AMERICAN LEGION POST 318

CONSTITUTION AND BY-LAWS

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 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 our comradeship by our devotion to mutual helpfulness.

CONSTITUTION

ARTICLE I - NAME

SECTION I. The name of this organization shall be the American Legion Post 318, Inc., The American Legion, Department of Florida.

ARTICLE II - OBJECTIVES

SECTION 1. The objectives and purpose of this Post shall be to promote the principles and policies set forth in the foregoing Preamble, and the National and Departmental Constitutions 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. This organization shall be 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. Rank does not exist in the American Legion; no member shall be addressed by their military title in any meeting Of the Post.

ARTLCLE IV – MEMBERSHLP

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

SECTION 2. Application for membership shall be made in writing under such regulations as determined by American Legion National and Department of Florida guidelines.

SECTION 3. All applications for membership shall be acted upon at the next regular Post meeting following the making of such application, and shall at said meeting be accepted, rejected or referred for further investigation and consideration. If the majority of members present cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

SECTION 4. Members or post officers may be reprimanded, suspended, or expelled from The American Legion only upon proper showing of cause. Charges shall be based upon disloyalty to The American Legion, the National Government, neglect of duty, dishonesty or conduct unbecoming a member of The American Legion. Charges must be made under oath, in writing, by the accusers. No member or officer shall lose their membership or office until they are given a fair trial. The process of bringing charges and conducting a fair trial shall be as set out in the Department of Florida Rules Governing Trials and Rules Governing Appeals.

SECTION 5. The provisions do not apply to disciplinary procedures carried out in compliance with any state or local law, not affecting the right of the member to attend Legion meetings. This excepts minor infractions only resulting in suspension of certain privileges such as attendance at the bar, canteen, etc. but not attendance at meetings or voting.

SECTION 6. 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

when consent has been denied by the expelling post and an appeal to the Department Executive Committee has granted permission for membership.

SECTION 7. There shall be no class of membership except active membership whose annual dues are paid.

ARTICLE V - OFFICERS

SECTION 1. The administrative affairs of this Post of the American Legion shall, except as may otherwise be provided in the By-Laws, be under the supervision of an Executive Committee made up of the officers of this Post. The term of office of members of the Executive Committee shall be as prescribed by the Department and National rules. This Post, may provide for such standing committees as the business of the organization may require.

SECTION 2. The officers of this Post shall be a Commander, 1st Vice Commander, 2nd Vice Commander, 3rd Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Service Officer, Sergeant-At-Arms, Immediate Past Commander, Judge Advocate and three (3) Executive Committee persons at large. Officers of the post may hold one elected position and appointed positions as necessary to operate the Post.

SECTION 3. The Commander, Vice Commanders, Finance Officer, Chaplain, Historian, Sergeant-at-Arms, and Executive Committee persons shall be elected annually and shall hold office until their successors are duly installed or as otherwise provided in the By-Laws. The Adjutant and Judge Advocate shall be appointed by the Commander-elect and submitted to the membership for approval. Service Officers will be nominated by the Commander and ratified by the Membership. Suspension of an officer's duties, such as access to or control of funds or post property or assets may occur by a vote of the Executive Committee pursuant to Florida Statutes, Chapter 617, to prevent wasting of organization property.

SECTION 4. A member of this Post in good standing shall be eligible to be nominated or stand for office. A member is not in good standing if their dues are in arrears, if they are under suspension from The American Legion as the result of a trial held by the post or by the Department of Florida, if they have been

expelled from The American Legion and there is an appeal pending, if they have been ordered by a court of competent jurisdiction to NOT TRESPASS against post property, or to have NO CONTACT with this post, or any member of this post or the post's auxiliary unit, or any member of the post squadron of the Sons of the American Legion, or any current employee of this post. Consultation with the Department Judge Advocate is recommended before rejecting a member from consideration by the membership under these circumstances.

