

**THE AMERICAN LEGION**  
**DEPARTMENT OF NEVADA**  
**HIGH DESERT POST 56**



**POST BYLAWS**

**February 2011**

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**Bylaws For The American Legion  
Department of Nevada  
High Desert Post 56  
Carson City, Nevada 89702**

**PREAMBLE TO THE NATIONAL CONSTITUTION OF THE AMERICAN LEGION**

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 association 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 AND AUTHORITY**

The name of this organization shall be High Desert Post 56, The American Legion, Department of Nevada (hereinafter called "Post"), having received its charter from the National Organization of the American Legion and being incorporated under, and subject to laws of the State of Nevada. Nothing in these Bylaws, Standing Rules, and procedures may conflict with the National Constitution, Bylaws, or Department Bylaws.

**ARTICLE II RESOLUTIONS**

Resolutions passed by this post shall not be publicized or have any action taken thereon until approval is given by the Department Executive Committee or by the Convention delegates.

**ARTICLE III MEMBERSHIP**

*Section 1.* Eligibility for membership in this Post shall be as prescribed by the National Constitution of the American Legion.

*Section 2.* There shall be no form or class of membership except an active membership and dues shall be paid annually, or for life.

*Section 3.* Each applicant for Post membership shall present a fully executed official membership application or transfer form, together with the current dues.

*Section 4.* A member may be suspended or expelled from the American Legion and this Post only upon proper showing of just cause, based on disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of the American Legion.

- a. Charges shall be made in writing, signed by the Post member(s) preferring such charges, and handed to the Commander or Adjutant.
- b. A copy of such charges shall be delivered to or sent certified mail to the member being charged, with a cover letter specifying the date of the meeting at which the trial will be conducted.
- c. Notification that charges have been made against a Post member shall be forwarded immediately to the Department Adjutant so as to preclude that member transferring to another Post prior to settlement of those charges.
- d. The membership shall be notified that a trial on charges will be conducted at the meeting specified, but the details of the charges shall not be advertised.
- e. At that meeting, the trial will be presided over by the Post Commander or 1<sup>st</sup> Vice Commander if the Commander is the one being charged. The charges shall be read and both the member(s) preferring charges and the member being charged shall be given an opportunity to testify and to present witnesses.
- f. After all parties have been heard and the membership's questions answered, the membership shall vote by secret ballot whether the member(s) so charged shall be suspended or expelled, a  $\frac{2}{3}$  vote being required for either action.
- g. If the vote is affirmative, the member and the Department Adjutant shall be notified in writing immediately.
- h. If the vote is not in the affirmative, the Post membership shall immediately determine by a  $\frac{2}{3}$  vote what, if any, action is to be taken against those preferring the charges.
- i. When charges have been settled, either way, notification of that action shall be immediately forwarded to the Department Adjutant.
- j. Any member who has been suspended or expelled by this Post has the right of appeal to the Department Executive Committee whose decision shall be final.

## **ARTICLE IV OFFICERS**

*Section 1.* Elected Officers. The Elected Officers of this Post shall be the Commander, 1<sup>st</sup> Vice Commander and 2<sup>nd</sup> Vice Commander.

*Section 2.* Appointed Officers. The Commander shall appoint other officers as necessary to accomplish the work of the Post. This includes, but is not limited to Adjutant, Chaplain, Sergeant-at-Arms and Finance Officer. The elected and appointed officers will make up the Executive Committee.

*Section 3.* Elections.

- a. Elections shall be held at the regular Post meeting in May of each year and newly elected officers will serve for one year beginning on July 1<sup>st</sup> and ending on June 30<sup>th</sup> of the following year.

- b. Elections shall be held at the regular Post meeting in May. They shall be for a term of one year, but no newly elected officer may assume the duties to which elected earlier than the first day following the close of the annual Department Convention.
- c. After all candidates have been nominated, the voting will be by secret ballot with the winner determined by majority vote. However, for any office for which there is only one candidate, the Commander may declare that person the winner by acclamation.
- d. Prior to the deadline established by Department Headquarters the Post Adjutant will forward to Headquarters, the required report of elected officer's names, addresses, and phone numbers, specifying the date of election and scheduled date of installation.

*Section 4.* Installation of Post Officers shall be conducted after election and must be conducted prior to the Annual Department Convention.

## **ARTICLE V VACANCY IN OFFICE**

*Section 1.* Commander. In the event of a vacancy in the office of Post Commander, for any reason, the 1<sup>st</sup> Vice Commander shall assume the office, thus creating a vacancy in the office of the 1<sup>st</sup> Vice Commander.

*Section 2.* 1<sup>st</sup> Vice Commander. In the event of a vacancy in the office of 1<sup>st</sup> Vice Commander, for any reason, the 2<sup>nd</sup> Vice Commander shall assume the office, thus creating a vacancy in the office of the 2<sup>nd</sup> Vice Commander.

*Section 3.* Resignation. A resignation of any officer shall be submitted in writing to the Commander, Adjutant, or orally at a regular Executive Committee or Post meeting. Such resignation shall be considered effective, thus creating a vacancy, on the date specified in the resignation, or if not specified, on the date received.

*Section 4.* Removal from Office. The Post shall have the power to remove any Post officer in accordance with the provisions of this section.

- a. Failure to present evidence, such as DD 214, of qualifying service to the Adjutant within 30 days prior to election shall create an automatic vacancy in that office.
- b. Failure to attend three consecutive regular or properly called special meetings of the Post, or if applicable, the Executive Committee, shall create an automatic vacancy in that office unless illness or other serious reasons precluded attendance. The officer should, however notify the Commander or Adjutant in advance, of his or her reason for absence. In that case, the officer will be excused and no action will be taken to remove him/her from office. If there is no advance excuse, a  $\frac{2}{3}$  vote of the Post membership accepting the officer's excuse will preclude removal from office.

