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GUIDE ON HOW TO WRITE AND SUBMIT POST BYLAWS THIS VERSION INCLUDES THE BYLAWS SAMPLE AS YOU GO ALONG

This guide is a resource document, designed to help you to write a set of bylaws that will best serve the needs of your Post. It should give you some insight on how to write a set that will be approved when submitted to Department. It will be updated as needed. It includes the Sample Post Bylaws from the Department website for easy referencing.

WHERE TO START:

The first thing you'll want to do is to download a copy of the Sample Bylaws from the Department website at <https://calegion.org/bylaws-and-resolutions/>. Read them through at least once before starting so you'll have a basic understanding of their form and function. After that, the Post Commander should appoint a 3-5-person committee to work on the bylaws. This guide will take you through the articles one at a time. There are a lot of them that should not be changed from the sample. In others you will be able to alter the article to meet the needs of your Post. The main thing to remember is they cannot be in conflict with either Department or National bylaws. Areas that are highlighted in the sample should be removed before final processing.

HOW TO BEST USE THE ONLINE SAMPLE:

My suggestion is that you write your bylaws from the Sample, transferring those things that are unique to your post into it. Older bylaws tend to have different ways of stating how things are done. Using verbiage that has changed could easily cause problems. This guide will point out areas where the way something is written should be left intact. The order and general content of each of the articles should not be modified. Rearranging the order of them or moving items from one article to another will only make them more difficult to follow. If you have any questions about this, please contact your Area Commissioner.

CERTIFICATION OF YOUR POST BYLAWS:

Once your committee is finished modifying your POST bylaws, you'll need to do two readings in two different months. The Post Adjutant will need to give at least a 10-day notice before the second reading and voting on them. This can be done by either emailing it, mailing it, or posting it in a Post Newsletter. When you do the two readings, you will only have to read what changes are being made from your current bylaws unless it is a major revision. Then you should read the entire set.

You can vote on approving them at the same meeting as the second reading or later (voting on them right away will work best). Please understand that it is the Post that is approving the bylaws and not the Constitution and Bylaws Commission. The Commission only assures that they are not in conflict with Department or National Bylaws. Once they are voted on and certified by the Post Commander

and Adjutant at the bottom of the Bylaws, they go into temporary effect and become permanent after Commission approval. They are submitted to the Department by emailing a scanned copy to bylaws@calegion.org. If you cannot scan them, this can usually be done at a local office supply store. Never submit original copies to the Department for certification.

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 associations in all wars; to inculcate a sense of individual obligation to 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.

((The only needed change is from “the Great Wars” to “all wars”..))

ARTICLE I – NAME

Section 1. The name of this organization shall be: _____ POST NO. ____, THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA. Hereafter referred to as, “Post.”

Section 2. The Post is located in _____ (Give City and State).

Section 3. The mailing address shall be: _____ (Optional).

((For this you will use the given name on number for your post. For the location, you can either just state the city with state that it is in or list your full address. Mailing address is optional.))

ARTICLE II – OBJECTS:

The objects and purpose of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble, and in the Articles of Incorporation of this Post, and in the National and Department Constitution of the American Legion.

((This article should be left as stated in the Sample.))

ARTICLE III – 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 Post. No member shall be addressed by his military or Naval title in any meeting of the Post.

Section 2. This Post shall be absolutely non-political 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.

Section 3. Each member shall perform their full duty as a citizen.

((This article should be left as stated in the Sample.))

ARTICLE IV – MEMBERSHIP

Section 1. The eligibility for membership in this Post shall be those dates and conditions set forth in Article IV, Section 1, of the National Constitution of The American Legion.

Section 2. There shall be no form nor class of membership except active membership.

Section 3. Candidates for membership in this Post shall make application upon a form prescribed by the Executive Committee of this Post; shall pay therewith the initiation fee and dues for the current calendar year; and shall furnish official evidence of eligibility such as a DD-214.