SECTION 5. The duties of officers are those usually pertaining to such offices and as further provided in the By-Laws.

ARTICLE VI - FINANCE

SECTION 1. The revenue of this Post shall be derived from membership dues and such other sources as may be approved by the Post Executive Committee.

SECTION 2. The amount of annual post dues, including National and Department mandated dues, shall be set by a vote of the Membership at a Regular Post Meeting after at least thirty (30) days' notice has been given to all members of the proposed change in the amount of dues.

SECTION 3. The Post shall pay to the Department and National that portion of a member's dues that are received from the member within 30 days of receipt.

SECTION 4. All expenses of the post shall be paid from the post general checking account. All checks shall be signed by the Finance Officer and the Commander or an authorized substitute designated by the commander.

SECTION 5. The Post may maintain additional checking, savings and investment accounts, i.e., certificates of deposit as may be deemed necessary or desirable by the Executive Committee.

ARTICLE VII - CHARTER MEMBERSHIP

SECTION 1. Members who joined the post prior to the issuance of the permanent charter shall by known as Charter Members.

ARTICLE VIII - SUBSIDIARY ORGANIZATIONS & PROGRAMS

SECTION 1. This Post recognizes an auxiliary organization to be known as the American Legion Auxiliary Unit 318. Membership in the American Legion Auxiliary is as prescribed by the National Constitution of The American Legion Auxiliary.

SECTION 2. This Post recognizes a subsidiary organization under its jurisdiction to be known as The Sons of The American Legion Squadron 318. Membership in The Sons of The American Legion shall be as prescribed by the National Organization of the American Legion.

SECTION 3. This Post recognizes a program to be known as The American Legion Riders Chapter 318. Membership shall be as prescribed in the National Constitution of the American Legion and The American Legion Department of Florida.

ARTICLE IX - AMENDMENTS

SECTION 1. This Constitution is adopted subject to the provisions of the National Constitution of the American Legion and of the Constitution of the Department of Florida. Any amendments to the said National or Departmental Constitution which would cause 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 or revised at any regular Post meeting by a vote of two-thirds (2/3) of the members attending said meeting, with final approval pending Department approval. A notice shall be posted or announced at least one (1) meeting prior to the meeting where voting will take place. This may be accomplished by placing a notice in Post Newsletter, on Post web site, posting on social media and on Post entry doors or by electronic mail. In addition, copies of the original document, amended or revised document, and summary of changes will be made available in the Post and be placed on the Post website for review at least one meeting prior to voting. This Constitution supersedes any and all previously known or unknown, written and/or amended Constitution, reported or not reported, for governing the actions of American Legion Post 318, Inc.

This Constitution was approved by a regular membership meeting following due notice of such meeting on August 12, 2023.

Submitted: _____ Approved: _____
Ron Young, Judge Advocate John Hayes, Commander

Attested: _____
Stephen Martin, Adjutant

BY-LAWS OF AMERICAN LEGION POST 318

ARTICLE I – NAME

SECTION 1. The Post existing under these By-Laws is the American Legion Post 318, Inc, the American Legion, Department of Florida.

ARTICLE II – MANAGEMENT AND GOVERNMENT

SECTION 1. The government of this Post lie with the membership. Day to day management and operational control is entrusted with the Post Executive Committee elected by the general membership. The Executive Committee is charged with the operation of the Post Home and any related functions thereof. They shall review and make changes when needed to the House Rules and Regulations.

SECTION 2. MEETINGS

[a]: The Post Executive Committee and Executive Committee elect shall meet for planning organization and transition and such other business as may come before it at the call of the Post Commander within ten (10) days after the election of the new officers. Any action taken by this body shall not affect Post operation until such time as they have been installed into office.

[b]: The Post Executive Committee shall meet at the call of the Commander's discretion and as often as the Commander deems necessary.

[c]: The Commander shall call a meeting of the Executive Committee upon written request of five (5) or more members of said Executive Committee.

