

Constitution and By-Laws

of the

Charles A. Hammond

Post # 8

American Legion

Port Huron, Michigan

Revision Voted on

May 14, 2013

Effective Date

May 14, 2013

1026 Sixth Street

Port Huron, Michigan

PREAMBLE TO THE CONSTITUTION

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.

**Constitution and By-Laws
Of the
Charles A. Hammond Post # 8
American Legion, Department of Michigan**

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Article I

Sec. 1. The Post existing under these by-laws shall be known as the Charles A. Hammond Post No. 8, The American Legion, Department of Michigan.

Sec. 2. The Purposes of this Post are as set forth in the preamble to the National Constitution of the American Legion.

Sec. 3. These by-laws are adopted subject to the provisions of the National Constitution of the American Legion and of the by-laws of the Department of Michigan. Any amendments to said instrument, which may be in conflict with any provisions hereof, shall be regarded as automatically repealing or modifying the provisions of these by-laws to the extent of such conflict.

**Article II
Management**

Sec. 1. The management of this Post is entrusted to an Executive Committee composed of eight members. The Committee shall have the responsibility and authority to act for the Post in the interim between meetings, and to take any necessary action, which ordinarily might be taken by the Post at its regular meeting.

Sec. 2. The executive Committee shall consist of the Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Finance Officer, and the three immediate Past Commanders.

Sec. 3. The Executive Committee shall meet for organization and for such other business as may come before it within seven days after the installation of Officers. Thereafter it shall meet at the call of the Commander, or at the request of three members. Five members of the Committee shall constitute a quorum.

Sec. 4. Any vacancy existing in the Executive Committee or in any office of the Post resulting from any cause other than the expiration of the term shall be filled by a majority vote by an election at a regular meeting of the Post as soon as possible after office is declared vacated. Any person seeking a higher office shall vacate the office presently held.

Sec. 5. The minutes of all executive Committee meetings shall be presented for approval to the Post at its regular meeting following the meeting of the Executive Committee.

Sec. 6. Necessary and suitable space shall be set aside in the Post Home for the establishment of and utilization by a business office. The office shall be conducted in accordance with sound business practice and procedures. The Commander or executive Committee is empowered to purchase such suitable equipment as is necessary and within reason to properly conduct the affairs of this office, subject to approval of the Post.

The Commander or the Executive Committee shall engage qualified personnel for the office and shall determine the compensation to be paid for such services. Selection of personnel shall be based upon proper qualifications for the duties to be performed, and whenever practicable, preference shall be given to applicants who are members in good standing of the Post or its Auxiliary Units.

Personnel employed in the business office shall be under direct supervision of the Commander, who may delegate to either the Adjutant or to the Finance officer or to both such authority, as he may desire, but he shall assume full responsibility for proper conduct of the office.

All records of the Post, including business, finance, inventory, insurance, bonds, lands and property titles, taxes, and employment and correspondence shall be maintained in this office, with the exception of convertible documents which will be kept in a safety deposit box. "Convertible Documents", as used in this paragraph, means: "stocks, bonds, real estate deeds and insurance policies." Proper accounts of all Post monies included but not limited to the membership dues, donations, contributions, revenues from bingo, private parties, dinners and other activities for which a monetary charge is made; and all revenues received through the bar and or House Committee from any and all sources and expenditures thereof shall be maintained in this office.

Post membership records, mailing lists and rosters shall be maintained in this office.

Sec. 7. The incoming commander and Finance Officer shall be furnished with a complete inventory of Post property, together with a financial statement of assets and liabilities of the Post, upon assumption of their respected offices or as soon as thereafter as practical.

Sec. 8. The Executive Committee shall engage a qualified accountant, or accountants, preferably a certified public accountant or a firm of such accountants, to audit the various accounts of the Post and to prepare a report of the Post's financial condition immediately upon close of each fiscal year (September 30). This report shall be rendered to the Executive Committee at the earliest possible date after October 31, unless there is a reasonable cause for delay, and shall be made available by said Committee to the membership of the Post when it shall be read into the minutes of the first regular meeting of the Post following its receipt by the Executive Committee.

Article III

Election and Duties of Officers

Sec. 1. The Officers of this Post shall be a Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Finance Officer, Chaplain, Historian, Service Officer and Sergeant-at-Arms.

Sec. 2. The Officers shall be elected annually and shall hold office until their successors are duly installed, or as otherwise provided for in these by-laws.

Sec. 3. The duties of Officers shall be those usually appertaining to such offices and as further provided in the National Manual of Ceremonies of the American Legion.

