committee shall be subject to removal if they fail to attend three consecutive, properly called meetings. Such removal shall create an automatic vacancy in that office unless, by a 2/3 vote, the Executive Committee accepts that member's excuse for at least one of those two meetings. Such excuse shall be presented and voted on during roll call of the meeting at which the absence occurs.

B. The removal must be based on malfeasance or misfeasance in office, neglect of duty, failure to carry out in good faith the provisions of the Post Bylaws or flagrant violation of the Post Bylaws. Charges shall be made in writing and signed by the Legionnaire(s) preferring such charges. The Post Commander or any five voting members of the Executive Committee shall call a special meeting of the Executive Committee to provide a hearing on the charges.

(1) At that special meeting, the Executive Committee shall first determine if the charges have merit.

(a) If determined, by a 2/3 vote of the members present, that the charges have merit, the Executive Committee shall determine, by a 2/3 vote of the entire voting membership of the Executive Committee, whether the charges warrant removal from office or some lesser applicable

punishment which will be meted out at that meeting.

(b) If the charges are determined to be without merit, per the vote above, the Executive Committee shall dismiss the charges and shall then determine what action to take relative to the legionnaire(s) who preferred the charges.

(2) When the Executive Committee determines that removal from office is warranted; it shall take effect immediately, creating a vacancy in that office.

## **ARTICLE VIII. DUTIES OF OFFICERS**

**Section 1.** The Post Commander shall 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. The Commander shall make an annual report covering the business of the Post for the year. The commander shall perform such other duties as directed by the Post membership.

**Section 2.** The First Vice-Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Commander.

**Section 3.** The Second Vice-Commander shall be prepared to act for the First Vice-Commander in the latter's absence.

**Section 4.** The Post Junior Past Commander shall be a member of the Executive Committee and shall hold such post until replaced by his successor.

**Section 5.** The Post 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 American Legion 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.

**Section 6.** The Post Finance Officer shall have charge of all finances and shall see that they are safely deposited in local banks and shall report once a month to the Executive Committee and Post Membership the conditions 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.

**Section 7.** The Post Sergeant at Arms shall preserve order at meetings and shall perform such duties as may be from time to time assigned by the Post Commander and the Post Executive Committee.

**Section 8.** The Post Historian shall be charged with documenting the individual records and incidents of the Post and the Post membership.

**Section 9.** The Post Chaplain shall be charged with the spiritual welfare of the membership and will offer divine but nonsectarian service in the events of dedications,

funerals, public functions, etc., and adhere to such ceremonial rituals as are recommended by the Department or National Headquarters from time to time.

Section 10. The Post Service Officer is responsible to look to the welfare of all veterans that may need assistance in work, health, or bereavement. He or she shall also be the link between the local Post and Department Service Officer for veteran's benefits.

Section 11. The Post Judge Advocate is the guardian of the constitution form of Post government. Legal training is desirable but not required. The Judge Advocate shall act as parliamentarian for Post meetings, including Executive Committee.

## **ARTICLE IX. POST MEETINGS**

Section 1. Post 72 shall hold regularly scheduled meetings. The date and time shall be set by a vote of the membership at a regular meeting. Any changes to the date and time of said meeting shall be posted 30 days prior to the change. The Post shall meet a minimum of 10 months per year at which time may be transacted such business as may be brought up for action ..

**Section 2.** A quorum shall exist at a regular meeting of the Post, with the majority of those members present.

**Section 3.** The rules of procedure at any meeting of this Post shall be those set forth in Roberts' Rules of Order, except as they may conflict with the provisions of any article of the Bylaws of this Post, the Department, National Constitution & Bylaws or the Manual of Ceremonies, in which case said articles of the Constitution, Bylaws or provisions of the Manual of Ceremonies shall govern.

**Section 4.** Special meetings may be called at any time by the Post Commander, by five members of the Post Executive Committee or upon written request of any ten members of the Post. Notifications to the membership of actions, pending or considered, requiring their participation, shall be through media reasonably expected to establish contact, such as telephone, mail, or newspaper notices.

## **ARTICLE X. POST-EXECUTIVE COMMITTEE**

**Section 1.** The government and management of the post are entrusted to the Executive Committee, which consist of the Post Officers. The Executive Committee meetings are held on the 3rd Thursday prior to the regularly scheduled general Post meetings,

**Section 2.** At Executive Committee meetings, all members shall have full floor privileges for the purposes of discussion, but only elected members may vote.

**Section 3.** Any Executive Committee member may be removed from office and replaced as prescribed in the Post Bylaws.

**Section 4.** Five members of the Executive Committee, constitute a quorum for the Executive Committee.



**Section 5.** Immediately following Department Convention the newly elected Officers and Committeemen of the Post Executive Committee shall meet for organization and such other business as may come before It at the call of the Post Commander and not later than (30) days after taking office. In addition, the Commander shall call a meeting of the Post Executive Committee upon the joint written request of five or more members of the Committee, or of ten or more members of the Post.