[d]: Executive Committee meetings shall be open only to Post members in good standing and invited guests with the consent of the Executive Committee.

[e]: Meetings may be held in executive session for the purpose of disciplinary matters involving employees or minor canteen matters. Such meetings may be attended only by the Executive Committee members and those other pertinent to the matter at hand. Except for trials, at which all members of the Post in good standing should participate as jurors unless otherwise involved in the proceedings.

SECTION 3. QUORUM
Seven (7) members of the Executive Committee shall constitute a quorum for the conduct of Post business.

SECTION 4. VACANCIES
All vacancies existing on the Executive Committee or any other office of the Post from any cause other than expiration of the term shall be filled by the recommendation of the Post Commander with the approval of the Executive Committee and ratified by the Membership. The person recommended shall be voted upon at the next regular membership meeting. In the performance of the duties, officers are expected to attend all Executive and Regular meetings of the Post. The Executive Committee interpret unexcused absences as "neglect of duty" as contemplated in the Department Constitution. Should such action be taken, the Executive Committee may declare that a vacancy does exist and proceed to fill that position so that proper conduct of business may continue.

SECTION 5. EXPENDITURES
[a]: The Executive Committee shall prepare an annual operating budget of recurring operations expenses and submit said budget to the membership for approval. The Commander may expend funds to address urgent matters (emergency repairs, equipment replacement, and the like) as necessary to protect, preserve or secure Post property. This action must be approved by at least (7) elected members of the Executive Committee and brought before the next membership meeting and approval of the membership sought to ratify such non-budgeted expenditures.
[b]: The Executive Committee shall require adequate bonds from all persons having custody of or access to Post funds.

SECTION 6. EXCEPTIONS
Separate rules and operating procedures as recommended by the Executive Committee and approved by the membership may supplement but not violate these By Laws.

ARTICLE III - NOMINATION & ELECTION OF OFFICERS

SECTION I. The following officers shall be elected annually by the Post: The Commander, 1st Vice Commander, 2nd Vice Commander, 3rd Vice Commander, Finance Officer, Sergeant-at-Arms, Historian, Chaplain and three (3) Executive Committee persons at large.

SECTION 2. All elected officers of this Post shall be elected and certified to the Department Adjutant not more than ninety (90) days, nor less than ten (10) days prior to the Annual Department Convention. Certification to be made on forms furnished or prescribed by the Department Adjutant.

SECTION 3. Time and place of election shall be set by the Executive Committee but not later than the May General Membership Meeting. A thirty (30) day notice of the election will be given to the membership.

SECTION 4. All elected officers will be nominated from the floor.

SECTION 5. There will be two (2) meetings set for nominations. The first being the March General Membership meeting and the second being the April General membership meeting.

SECTION 6. Only members of this Post, in good standing, will make nominations.

SECTION 7. All nominees will attest that they are available for office, qualified to serve, and will devote the time and energy required to faithfully fulfill the duties of said office. Nominees for elected office shall provide a copy of their DD Form214, or a similarly sufficient document, such as a military ID card, active-duty order DFAS paystub, discharge order etc., to establish eligibility for membership in The American Legion.

SECTION 8. The commander shall have the Judge Advocate or representative designated by the Commander announce the duties of each office prior to the commencement of nominations for each office. Nominations will then be open and announced three (3) consecutive times and if no response, the nominations for that office will be closed.

SECTION 9. A member may be nominated to one (1) office only to the Executive Committee.

SECTION 10. The Commander shall appoint three (3) tellers for the purpose of counting ballots and fulfilling other duties as required in the By-Laws. Those nominated for Commander may appoint one (1) teller each.

SECTION 11. The Sergeant-at-Arms will be responsible to see that no one other than the tellers and Judge Advocate or representative designated by the Commander is present in the area where the ballots are being counted.

SECTION 12. The tellers have no authority to make changes in the election ballot or mark it in any manner.