Section 4. All applications for membership shall be referred to the Membership Committee, which shall, at each regular meeting of the Post, report upon all applications received during or after the previous regular meeting. A majority vote of those present and voting shall accept or reject a candidate. No member shall be accepted as a member in this Post who is a member of any other Post of the American Legion. No limitations may be placed on re-application of membership. (e.g., turned down today, they can reapply tomorrow).

Section 5. 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, they may then appeal to the Department Executive Committee for permission to be admitted to membership in the Post, and shall be ineligible for membership until such permission is granted.

((The only section that you could potentially change is the first sentence of Section 4 to reflect the process you are currently using. Otherwise, everything else should be left unchanged.))

ARTICLE V – OFFICERS

Section 1. a). The officers of this Post shall be the Commander, Vice-Commanders, the Adjutant, Finance Officer, Chaplain, Judge Advocate, Service Officer, Historian and Sergeant-At-Arms.

b). The elective officers of the Post shall be: Commander, Vice-Commanders, and three members of the Executive Committee.

c). The following officers of the Post shall be appointed by the Commander: Adjutant, Finance Officer, Historian, Chaplain, Judge Advocate, Service Officer, and Sergeant-At-Arms.

d). Any other officer other than the Commander and Vice-Commanders may hold two or more of the above offices.

Section 2. Nomination of elective officers and members of the Executive Committee shall be held during the first regular meeting in April of each year and announcement thereof shall be made by the Adjutant for second round of nominations and elections at the regular meeting in May.

Section 3. a). All Post officers shall be elected or appointed for a term of one year at a regular meeting in May and shall be impressively installed, preferably by a ritual team, in accordance with the prevailing National Manual of Ceremonies, prior to the first day of September of that year. The Executive Committee may be elected for a term of one year, but not to exceed three years, provided that at least one-third (1/3) of the said Executive Committee shall be elected in each Legion year.

b). All elections for opposed positions shall be by written secret ballot and a majority of all votes cast shall be required for the election of commander and vice-commanders. The other elected officers, if any, may be elected by a plurality vote as the post may determine. Secret ballots shall be retained for thirty (30) days by the Post Adjutant.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post. There shall be no limiting qualifications (e.g.-length of time in the Post).

Section 5. The duties of officers and the Executive Committee shall be those as provided for in these By-Laws.

Section 6. In event that any Post Officer or member of the Post Executive Committee shall be absent for three consecutive meetings of the Post and/or the Executive Committee without being excused by the Post Commander or Executive Committee, such office may be declared vacant by a majority vote of those present and voting at a regular Post meeting held after a written notice to all members that such vote will be taken. The vacancy so created shall be filled by election or appointment at the next general post meeting by the same process as prescribed by the original election or appointment of that position.

((Section 1. a). This section names all the officers of the Post regardless of how they are elected or appointed.

((Section 1. b). This section names the officers that are elected. It is required that the Commander, Vice-Commanders and Members (at large) of the Executive Committee must be elected. Any other officers that the post wants to elect will also be named in this section. I suggest you use the term "Vice-Commanders" in this section as opposed to First-Vice Commander, Second Vice-Commander, Third Vice-Commander. If somewhere along the way, the post wants to elect a third vice, they may do so without having to change their bylaws.))

((Section 1. c). These officers that are appointed. The Commander appoints these officers. Ratification by the Post membership may or may not be required. Generally, appointed officers are not ratified by the Post Executive Committee, but it can be required and done if in your bylaws.))

((Section 1. d). Anyone in a Commander position cannot hold any other officer position, whether it be appointed or elected. However, if an officer position is vacant, such as Historian or Service Officer, a Vice-Commander may do the job as an additional duty or assignment. They just can't officially hold the position. Any other officer, whether appointed or appointed, may hold more than one officer position.)).

