

**CONSTITUTION AND BYLAWS OF  
AMERICAN LEGION POST 353  
THE AMERICAN LEGION DEPARTMENT OF  
OKLAHOMA**

**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 per cent Americanism; to preserve the memories and incidents of 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.

Accepted at the regular post meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Attest:

\_\_\_\_\_

\_\_\_\_\_

MEMBERS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# CONSTITUTION

## ARTICLE I

### NAME

**Section 1.01** The name of the organization shall be American Legion Post No. 353, The American Legion, Department of Oklahoma; hereinafter referred to as the Post.

## ARTICLE II

### OBJECTIVE

**Section 2.01** The purpose and objectives of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble, the National Constitution and the Department Constitution of The American Legion.

## ARTICLE III

### NATURE

**Section 3.01** This Post is a civilian veterans service organization.

**Section 3.02** This organization shall be non-political and shall not be used for dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office.

**Section 3.03** Rank does not exist in this Post. No member shall be addressed by their military title in any meeting.

## ARTICLE IV

### MEMBERSHIP

**Section 4.01** Membership Eligibility.

- 4.01.1 Any person shall be eligible for membership in this Post who meets the criteria prescribed by the National Constitution of The American Legion.
- 4.01.2 No person shall be a member of this Post, who is a member of any other Post, during the same period of time.
- 4.01.3 All applications for membership shall be evaluated by the Adjutant to ensure the member meets eligibility requirements by reviewing the members DD-214 or discharge papers as set forth by the National Constitution.

## **ARTICLE V APPOINTMENTS**

**Section 5.01** Upon taking office the Commander shall appoint Chairmen of the standing committees. The standing committees are The Americanism, Memorial, Scholarship, Membership and Activities, Public Relations and Visiting or VA Volunteer Service (VAVS).

## **ARTICLE VI DELEGATES**

**Section 6.01** Delegates and alternates to a Department convention shall be elected by the Post at a regular meeting of the Post to be held at least twenty (20) days prior to the date of such convention. Delegates may be consolidated into a single vote.

# BYLAWS

## ARTICLE I

**Section 1.01** The Post existing under these Bylaws is to be known as American Legion Post No. 353, The American Legion, Department of Oklahoma.

**Section 1.02** The purpose and objectives of this Post are as set forth in the Post Constitution.

## ARTICLE II

### MEETINGS

**Section 2.01 Meetings of Members.** The regular meeting of the members of this Post shall be held at the Mustang Community Center (unless otherwise determine by the Post, and notice posted three (3) days in advance of such meeting), on the 2<sup>nd</sup> Thursday evening of each month at 7 p.m.

**Section 2.02 Call of Special Meeting.** The Post Commander, or a majority of the Post Executive Committee may call special meetings of the membership. Upon a request of one-third (1/3) of the members of the Post, the Post Commander shall call special meetings of the membership. Notice of Special meetings of the membership shall be made by posting notice seven (7) days prior to the meeting date. Posting notice may be by email, phone call, text and/or by deposit in the U.S. mail not less than seven (7) days prior to the meeting, addressed to members at the address on file.

**Section 2.03 Voting and Order.** Members present shall be entitled to one vote on each issue. The presence of ten (10) members in good standing shall constitute a quorum for all regular and special meetings of this Post.

## ARTICLE III

### MANAGEMENT

**Section 3.01** The management of the Post is entrusted the Executive Committee. The Executive Committee shall include the elected officers; the Commander; the First Vice-Commander; the Second Vice-Commander; the Adjutant; the Finance Officer; the Chaplain; the Historian; the Service Officer; the Sergeant at Arms; the Past Commanders; and such other officers as may be deemed necessary by the members. Management shall also include two (2) non-voting Members; one (1) from the Auxiliary and one (1) from the Sons of the Legion as chosen by their members.

**Section 3.02** A nominating committee shall be selected three (3) regular meetings preceding the Department Convention. The members of this committee shall be posted so nominations can be made. Nominations shall be solicited through the next two (2) meetings. Nominations shall be allowed from the floor.

**Section 3.03** The officers shall be elected by vote of the members at the last regular meeting 20 days preceding the Department Convention. Election shall be by a majority of those voting. Officers shall be elected for a term of one (1) year or until their successor is elected and duly installed.

**Section 3.04** Every member in good standing of this Post, shall be eligible to hold office. To hold the office of Commander, you must have held an office in a prior year.

**Section 3.05** Each nominee shall have attended at least one-half of the regularly scheduled Post meetings during the preceding year. A waiver of the required attendance may be granted by two-thirds vote of a meeting of the members.