SECTION 13. The tellers shall verify each ballot after being called by the Judge Advocate or representative designated by the Commander.

SECTION 14. Every member of the Post, in good standing at the close of business as of the day prior to election, will be entitled to vote.

SECTION 15. Plurality vote is necessary to be elected to office unless otherwise stated.

SECTION 16. Elections will be by secret ballot unless otherwise stated.

SECTION 17. Instructions will be given by the Judge Advocate or representative designated by the Commander, concerning the marking of the ballot. An unmarked ballot or incorrectly marked ballot is just a scrap of paper and is not counted in the election. The Judge Advocate or representative designated by the Commander will have the only key to the ballot box. The ballot box will be, opened at the conclusion of the election, in the presence of the tellers.

SECTION 18. Ballots shall be given to voting members only. The names of those persons nominated for each office shall appear on each ballot the identity of the voter must not be indicated in any manner or marking of any sort as the ballot is a secret vote.

SECTION 19. The Judge Advocate or representative designated by the Commander, will check member' s current card against the official membership roster before issuing a ballot.

SECTION 20. The Sergeant-at-Arms or assistants will be responsible to see that no one loiters in the voting area.

SECTION 21. If a tie exists, and there are more than two (2) candidates, the person/s receiving the lowest number of votes will be dropped for the runoff election.

SECTION 22. The vote cast for each office shall be preserved in such a manner that if the election is questioned, the vote may be verified by recount. The tellers shall place the marked ballots in a sealed packet, together with their report (signed by the tellers). The Judge Advocate or representative designated by the Commander will then deliver the sealed packet to the Adjutant. The sealed packet shall not be opened except by order of the membership, the Executive Committee or representative of the American Legion District Commander for the purpose of verifying the vote by virtue of a worthwhile challenge.

SECTION 23. The tellers shall use one (1) official tally sheet, marking the total vote for each candidate. The official tally sheet shall be placed in the sealed packet with the marked ballots. All other working copies of the teller' s tally sheet will be destroyed immediately. When the official tally sheet is complete (all ballots counted), the names only (no tally) on a separate sheet, for the nominee for each office being elected by plurality votes, shall be handed to the Commander who shall announce those elected to the respective offices. The sealed packet shall not be destroyed until certified by the membership at the next regularly scheduled meeting. The Commander shall order this sealed packet destroyed by burning, the destruction shall be in the presence of at least three (3) current officers and reported to the members at the next regular meeting.

SECTION 24. All irregular or peculiar questions shall be presented to the Judge Advocate or representative designated by the Commander, for a ruling which will be binding as to a final decision.

SECTION 25. The ballot is a secret vote. Each voter must cast their own vote or ballot. There shall be no proxy vote.

SECTION 26. Newly elected and appointed officers will take their respective seats at the time and place of mutual agreement by the immediate Commander, the newly elected Commander, and the Twelfth (12) District Commander, which date shall be subsequent to, but not later than sixty (60) days after the adjournment of the Annual Department Convention.

SECTION 27. Any member nominated for office will not serve on the tally committee.

ARTICLE IV - DUTIES 0F OFFICERS

SECTION 1. The duties of the officers of this Post shall be as defined in the current edition of the Officer's Guide and Manual of Ceremonies unless specifically defined or modified by sections of this article.

ARTICLE V - DELEGATES

SECTION 1. Delegates will be elected to attend the Constitutional Conference and the Department Convention respectively. Commander and Past Commander are automatically delegates. The Commander or his designated replacement will chair the delegation.

SECTION 2. Delegates to the Annual Department of Florida Convention will have their registration fee paid by the Post, as recommended by the Executive Committee, with the approval of the Finance Officer and membership. Delegates must attend two (2) meetings, one (1) of which must be the election.

ARTICLE VI - APP0INTMENTS

SECTION 1. The Commander will establish committees and assign chairman as needed to support the following National Programs: Americanism, Children and Youth, National Security and Foreign Relations, Veterans Affairs and Rehabilitation, and Community Service. The Commander can also establish those committees necessary to operate the post, with the approval of the Executive Committee.