((Section 2. Nominations for officers must be held at meetings in two different months, with notice being given by the adjutant before the meeting of the second round. This is usually done right after first rounds at the meeting. Elections can be held right after the second round of nominations or in the following month. Almost all Posts do the second round and elections in the same month. Do Not set your elections in June. Officer certification must be received at Department no later than 20 days prior to the opening of convention and this will soon be changed to June 1st.)

((Section 3. a) All term for officer appointments or elections is one year, no more that that. The only exception are the members at large of the Executive Committee. Their term may be from one to three years with no less than 1/3 being elected each year. You can also have them serve one-year terms if your post so wishes.))

((Section 3. b) Elections for all opposed positions are done by secret ballot. If you're using a virtual meeting format for the election, this bylaw is still in place. You can either use a polling feature such as Zoom has, use a separate election program (this can be very challenging) or whatever method that your Post can create to accomplish this. The Adjutant must keep a written (or screenshot from a computer will do) copy of the voting and results for at least thirty days following the election. Each of the commander positions must be elected by at least one vote over 50%. IF there are more that two running and one does not get this, then you should do a run-off between the two highest vote getters. The other officer positions are simple by whoever gets the most votes.))

((Sections 4-6 from the sample should not be changed.))

ARTICLE VI – FINANCE

Section 1. No appropriations shall be made without first referring the same to the Finance Committee for report therefrom. This does not preclude any member's right make a motion on the floor of a post meeting for any expenditures relating to post business.

Section 2. The Executive Committee shall prescribe the form in which the financial records shall be kept.

Section 3. The fiscal year of the Post shall be from _____ to _____ of each year.

Section 4. All Post expenditures, regardless what conveyance or prior approval by the membership has taken place, shall require (2) signatures of the Commander's pre-designated Post Officers.

5. Emergency Expenditures, as defined by "those unanticipated expenditures for the benefit of the purposes of the American Legion and/or Post ____ and directed by Post Commander and pre-approved by at least two other Post Executive Committee will not exceed _____". All emergency expenditures shall be disclosed to the general membership at the next regular business meeting.

((This is one of the most important articles in your Post bylaws, yet it is often treated lightly mentioned or even omitted. There are at least five elements that should be contained in this article:

- How funds are appropriated. Usually this goes through the Finance or Executive Committee. However, it's the Post membership that makes the decisions on this, usually at a General Membership Meeting. Even if something does not go through a committee first, any member can still make a motion on the floor of a meeting to appropriate funds.

- This is where the method of how financial records (not “books”) is identified, usually by the Executive Committee
- Your fiscal year must be identified. This is important for proper financial record keeping and auditing.
- There should be two signatures attached to expenditures. Usually this is covered when the Adjutant signs the minutes for the meeting and the finance officer signs the check. This is in the bylaws to keep an eye on those who can’t be trusted.
- Finally, you should identify how to deal with emergency expenditures between meetings. There should be a cap on how much this is. However, the money is spent, it must be reported to the membership at the next meeting. This is usually done in the finance officer’s report.
- You may also include any other system of checks and balances on how finances are managed in this article. NOTE: This section refers to the “Post’s” finances and should not include the management of finances with any business or interests that the post may have such as a club house or rental property.))

ARTICLE VII – THE AMERICAN LEGION AUXILIARY

Section 1. The Post recognizes an auxiliary organization to be known as the, “Auxiliary Unit of _____ (Name) _____ Post No. _____, The American Legion, Department of California”.

((If your Post has an Auxiliary, they must be mentioned here. This is in part due to the fact the American Legion Auxiliary is chartered separately from The American Legion itself but is operating alongside the Legion. You may have a section for your Sons of The American Legion Squadron or American Legion Riders Chapter, but this is not required since they are direct programs of and under The American Legion. I suggest you leave it out since if for any reason a squadron or chapter should fold, you would then need to change your bylaws to reflect this.))

