

CONSTITUTION

THE AMERICAN LEGION

POST 318 PORT ST. LUCIE FLORIDA

DEPARTMENT OF FLORIDA

Revised: November 1995

Amended: March 1996

Revised: May 2000

Revised: May 2002

Revised: July 2005

Revised: June 2008

Amended: October 2008

Revised: May 2011

AMERICAN LEGION 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 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 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.

ARTICLE I

NAME

The name of this organization shall be AMERICAN LEGION POST 318 PORT ST. LUCIE FLORIDA, a Florida non-profit corporation.

ARTICLE II

OBJECTS

The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the national and department constitution of the American Legion.

ARTICLE III

NATURE

Section 1. The Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2. The organization shall be absolutely non-political and non-sectarian, 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. Rank does not exist in The American Legion and no member shall be addressed by his military title in any meeting of this post.

ARTICLE IV

MEMBERSHIP

Section 1. This Post of The American Legion shall be the judge of its own membership, subject to the restrictions of the National and Department constitutions and by-laws.

Section 2. Applications for membership shall be made in writing and must be signed by a Post member and forwarded to the post membership chairman.

Section 3. All transferees or persons making application for transfer must submit applications by mail or in person to the Adjutant and Assistant Adjutant who shall forward same to the membership chairman for screening.

Section 4. All applications for membership shall be duly announced to the Post body and acted upon at that meeting. Such announcements shall be made, using the name that appears on the applicant's Honorable Discharge papers. If a majority of members in attendance cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

Section 5. All annual dues shall be payable by October 20th of each year. A Post member whose dues for the current year have not been paid by January 1 shall be classed as delinquent. If dues are paid on or before February 1, they shall automatically be reinstated. If still delinquent after February 1,

they shall be suspended from all privileges. If is still under suspension on June 30 of such year, their membership in The American Legion shall be forfeited. A Post member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by a majority vote of the membership present at a post meeting and payment of current dues for the year in which the reinstatement occurs.

Section 6. Every member of this Post in good standing shall be eligible to serve on committees and hold office in this Post except as otherwise provided in by-laws under Nominations – ARTICLE VI, Sec 3, Para. F.

ARTICLE V OFFICERS

Section 1. The administrative affairs of this Post of The American Legion shall be under the supervision of an Executive Committee which shall consist of three (3) elected members, the immediate Past Commander, who shall automatically become a member of this committee and all officers of this Post; including any assistant officer acting in the capacity of the non-present appointed or elected officer, who shall be entitled to vote. At the discretion of the Executive Committee Post Supervisors and Post Managers shall be non-voting members of the Executive Board. The term of office of members of the Executive Committee shall be for one (1) year. This Post may provide for such other standing committees as the affairs of the organization may require.

Section 2. The elected officers of this Post shall be a Commander, a First Vice Commander, a Second Vice Commander, Third Vice Commander, a Finance Officer, Post Historian, Post Chaplain and a Sergeant-at-Arms, and such other officers as may be deemed necessary for the proper administration of the post, who shall be nominated from the floor at the regular meeting preceding the annual election. An Adjutant, Post Service Officer and Post Judge Advocate shall be appointed by the Post Commander Elect and confirmed by Post Executive Committee.

Section 3. All officers and executive committee people shall be elected annually and they shall hold office until their successors are duly installed.

ARTICLE VI GENERAL DISCIPLINE, CHARGES, TRIALS, PENALTIES

Section 1. With the exception to those certain provisions relating to temporary suspension of Post Privileges as set forth in the House Rules and Post By-laws, Post members to include Post Officers, may only be reprimanded, suspended, or expelled through the application of the procedures established under the Article X, Section 14, of the Constitution of the American Legion, Department of Florida and in conformance with the “Rules Governing Trials”.

Section 2. A member who has been expelled or suspended from this Post for cause other than for non-payment of dues may be reinstated to membership by a two-thirds vote of the membership present at the post meeting; provided, however, that he/she shall make payment of any arrears in his dues at the time of the expulsion or suspension, an also other regular dues which have been payable in the interval between expulsion or suspension and reinstatement.

Section 3. No person who has been expelled by another 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, he/she may then appeal to the Department Executive Committee for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

Section 4. Any member who has been expelled or suspended has the right of appeal to the Department Executive Committee.

ARTICLE VII CHARTER MEMBERS

Section 1. Members who joined this post prior to January 31, 1985 (or members who joined this post prior to the issuance of charter), shall be known as charter members. Note: The matter of charter members for the permanent charter is left to the decision of the post members.

ARTICLE VIII AMERICAN LEGION APPENDANT ORGANIZATIONS

Section 1. This Post recognizes three appendant organizations known as the American Legion Auxiliary Unit #318, The Sons of the American Legion Squadron #318 and American Legion Riders #318.

Section 2. Membership in these organizations shall be prescribed by the national and department constitution and by-laws of The American Legion.

ARTICLE IX FINANCE

Section 1. The revenue of this Post shall be derived from membership or initiation fees, from annual membership dues and from such other sources as may be approved by the post executive committee.

Section 2. The Post shall pay to departmental headquarters the national and departmental annual dues for every member of this post in the amount of and as provided in the Department Constitution and the Department Executive Committee.

ARTICLE X AMENDMENTS

Section 1. This constitution is adopted subject to the provisions of the national Constitution of The American Legion and of the department Constitution of Florida of The American Legion. Any amendment to said national constitution or department constitution which is in conflict with any provision hereof shall be regarded as automatically repealing or modifying the provisions of this constitution to the extent of such conflict.

Section 2. This constitution may be amended at any regular Post meeting by vote of two-thirds of the members of said post attending such regular Post meeting, providing that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and providing further, that written notice and/or publication in an official bulletin of this post shall have been given at least five (5) days in advance of date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the constitution is to be voted upon.

Section 3. This constitution shall be reviewed every three (3) years commencing with the year 2002.