**Section 6.** The Executive Committee is authorized to make any expenditures necessary not exceeding \$1000.00 for anyone expenditure

**Section 7.** Except in matters of routine business, voting shall be by roll call.

**Section 8.** The minutes of the meetings of the Executive Committee shall be read at the next regular meeting of the Post and any exception by a member to any such action shall be a cause for review of that action by the membership of the Post.

### **ARTICLE XI. DELEGATES**

**Section 1.** Delegates and alternates to the Department Convention and the District Conference shall be elected by the membership at a regular meeting of the Post. Election shall precede the Department Convention by at least thirty days and the District Conference by at least fifteen days prior to the date of such meetings. Notifications following election of Delegates and alternates names and addresses are to be sent to Department or District Commander within five days.

**Section 2.** Such delegates may be Officers of the Post.

### **ARTICLE XII. STANDING COMMITTEES**

**Section 1.** The Post Commander, with the approval of the membership shall appoint such committees as deemed necessary to provide for the objectives and purposes of this Post and to promote the principles as set forth in the preamble to the Constitution of The American Legion.

### **ARTICLE XIII. DUES AND FEES**

**Section 1.** The annual Post dues for membership in Post 72 shall be established by a majority vote of the membership at any regular meeting. When the Department and/or National raises the dues amount to be paid per capita it shall be automatically added to the Post dues without a vote of the membership. This increase in dues shall become due on the date specified by the Department and/or National organization.

**Section 2.** The Post shall pay to Department headquarters a per capita amount established by the Department and National of annual membership dues for every member of the Post.

## **ARTICLE XIV. AUXILIARY and S.A.L. Organization**

**Section 1.** This Post recognizes an auxiliary organization known as The American Legion Auxiliary Unit 72. Membership in the Auxiliary shall be as .American Legion Auxiliary Unit 72. Membership in the Auxiliary shall be as specified in the National Constitution.

**Section 2.** This Post recognizes the organization known as the Sons of The American Legion that shall bear the name of Sons of the American legion, Department of Washington, Squadron of Cheney Post 72. Membership in the Sons the American Legion shall be prescribed by the National S.A.L Constitution and Bylaws.

## **ARTICLE XV. CLUB OPERATIONS**

**Section 1.** The Post Executive Board is responsible for hiring a Club Manager, who shall not be an elected Post Officer. The Club Manager is directly responsible to the Post Commander or his Executive Board designee. The Club Manager shall also be responsible for promulgating Club Rules. These Rules shall be subject to Post Executive Committee approval.

**Section 2.** The Club Manager shall be responsible for hiring Club personnel in accordance with job descriptions promulgated by the Executive Board and subject to Board approval.

**Section 3.** The Club Manager shall be responsible for ensuring that all Club personnel Know, understand and enforce the Club Rules.

**Section 4.** All members in good standing of Post and Auxiliary Unit No. 72 and Sons of the Legion Squadron No. 72 shall be entitled to the privileges of the Club.

**Section 5.** All members in good standing of any American Legion Post or Auxiliary Unit or a Sons of the Legion Squadron may sign in as a visitor of the Club without being sponsored by a member of the Club.

A visitor is an individual who is brought to or met at the Club by a member. A visitor must be known to the member and the member must remain in the club at all times the visitor is in the Club. Each member of the Post, Auxiliary or SAL may sponsor a visitor of the Club by signing them in on the Club log. A member may sign in a visitor a maximum of 3 times per year. The member must be responsible for such visitors and must remain in the Club as long as the visitors are there. After being signed in 3 times a visitor shall be required to join the Post, if eligible, to gain access to the Club.

**Section 6.** The Club will also honor Veterans of Foreign Wars, Disabled American Veterans, Canadian Legion Cards, Active Duty Military ID cards or any other Veterans organization.

**Section 7.** Minors are NOT allowed in the Club or Club Game Room.

**Section 8.** The normal hours of the Club operation are to be posted near the entry door. The hours of operation may be shortened at the discretion of the club board if the economic conditions dictate

### **ARTICLE XVI. AMENDMENTS TO BYLAWS**

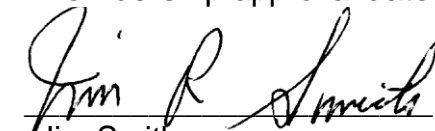
**Section 1.** These Bylaws may be amended or revised by a vote of two-thirds of the members of the Post attending a meeting called for the purpose, provided that the proposed amendment or revision shall have been submitted in writing and read at the next preceding regular meeting of the Post, and provided further that appropriate notice shall have been given.

### **ARTICLE XVII. CERTIFICATION**

This is to certify that this resolution was approved on the date indicated below at a regular meeting of Cheney Post No. 72 at the Post Quarters in Cheney, Washington, a quorum in accordance with the Post Bylaws being present

CERTIFICATION:

Membership approval date: 11/15/2016

  
\_\_\_\_\_  
Jim Smith  
POST ADJUTANT

  
\_\_\_\_\_  
Robert Heston  
POST COMMANDER