ARTICLE VIII – PROCEDURE

Section 1. Opening and closing of meetings, initiation of new members, and installation of officers, shall be conducted as prescribed and approved by the National Convention of the American Legion in Kansas City, 1921, with subsequent amendments adopted and approved by later conventions.

Section 2. The rules contained in the current edition of Robert’s Rules of Order Newly Revised will govern the Post in all cases to which they are applicable and in which they are not inconsistent with these Bylaws, any special rules of order the Department may adopt, and Federal, State and Local regulations.

((Section 1. Some people think this section is outdated. It is not. You should leave it in as is.))

((Section 2. This establishes Parliamentary Authority. Remember that your Post Bylaws take precedence over Robert’s Rules when they state something different. The vast majority of your bylaws will be in sync with Robert’s Rules, but not always.))

ARTICLE IX – EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall consist of a minimum of three members in addition to the Commander, Vice Commanders and the Adjutant.

Section 2. The Executive Committee shall consider all matters affecting the Post and shall make recommendations to the Post, which thereafter shall be approved by the Post by a simple majority vote before becoming effective.

Section 3. The Commander, Vice-Commanders and Adjutant shall be chairman, vice-chairmen and secretary, respectively, of the Executive Committee.

((The first thing about this is there is only an Executive Committee. There is no Executive Board or Board of Directors, separately or otherwise... The bylaws may be written to allow other officers of the post as members of the Executive Committee. However, only elected officers can be voting members of the Executive Committee.

Though slightly different, all business pertaining to this portion of your Post goes through the Executive Committee. Some older bylaws may refer the Post members elected to the Executive Committee as a separate Board or Board of Directors. They are not. They are members of the Executive Committee. Even though it is referred to as the Executive Committee, it does function as the Post Board of Directors, but the term Executive Committee is used in The American Legion. Any entity that is managing your building, bar or other interests operate outside of your bylaws and should be setup separately, though it may be owned by the post. If you have any questions about or problems about the legality of this, please consult the Department Judge Advocate or a lawyer.)).

((Section. 1. This identifies the minimum requirements for you Executive Committee membership. You may include other officers in this group. Any non-officer that is a member of this group must be elected following the bylaws)).

Section 2. The Executive Committee makes recommendations to the Post membership and the membership then votes whether or not to approve it. The Post membership appropriates the funds, but the Executive Committee manages the affairs of the Post such as paying bills or managing programs of the Post.))

Section 3. Self-explanatory.))

ARTICLE X – MEETINGS

Section 1. a). The regular meetings of this Post shall be held on the day, time, and location prescribed by the Post Executive Committee and approved by a majority vote of the membership.

b). Regular meetings may be rescheduled upon notification in writing to all members prior to the beginning of the month in which the meeting has been changed.

Section 2. Special meetings may be called by the Commander or by the Executive Committee or must be called upon the written request of a minimum of seven (7) members. No special meeting shall be called unless announcement by the Commander at the regular meeting preceding or unless notice be mailed or emailed to each member ten (10) days prior to said meeting stating the time and place of the meeting and the subject to be considered. Only those items for which the meeting was called may be discussed at a special meeting.

Section 3. The Post, at any meeting, may consider and pass upon any matters irrespective of whether such matters have been previously considered by the Executive Committee

Section 4. A quorum at all general membership meetings shall consist of a minimum five (5) members.

Section 5. The Executive Committee shall regularly meet at least once between regular meetings of the Post at a time and place designated by said Committee. A simple majority shall constitute a quorum. Said Committee may hold such special meetings as said Committee or the Commander may deem advisable, notice thereof being mailed to each member at least seventy-two (72) hours before the time and place of the meeting and the matter to be considered.

Section 6. No member shall take part in any Post meeting or election unless he is in good standing.

Section 7. No member shall be represented or shall vote by proxy. There shall be no voting by absentee balloting.

Section 8. The Post has the option to meet by electronic means using either phone, internet, or other electronic means in order to conduct Post business and/or elections as scheduled or otherwise any business required by these bylaws. The Post membership must be notified by either mail or electronic mail at least 10 (ten) days prior to said meeting and the same quorum as for all other meetings will be required to conduct business.