**Section 3.06** The newly elected Officers shall be installed in their offices at the first meeting of the membership following the annual Department Convention.

**Section 3.07** All vacancies existing in any office of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the Post Executive Committee for the unexpired term of the member of the Executive Committee whom he or she succeeds. A vacancy shall be declared when an officer is absent from the regularly scheduled Post meetings for three (3) successive meetings, unless the Executive Committee excuses the absence by vote.

**Section 3.08** The Post Executive Committee shall meet at the call of the Post Commander. The Post Executive Committee shall meet monthly. The Post Commander or the Post Executive Committee, upon joint written request of three or more members of the Executive Committee, shall call a special meeting of the Post Executive Committee by posting notice at least seven (7) days prior to the meeting. Six (6) members of the Executive Committee shall constitute a quorum for the conduct of business.

## **ARTICLE IV**

### **DUTIES OF OFFICERS**

**Section 4.01 Duties of the Commander.** It shall be the duty of the Commander to: preside at all meetings; have general supervision over the business and affairs; and be the Chief Executive Officer of the Post. They shall perform such other duties as directed by the Post. The Commander shall be the Chairman of the Executive Committee and may appoint such other committees as authorized by the Executive Committee, from time to time.

**Section 4.02 Duties of the Vice-Commanders.** The Vice-Commanders shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Post Commander.

4.02.1 The First Vice-Commander shall be Chairman of the Membership Committee.

4.02.2 The Second Vice-Commander shall be Chairman of the Poppy program.

**Section 4.03 Duties of the Adjutant.** The Adjutant shall: be responsible for and keep a full and correct record of all proceedings; keep such records as the Department and National organizations may require; render reports of membership when called upon at a meeting; depositing membership funds in the bank. They will handle all correspondence to the Post under direction of the Commander. The Adjutant is authorized to spend up to \$250 for expenses related to their duties. Any expenses in excess of \$250 will be approved in advance.

**Section 4.04 Duties of the Finance Officer.** The Finance Officer shall: be responsible and accountable for the deposits of funds in local banks; disbursing the Post monies; purchasing Surety Bonds in sums as shall be fixed by the Executive Committee; and preparing monthly financial report that clearly states deposits and expenditures. All expenditures will be approved by a majority vote of the membership in advance.

**Section 4.05 Duties of the Historian.** The Historian shall be responsible to compile and keep an updated history book, in accordance with the Officer's Guide, to be displayed at each meeting.

**Section 4.06 Duties of the Chaplain.** The Chaplain shall be the spiritual leader of the Post and maintain contact with the ill and infirmed.

**Section 4.07 Duties of the Service Officer.** The Service Officer shall have the responsibility of bringing to the attention of the veterans and their dependents, within the jurisdiction of this Post, the rights and benefits granted them by law, concerning compensation, pension rights and overall retirement plans.

**Section 4.08 Duties of the Sergeant-at-Arms.** The Sergeant-at-Arms arranges the meeting hall and assists the Commander and Adjutant in preliminary arrangement for meetings, including leading the color detail during the presentations and retirement ceremonies. They are the expert on flag etiquette.

## **ARTICLE V COMMITTEES**

**Section 5.01 The Americanism Committee.** This committee seeks to inspire love of country and good citizenship through patriotic observances, flag etiquette, civic instruction in schools, community service, and youth activities such as Boys State, Boy Scouts, Oratorical Contest, School Award Medals and American Legion Baseball.

**Section 5.02 Memorial Committee (Honor Guard).** This committee provides American Legion military funeral honors when requested.

**Section 5.03 Scholarship Committee.** The Scholarship Committee has the responsibility of selecting the scholarship recipient(s).

**Section 5.04 Membership and Activities Committee.** The Membership Committee recruits, retains and engages members to give the post the volunteers to create success for the American Legion in the local community. The committee will be chaired by the First Vice-Commander.

**Section 5.05 Public Relation Committee.** This committee elevates awareness in the veteran's community. The American Legion is defined in the public eye by the values it demonstrates.

**Section 5.06 Visiting or VA Volunteer Services Committee.** This Committee assists veterans in pursuing claims, understanding their rights and obtaining their benefits. Committee members also visit veterans who are sick, disabled or residing in assisted living facilities, and provide comfort to members' families in illness and bereavement.

## **ARTICLE VI NOTICES**

**Section 6.01** Each member shall furnish the Adjutant with their address, postal and email, and any changes thereto for mailing purposes.

**Section 6.02** The Adjutant shall cause notice of the annual election to be given at least two (2) weeks prior to the meeting that will cease nominations.