Sec. 4. Candidates for all elective offices shall be nominated from the floor at the regular scheduled meetings held in March and April. If present at the April meeting, the candidates will either accept or decline their nomination. If the nominated candidate for office is absent then he or she must have a letter held by the Post Adjutant declaring their acceptance of the nomination. Otherwise their nomination is null and void. The annual election is to be held the second Tuesday of May.

Sec. 5. The Adjutant shall post the election notices on the Post bulletin boards, the Post web site and the local newspapers of the time and place of the nominating meetings and of the annual election of officers no later than one week prior to the first nominating meeting. He shall have printed an adequate supply of ballots which shall list the office, the names of all qualified candidates arranged in alphabetical order, and which shall contain necessary instructions for voting.

Sec. 6. The Commander shall appoint and shall announce at the second nominating meeting an Election Committee to be composed of seven members, none of whom shall be a candidate for office. It shall be the duty of this Committee to conduct the election and to announce the results through its chairman at an open meeting at the Post.

Sec. 7. All Post Officers, who are elected, shall be elected by a majority vote, excepting in those cases where there are more than two candidates for an office, and in such event the candidate receiving the most votes shall be declared elected.

Sec. 8. The Commander may not serve more than two consecutive terms.

Article IV Committees

Sec. 1. The commander upon assuming office shall appoint the following committees: House, Finance, Business Advisory, Children and Youth, Americanism, Athletic, Publicity, Entertainment, Membership, and such others as may be authorized.

Sec. 2. These Committees through their chairman, shall render monthly reports of their activities to the Post. Negative reports shall be rendered if the committee has been inactive during the period covered by the report. An annual written report shall be submitted by each committee chairman upon termination of his term of appointment.

Sec. 3. The House Committee shall consist of up to nine members, three of who shall be appointed by the Commander to serve concurrently with him for a term of one year. The Post Auxiliary may select one member; the Post Sons of the Legion may select one member and the Post Legion Riders may select one member. The Post shall elect annually one member to serve for a period of three years. The Commander shall designate the chairman of the House Committee. Its duties shall consist of supervision of the physical properties of the Post, their maintenance and repairs, the conduct of members and visitors, the hiring and termination of all employees, and placing into effect of the house rules as adopted by the Post. It shall have immediate supervision and complete authority over the bar with detailed monthly financial statements to be submitted to the Post. The House Committee shall be empowered to hire all paid help and said help shall come under the immediate supervision of the House Committee. None of the Commanders appointments to the House Committee shall be any of the three immediate Past Commanders. This provision will prevent conflict with Article II, Sec. 2 (Note: In 1938 continuity of the three elective members for three, two and one year respectively with the election of one member annually thereafter for a three year period.)

The minutes of the House Committee meetings shall be presented for approval to the Post at its regular meeting following the meeting of the House Committee. Any expenditure by the House Committee in excess of three hundred dollars for any purpose whatsoever shall be presented for approval to the Post at its first regular meeting following the meeting of the House Committee.

Sec. 4. The Children and Youth Committee shall consist of three members, the Chairman of which shall be designated as Post Service Officer. Its duties shall be to investigate and to administer aid to worthy comrades in distress, and to assist all veterans in securing those benefits to which they mediate responsibility for the annual Poppy sales of the Post.

Sec. 5. The Finance Committee, composed of three members, one of whom shall be Post Finance Officer, is charged with the responsibility of conserving the financial assets of the Post, of preparing an annual budget for submission to the Executive Committee suitable investment of surplus funds, and of passing upon all appropriations of Post funds in excess of three hundred dollars before vote to expend may be acted upon by the Post or its Executive Committee.

Any motion from the floor to expend or appropriate in excess of one hundred dollars for any purpose whatsoever shall be referred to the Finance Committee and its recommendation received before the motion may be put to vote. All invoices shall bear the approval of the Finance Committee before payment of same shall be made.

Sec. 6. The Business Advisory Committee shall consist of three members. Its duties shall be to make frequent inspections and studies of the manner of conduct of the Post's business office and of all its money making activities, and to make report and recommendation concerning them to the Commander.

Sec. 7. The Athletic Committee, composed of three members, shall initiate and supervise all athletic activities authorized by the Post, and shall purchase necessary such equipment, and shall maintain a file in the business office a permanent inventory of all athletic property of the Post.

Sec. 8. The Entertainment Committee, composed of three members, one of whom shall be Junior Vice Commander, shall arrange for and shall supervise an adequate program of social activities for the entire membership.