((All parameters concerning meetings for the Post membership and the Executive Committee belong in this article.

((1.a). If you avoid using a specific date, time, and location for meetings, you will not have to do an amendment to your bylaws if it changes. However, the meeting date, time, and location must be consistent to the benefit of the Post membership.))

((1.b). NOTE: If a situation comes up and you need to change the day, time or location, you. Must give your membership a minimum of 10 days' notice.))

((Section 2. You must give at least 10 days' notice for special meetings (Exception would be an emergency Executive Committee meeting which would require at least 72 hours.). Any meeting that is not scheduled is a Special Meeting. When giving notice for a Special Meeting, you should state what the meeting is for. Only those issues for which the meeting called can be discussed or dealt with at the meeting. This protects the interest of the post membership for being compromised by a secret meeting.))

Section 3. Leave as is. This is a right.

Section 4. The minimum for quorum is 5 members per DOC bylaws. You may make it higher, but I highly suggest you keep it at a lower reasonable number. Try to avoid setting at a level that would make it difficult to assure conducting your post business on a month to month basis.

Section 5. Unless you have a need to change this, I suggest you leave it as is.

Section 6. Leave as is. This usually applies for after January when a member's dues are delinquent.

Section 7. Members must be present at a meeting, whether in person or connected online to vote. If you Zoom an in-place meeting and someone is online but in attendance, they may vote on issues and in elections. This should be noted in your minutes

Section 8. This gives the post the authority to meet online for any meeting. If your post does this, you must make a reasonable effort to contact the post membership in advance. You can also conduct the meeting in person, but while having it available online. If you do this, one member should be monitoring the online portion to give all members the opportunity to participate in all matters.))

ARTICLE XI – DUTIES OF OFFICERS

Section 1. Duties of the 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 affairs of the Post, and such office shall be Chief Executive Officer of the Post. He shall perform such other duties as directed by the Post.

Section 2. Duties of the First Vice-Commander. The First Vice-Commander shall assume and discharge the duties of the office of Commander in the absence of, disability of, or when called upon by the Post Commander, and shall perform such other duties as directed by the Post.

Section 3. Duties of the Second Vice-Commander. The Second Vice-Commander shall assume and discharge the duties of the office of First Vice-Commander in the absence of, disability of, or when called upon by the Post Commander, and shall perform such other duties as directed by the Post.

Section 4. Duties of the Adjutant. The Adjutant shall have charge of and keep full and correct record of all proceedings of all meetings, and under the direction of the Post Commander handle all correspondence of the Post.

Section 5. Duties of the Finance Officer. The Finance Officer shall be charged with the custody of the funds of the Post. He shall keep its accounts and report thereon at regular meeting of the Post. They shall receive all funds of the Post and pay all bills approved by the Post. The office of Finance Officer and any other officers and/or positions charged by the Post Constitution and/or Bylaws, with the responsibility of handling Post funds should be bonded.

Section 6. Duties of the Historian. The Historian shall be charged with the individual records and incidents of the Post and Post members and shall perform such other duties as directed by the Post or the Executive Committee.

Section 7. Duties of the Post Judge Advocate. The Post Judge Advocate's duties shall be to advise the Post officers on the construction and interpretation of the Post's By-Laws and to perform such other as are usually incident to the office.

Section 8. Duties of the 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., and to adhere to such ceremonial rituals as are recommended by the National or Departmental Headquarters from time-to-time.

Section 9. Duties of the Sergeant-at-Arms. The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may be from time-to-time assigned to him by the Post.

Section 10. The duties of the Service Officer. The Service Officer shall be generally prosecuting claims and protecting the rights and privileges of all veterans, their dependents, and survivors and to handle such other matters as may be properly be considered service work.