SECTION 2. The Commander will appoint the chairperson and members of each of these committees with the approval of the Executive Committee.

SECTION 3. The duties of the committees are as defined in the current edition of the Officer's Guide and Manual of Ceremonies unless specifically defined or modified by rules established by the Executive Committee.

SECTION 4. Written guidelines for each committee will be established by the Executive Committee and revised as necessary for proper operation of the post.

ARTICLE VII - 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 embody the opinion of this Post on the subject and 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 VIII - POST MEETINGS

SECTION 1. The regular meeting of the Post shall be held at the Post home as scheduled by the Executive Committee.

SECTION 2. A quorum shall consist of twelve (12) or more members of which seven (7) or more must be officers.

SECTION 3. The annual corporate meeting shall be the July Post meeting.

SECTION 4. The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

SECTION 5. Upon written request of twelve (12) members of the Post, the Commander shall call a special meeting of the Post.

SECTION 6. The reason for the special meeting must be stated and a written notice provided to all members no less than five (5) days prior to the meeting

date. This may be accomplished by posting in multiple locations within the post home and/or electronic messaging.

SECTION 7. A written record of the meetings (minutes of the meetings) will be recorded for all meetings, Post Executive Committee and all Committees designated by the Commander.

SECTION 8 Minutes -After the minutes have been read by the Adjutant, the Commander asks, "Are there any corrections?" If none, the Commander states, "The minutes stand approved as read". If there are corrections, the Commander states, "The minutes stand approved as corrected." No, vote is required.

SECTION 9. Finance -The Commander then calls for the finance report. After it has been read the Commander says, "If there are no questions or corrections the report will be filed for auditing". Only if corrections are made is a vote necessary.

ARTICLE IX - NOTICES

SECTION 1. Every member shall furnish the Post Adjutant or Membership Chairman with their address or any changes thereof for mailing purposes. Electronic addresses should be submitted if available and is the preferred method to expedite notification.

SECTION 2. The Post Adjutant shall cause a notice of the annual nominations and elections of Post Officers to be given at least two (2) months prior thereto.

SECTION 3. American Legion membership is annual, the Legion year being from January 1 to December 31. Dues are payable July 1st in advance. If dues are not paid by January 1 of each calendar year, the member becomes delinquent. If dues have not been paid by February 1, the member is suspended, but nevertheless a member with no privilege except that of reinstatement by Post vote and payment of dues. Dues not being paid, such membership continues for five months, to June 30, at which time the member is dropped from the roll by constitutional mandate and membership forfeited in accordance with National and Department guidelines.

ARTICLE X - RULES OF ORDER

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

ARTICLE XI - LIMITATIONS OF LIABILITIES

SECTION 1. This Post shall neither incur, nor cause to be incurred, any liability or obligation whatever which shall subject to liability any other Post, subdivision, members of the American Legion, or other individuals, corporations, or organizations.

ARTICLE XII - AMENDMENTS

SECTION 1. These By-Laws may be amended or revised at any regular Post meeting by a vote of two-thirds (2/3) of the members attending said meeting. A notice shall be posted or announced at least one (1) meeting prior to the meeting where voting will take place. This may be accomplished by electronic mail or placing a notice in Post Newsletter, on Post web site, and on Post entry doors. In addition, copies of the original document, amended or revised document, and summary of changes will be made available in the Post and be placed on the Post website for review at least one meeting prior to voting.

These By-Laws supersede any and all previously known or unknown, written and/or amended Constitution and By-Laws, reported or not reported, for governing the actions of American Legion Post 318, Inc. The By-Laws were approved by a regular membership meeting following due notice of such meeting on August 12, 2023.

Submitted: _____ Approved: _____

Ron Young, Judge Advocate John Hayes, Commander

Attested: _____
Stephen Martin, Adjutant