Sec. 9. The duties of committees not specifically defined in this article shall be such as are implied in the name or as outlined by the Commander.

Sec. 10. Deleted.

Article V Meetings

Sec. 1. Regular meetings of the Post shall be held in the Club Rooms on the second Tuesday of each month, except in July and August. Such meeting may be converted into a social meeting at the discretion of the Commander.

Sec. 2. The Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time by giving sufficient notice to each member or by publication in a daily newspaper for two successive issues.

Sec. 3. Upon the written request of five members the Executive Committee shall call a special meeting of the Post.

Sec. 4. The number of members necessary to constitute a quorum shall be not less than ten (10) members including Post officers in attendance.

Sec. 5. Meetings called for the purpose of election or the installation of Officers, or for election of Delegates to the Department Convention shall be held in conformity to the by-laws of the Department of Michigan, The American Legion.

Sec. 6. All meetings of the Post shall be conducted, opened and closed as per the National Post Officer's Guide and Manual of Ceremonies.

Article VI Membership

Sec. 1. Eligibility to membership shall be as prescribed in the by-laws of the Department of Michigan, The American Legion.

Sec. 2. Any member of the Post may be expelled or suspended by a two-thirds vote of the Executive Committee upon written charges showing conduct unbecoming a member of the American Legion, provided that the said member has the right to appeal to a full and fair trial before the membership of the Post at regular or special meeting, and further appeal as provided in Department by-laws.

Sec. 3. A member who has been expelled from this Post may be reinstated to membership of the Post at any regular meeting.

Article VII Revenue

Sec. 1. The revenue of this Post shall be derived from the annual membership and from such other sources as may be approved by the Post or its Executive Committee.

Sec. 1a. All standing rules of the Post hereafter passed are hereby adopted. Standing rules are amendable, suspend able and rescindable, and new standing rules may be

adopted by a majority vote at any regular meeting if previous meeting or in the call of a meeting.

Sec. 2. Annual dues shall be payable beginning July 1 for the succeeding calendar year. Treatment of those who become delinquent in the payment shall be as provided in the Department by-laws.

Sec. 3. The amount of the annual membership dues of this Post shall be determined by the Executive Committee and be presented for approval to the Post at the first meeting in the Month of May.

Article VIII

Auxiliary and Subordinate Units

Sec. 1. This Post recognizes the organizations known as the Auxiliary Unit of Charles A. Hammond Post 8 American Legion, the Sons of the American Legion, Squadron No. 8 and the American Legion Riders, Post 8.

Sec. 2. Membership in the Auxiliary shall be prescribed by the National Constitution of the American Legion Auxiliary and the National Constitution of the American Legion.

Sec. 3. A subordinate unit may be within this Post by a two-thirds vote of the membership present at any regular meeting, provided that the by-laws of such organization shall have been previously approved by the Executive Committee and provided further that a written report covering activities and financial status of said unit shall be presented to the Post annually and at such other times as the Executive Committee. may direct

Sec. 4. All members in good standing of said Auxiliary organizations shall be extended and are entitled to the same bar privileges as are enjoyed by and offered to the regular members of said Charles A. Hammond Post No. 8. Said privileges being subject to the rules and regulations of the Michigan Liquor Control Commission.

Article IX

Rules of Order

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

Article X Distribution of By-Laws

Sec. 1. A copy of these by-laws shall be prominently displayed in the Post home, and a copy shall be given to a member in good standing upon request.

Article XI Amendments

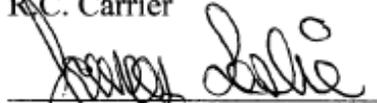
Sec. 1. Any proposed amendments to these by-laws shall be submitted in writing and read on the floor at the regular Post meeting, held the second Tuesday in May each year. The amendments shall be considered at this meeting and shall be adopted by a vote of two-thirds of the members attending this meeting and providing further, that written notice shall have been given to all members at least 45 days in advance of the date when such amendments will be voted upon, notifying members that at such meeting a proposal to amend the by-laws is to be voted upon.

Sec. 2. Any amendments to the National or Department Constitution and by-laws which is in conflict with any provision hereof shall be regarded as automatically repelling or modifying the provisions of this Constitution and By-Laws to the extent of such conflict.

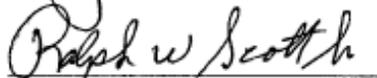
Committee on Revision



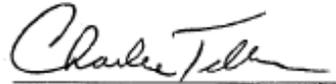
R.C. Carrier



James Leslie



Ralph Scott



Charles Teller



Dave Johnson



Michael Gurnsey