((This section describes the traditional roles for the officers. You can add additional duties, but you should not lessen them from what is described here. I suggest you leave them as is. Duties can be then added as needed for the good of the Post or subtracted when they are no longer being performed by that officer without having to make any bylaw changes.

((Section 5. With this section you must identify the finance officer and any other officers handling funds should be bonded. This is not a requirement but should be done to protect the monetary assets of the Post. This means officers who are writing checks, making deposits or withdrawals or otherwise have access to the Post accounts. The Department is no longer providing bonding. It will be up to the Post to secure or protect their assets proportionate to their value. There is a reference article for this on the Department website under Resources/Bylaws and Resolutions.))

((NOTE: As I mentioned before, if a Vice-Commander is performing the duties of any other positions, this should be done as an assigned duty in lieu to a position being open. The exception to this is they cannot do the duty of adjutant nor finance officer since these are required positions to be filled by the DOC bylaws.))

ARTICLE XII – DUES, FEES AND FUNDS

Section 1. The annual dues for this Post shall not be less than the combined amount of Department and National per capita dues, payable annually in advance. This amount may be changed by recommendation of the Executive Committee, upon being read at two regular meetings, a quorum being present and adopted by a majority of those present and voting.

Section 2. The membership initiation fee, if any, shall be a fixed amount, and approved by the Post.

Section 3. From such dues and fees, the Post shall pay all per capita taxes and assessments and such other expenditures as the Post may approve.

Section 4. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If their dues are paid on or before February 1st, they shall be automatically reinstated. If they are still delinquent after February 1st, they shall be suspended from all privileges. If they are still under suspension on June 30th of such year, their membership in the American Legion shall be forfeited. A member so suspended, or whose membership has been so forfeited, may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs. Continuous membership privileges and benefits may be affected by any break in continuous membership. To avoid such termination of continuous membership, a member who has forfeited his membership may make up past dues until December 30th for only the immediately preceding year. A separate initiation fee may be charged by the Post to reinstate such continuous membership.

((This section has to do with membership dues and initiation fees.))

((Section 1. I highly suggest you avoid using any specific amounts for dues. Use the section as stated in the sample. This way if your dues change, you will not need to amend your bylaws like you would with a specific amount)).

((Section 2. and Section 3. Leave as started.))

((Section 4. This section needs to be left as stated. These conditions are controlled by Department and National.))

ARTICLE XIII – DELEGATES AND REPRESENTATIVES

Section 1. The delegates and alternates to represent the Post at Department conventions shall be elected at a regular meeting of the members of the Post by vote of those present and voting. The election shall be held and submitted no later than June 1st. The time and place for holding the election must be announced by the Post Commander at least one regular meeting in advance of the election.

Section 2. Delegates of the Post to the Area Council and the representatives to the District Council shall be appointed or elected as prescribed by Area Council and District By-Laws and shall serve a one (1) year per term.

((Both these sections are from the Department Bylaws and should not be changed.))

ARTICLE XIV – APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year shall appoint a Finance Committee and such other committees as shall be found necessary. Standing committees shall consist of such members as may be determined by the Post and the chairman thereof shall be designated by the Post Commander.

Section 2. Audit. The Post will keep financial records and will cause said records to be examined by a licensed accountant or a committee of three (3) competent persons, none of whom will be the Commander, Adjutant, Finance Officer or any other person charged with the responsibility of handling Post funds. Such examination will be made prior to October 1st following installation of Post officers, and for the period of the immediately preceding fiscal year of the Post, said fiscal year will be determined by the Post. (Posts with gross annual revenues fifty thousand dollars (\$50,000) and over, will have their books examined by a reputable bookkeeper or certified public accountant and attach a copy of their report to the Post Financial Audit Certification.) The Post will certify to the Department Adjutant prior to November 15th each year that such an examination has been made and file the original thereof with the Department Adjutant before said date, sending a copy thereof to the District Commander of the District of said Post. The Department Commander, Department Executive Committee, the District Commander, the Post Commander, or the Post Executive Committee may order an audit of the financial records of the account at such other times during the current year as may be deemed advisable. Failing to submit the certification by deadline or any general or special extension thereof will cause the post to be placed on probation until submission has been verified by the Department Adjutant.