## **ARTICLE VII DISCIPLINE**

**Section 7.01** Members may be suspended or expelled from The American Legion only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of the American Legion. All charges must be made under oath, in writing, by the accuser and no member in good standing shall lose his membership until given a fair trial by the Post consistent with the Department rules.

**Section 7.02** A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by two-thirds vote of the membership present at the meeting of the members upon the payment of current dues for the year in which the reinstatement occurs.

**Section 7.03** No person who has been expelled by another Post shall be admitted for 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 or she may then appeal to the Department Executive Committee of the expelling Post for permission to apply for membership in this Post and shall be ineligible for membership until such permission is granted.

## **ARTICLE VIII**

### **RULES OF ORDER**

**Section 8.01** All proceedings of the Post shall be conducted under and pursuant to the Robert's Rules of Order, except as herein otherwise provided.

## **ARTICLE IX**

### **LIMITATION OF LIABILITIES**

**Section 9.01** The Post shall not incur, or 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, corporation or organization.

## **ARTICLE X**

### **FINANCE**

**Section 10.01** The revenue of this Post shall be derived from membership fees, annual membership dues and from other sources as approved by the Post Executive Committee.

**Section 10.02** The Post membership shall set the annual dues during a regular meeting of the Post.

**Section 10.03** Legion membership is annual. The membership year is from January 1<sup>st</sup> to December 31<sup>st</sup>.

## **ARTICLE XI**

### **DELINQUENCY**

**Section 11.01** A membership becomes delinquent if dues are not paid by January 1<sup>st</sup> of each calendar year. If dues remain unpaid on February 1<sup>st</sup>, the membership is suspended without privileges. A membership may be reinstatement by vote of the Post, upon payment of dues by June 30<sup>th</sup>. The member is dropped from the roll and the membership forfeited after June 30<sup>th</sup>.

## **ARTICLE XII**

### **RESIGNATION**

**Section 12.01** A member may resign from the Post at any time while their dues are paid. The member can join another Post as a new member, in which event the continuity of their Legion membership is broken. The Post is not required to rebate any part or portion of the member's dues.



## **ARTICLE XIII**

### **TRANSFER**

**Section 13.01** A formal transfer is available to any member in good standing. It is the only method of transferring from one Post to another ensuring continuity of Legion Membership

**Section 13.02** A member of a Post may not move their membership to another Post and retain continuous membership without the formality of a transfer.

**Section 13.03** The right to transfer does not carry the right to be accepted by any Post.

**Section 13.04** The Post is not required to rebate any part or portion of the member's dues.

## **ARTICLE XIV**

### **RESOLUTIONS**

**Section 14.01** All issues of interest to veterans or regarding the principals of The American Legion may be presented to this Post by any member or reported to this Post by a Committee. The Executive Committee shall be empowered to provide resolution on the subject. A copy of the resolution shall be forwarded to the Department Headquarters, via the District, for its approval before any publicity is given or action other than mere passage by the Post is taken.

## **ARTICLE XV**

### **AMERICAN LEGION AUXILIARY**

**Section 15.01** This Post recognizes the establishment of an Auxiliary, known as the Auxiliary Unit of American Legion Post No.353.

**Section 15.02** Membership in the Auxiliary shall be as prescribed by the Department and National Constitutions of The American Legion Auxiliary and any Auxiliary unit rules.

## **ARTICLE XVI**

### **SONS OF THE AMERICAN LEGION**

**Section 16.01** The Post recognizes detachment and squadron organization known as "Sons of The American Legion."

**Section 16.02** Membership in The Sons of The American Legion shall be as prescribed by The American Legion National Executive Committee.

**Section 16.03** The Sons of The American Legion shall be governed in the Post by such rules and regulations as may be prescribed by the National Executive Committee and any squadron rules.

## **ARTICLE XVII**

### **AMENDMENTS**

**Section 17.01** This Constitution and Bylaws shall be subject and subordinate to the provisions of the National Constitution and Bylaws of The American Legion, and of the Department Constitution and Bylaws of The American Legion Department of Oklahoma. Any conflict with any provisions should be regarded as automatically repealing or modifying the provisions of this Constitution and Bylaws to the extent of such conflict.

**Section 17.02** This Constitution and Bylaws may be amended at any regular meeting of the Post, by a vote of two-thirds of the members attending such regular meeting, provided that the proposed amendment shall have been posted at the preceding regular meeting of this Post. Posted notice shall have been given to all members at least ten (10) days in advance of the date when such amendment is to be voted on.