Section 3. Membership Committee. The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatement and eligibility of members, subject to the approval of the Post.

Section 4. Finance Committee. The Finance Committee shall be charged with the administration of the financial policy, preparation of an annual budget with recommendations, and supervisions of receiving, disbursing, and accounting of all Post funds.

((Section 1. Any committees that need to be appointed must be done as soon as a new commander is sworn in. If someone knows they're going to be commander, they need to secure people in these positions before officer installations.))

((Section 2. Audit. No matter what, replace this section in your bylaws with this specific section as written. The verbiage and conditions have changed over the years. There is no reason to have it say anything else.))

((NOTE: If your Post is late meeting ant of its obligations to Department, they will be automatically placed on probation. Once the obligation is met, the Post will automatically be removed from the same. Some posts with larger and more complicated fiduciary assets or activities maybe late in submitting their audit certification as they are more complex than smaller posts. Probation can be avoided by getting it done right after the fiscal year ends.))

((Section 3 and Section 4. Leave these as is.))

ARTICLE XV – LIMITATIONS OF LIABILITY

Section 1. The Post shall not incur, nor cause to be incurred any liability or obligations whatsoever which shall subject to liability any other individuals, corporations or organizations.

((This article simply means that the Post cannot incur any responsibility or obligations on. Behalf of another person or entity. Your Post can do something in conjunction with another group, but it cannot form any partnerships that would cause it to have to pay someone else's bills should things not work out. If you have any questions about this, contact a judge advocate somewhere up the line. Do not alter or remove this article.))

ARTICLE XVI – ADMINISTRATIVE HEARINGS

Section 1. Members of their Post shall be subject to disciplinary action as provided in the Department Administrative Hearing Manual as adopted, and as the same may be amended from time-to-time hereafter. A copy of the verdict, certified by the Post Commander and Post Adjutant, shall forthwith be forwarded to the Department Adjutant.

((Leave as is unless there is a specific need to expand what is here.))

ARTICLE XVII – RECALL PROVISIONS

Section 1. A petition signed by ten (10) percent of the membership in good standing requesting the holding of an election for the purposes of recalling an elective officer or a member of the Executive Committee may be filed at any time with the Post Adjutant. The Post Adjutant shall, within five (5) days after filing said petition, compare the signatures on said petition with signatures on the applications of the respective signers on file in the Post records. The Adjutant shall deliver the said petition and their report on the correctness of the signatures to the Executive Committee at its next meeting. If it shall appear from the report of the Adjutant that ten (10) percent of the membership

have signed said petition, the Executive Committee shall fix the date for the recall election, which date shall be fixed for a regular meeting of the Post to be held not less than two (2) weeks nor more than six (6) weeks after the meeting of the Executive Committee. If the report of the Post Adjutant shall show less than ten (10) percent of the membership have signed, said petition shall be forthwith returned to the member who filed the same with the Adjutant who shall then have ten (10) days thereafter to obtain the required number of valid signatures, and re-file said petition with the Adjutant who shall recheck with their records and resubmit the same to the Executive Committee at its next meeting thereafter with his report. If the petition is then found being sufficient, the recall election shall be fixed as set forth above.

Section 2. Notice of the date, time and place of holding the recall election shall be mailed to each member of the Post in good standing at his address as the same appears in the Post records, at least ten (10) days before the election.

Section 3. All recall elections shall be concluded by written secret ballot.

Section 4. At the election, the ballot shall read as follows:

“Shall _____ be recalled?
(Name of Officer or Member of the Executive Committee)
Yes _____
No _____ “

A “Yes” vote shall be counted as for the recall and a “No” vote shall be counted as against the recall. Only members in good standing shall be entitled to vote at such election.

Section 5. If the officer or member of the Executive Committee shall be recalled, the Post, at its next regular meeting, shall elect a successor to fill the unexpired term. Nominations shall be held the same night as the election. The person recalled shall not be eligible as a candidate for election to fill the vacancy.

((This is standard. This should be left as is as well.))

ARTICLE XVIII – AMENDMENTS

Section 1. Proposed Bylaws or Amendments thereof must be submitted in writing at a regular meeting of the Post and read there at. At the next regular meeting or, if postponed, at a subsequent regular meeting, the proposed Amendment may be adopted by a two-thirds (2/3) affirmative vote of those present and voting. Changes of amendments to the post constitution and bylaws shall be certified in writing by the post commander and adjutant before submission to Constitution and Bylaws Commission through the American Legion Department of California.

Section 2. a). These By-Laws shall be amended to conform to any changes in the National and Department Constitution and By-Laws no later than 90 days following the close of the National Convention of the American Legion. Failure of the Post to adopt the required amendments shall not delay or modify the effect of such changes.

b). Any amendment initiated by the Post shall not be in final force or effect until approved by the Constitution and By-Laws Commission of the Department but shall be temporarily enforced pending action thereon if not in conflict with the Constitution and By-Laws or adopted policy of the American Legion, or the Department of California, the American Legion.

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((No need to change this either.))

CERTIFICATION

Above the signatures of the Commander and Adjutant, certify to the following:

“We hereby certify that the above By-Laws were read at two meetings of the Post and adopted on _____, a quorum being present, and by a two-thirds (2/3) vote of those present and voting.”

First reading, _____ .

Second reading and adoption _____ .

Signed by,

Commander

Adjutant

Note-

Certification of all subsequent amendments are required.

These By-Laws or any amendments thereto must be sent to Department headquarters for review and approval by a member of the Constitution and Bylaws Commission (Usually the Commissioner assigned to your area), a scanned copy with the approval form is kept by the Department Headquarters for the Post files and is also returned to the Post for their files with a copy being sent to Constitution and By-Laws Chairman.

This page is what makes it all legal. You must record the dates of the first and second readings along with the date the bylaws were passed by the Post membership. It must be signed by the Post Commander and Adjutant. Do not type in their names nor “original signed”. This is usually the first thing checked by the Area Commissioner when they receive them for review.

IMPORTANT NOTES:

- Do them right, not fast. Stay close to this guide and you shouldn't have any problems.
- Be careful not to overwrite them. The language should be so that the members of your post can read and follow them. Keep them simple.
- Do not use any outdated language.
- Larger posts with complicated situations may need to make them longer, but by in large, this sample should suffice for most Posts in California. If you are unsure, contact your Area Commissioner for guidance.
- Submit them directly to Department, not to the Area Commissioner. They must be logged in and tracked to assure they get properly taken care of. If possible, scan into PDF (most modern printer/scanners can easily do this) and email to bylaws@calegion.com. If sending by US Mail, mail them to The American Legion Department of California, Attn: Constitution and Bylaws, 1601 7th St, Sanger, CA, 93657. Send only one copy and not the original. You will probably not be getting them back. They will be scanned at Department for processing and stored there.
- If you do not receive a response within three weeks, contact your Area Commissioner. Their name and contact information can be found in the Department website under Programs / Programs and Commissions.
- Amendments to your bylaws must be processed in the same fashion as new bylaws from the two readings on through the approval process. There is a separate guide for this on the Department website.
- You should remove was changed along with with any editing notes from the signed bylaws before submitting them to Department. It should be a clean set.

If you have any questions about this guide, please feel free to contact me. It is our goal to give everyone Quality Service and Products.

Thanks for taking the time to work on your Post bylaws.

Mark

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Mark L. Rice

Commission Chairman, Constitution and Bylaws, DOC

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(916) 204-8151