## **ARTICLE VI DUES**

*Section 1.* The annual dues for the coming recruiting year shall be determined by a majority vote of the membership attending the July Executive Committee meeting. This is necessary to insure the information is available for the Post Data Report required by Department. If no action is taken by the Post, the dues remain as previously established and the minutes for that meeting establishes the action to set the dues. At the start of the Post the dues were established at \$25.00 and that amount is now in effect.

- a. A member whose dues are not paid by January 1<sup>st</sup> is delinquent and forfeits their membership. However, subsequent payment of current dues for the year will reinstate their membership.

## **ARTICLE VII CHARTER MEMBERSHIP**

Any new or transferred member whose 2003 dues were paid prior to November 11, 2002, or who was a Paid Up For Life member, shall be considered a charter member of the Post.

## **ARTICLE VIII FINANCES**

*Section 1.* The fiscal year for the Post shall be 1 July through 30 June.

*Section 2.* Expenditures of Post funds shall be approved by the Executive Committee the following exceptions:

- a. The Commander, Adjutant and Finance Officer may approve \$1200 per year, or up to \$1.00 per paid member, whichever is greater, to be spent on administrative items, and day-to-day operating expenses of the Post.
- b. The Executive Committee, at a regular or special meeting, may approve \$100 per month, or up to \$1.00 per paid member, whichever is greater, to be spent on Post needs.
- c. In all cases, the Post receipts and expenditures will be reported at the next regular Post meeting and at the next regular Executive Committee meeting.
- d. The outgoing Finance Officer shall prepare a budget for the coming year, which shall be reviewed by the Executive Committee and presented for approval by the Post at the Regular July meeting. This budget is a guide and may be changed at the discretion of the Post membership.
- e. The funds of this Post shall not be pledged to support any money-raising member venture managed or controlled by a private promoter. Any officer or committee member violating this provision shall be removed from that office or committee.

## **ARTICLE IX OFFICER AND EXECUTIVE COMMITTEE DUTIES**

### *Section 1. Post Commander*

The Post Commander shall be the Chief Executive Officer and, as such, shall oversee and supervise all programs and activities of the Post, including the duties and responsibilities of other Post Officers and Committees. The Commander shall preside at all meetings of the Post and Executive Committee, make all required appointments, sign all applicable vouchers prior to payment by the Finance Officer, serve as an ex-officio member of all committees except the Audit and Nominating committees, represent the Post at American Legion functions, as required, and at other public relations function within the community, and perform such other functions as normally required of such an office and as directed by the Post and the Executive Committee. Required functions include Fall and Spring 4<sup>th</sup> District Conferences, Department Convention and the Area II workshop. If the commander is unable to attend a meeting, visitation, conference or convention, he or she will appoint another officer to perform the function.

### *Section 2. Vice Commanders*

The Vice Commanders shall, in order of precedence, perform the duties of the post Commander in his or her absence or temporary inability to serve, shall represent the Commander as requested, and shall perform such other assignments as requested by the Commander or Executive Committee.

- a. The 1<sup>st</sup> Vice Commander shall be the chairman of the Post Membership Committee.
- b. The 2<sup>nd</sup> Vice Commander shall be the chairman of the Post Community Service and Post Activities Committee.

### *Section 3. The Post Adjutant shall:*

- a. Keep minutes of all Post and Executive Committee meetings, call the roll of officers at each meeting and attach a list of those present and absent to the minutes. The Adjutant must also ensure that each set of minutes is read to the membership and approved.
- b. Maintain an accurate record of membership.
- c. Upon receipt of dues, issue individual membership cards provided by National through Department. Maintain a record of the members who have paid the dues.
- d. Provide to Department the required Department and National dues record cards, complete and turn in to Department the necessary forms that accompany the dues transmittal. This should be done, at a minimum, every 10 days or whenever at least 10 members' dues have accumulated. Copies of transmittals to Department along with the names of members transmitted will be maintained.
- e. Provide Department and District all required reports and certifications.

- f. Insure that a copy of the Post and Department Bylaws are on hand for each Post and Executive Committee meeting.
- g. Perform such other duties as required in these Bylaws and as is customary for that office, including duties requested by the Post Commander.

*Section 4.* The Post Finance Officer shall:

- a. Provide the Adjutant with the necessary funds to submit membership cards to the Department, when member's dues have been paid.
- b. Receive and disburse all Post funds as authorized by the Executive Committee, the Post, or the appropriate Post Officers as outlined in these Bylaws.
- c. Prepare all checks and vouchers, maintaining a file of such vouchers.
- d. Render a monthly accounting of receipts and disbursements to the Post members at the regular membership meeting.
- e. Make an annual report to the Post.
- f. Insure the proper Post insurance is obtained and its premiums are paid.
- g. Prepare and file applicable reports to the Internal Revenue Service and other State and local entities.
- h. Have the financial records of the Post ready for audit by the Audit Committee and available for the information of Post members, at reasonable times upon request.
- i. When the amount of funds handled reaches a point where the Post Executive Committee deems bonding to be necessary, the Finance Officer shall furnish such surety bonds in such sum as required by the Executive Committee. Costs of such bonds will be borne by the Post.

*Section 5.* The Post Chaplain shall:

- a. Be responsible for the spiritual welfare of the Post members, and attend all meetings of the Post and Executive Committee.
- b. Offer non-sectarian divine services at Post meetings, patriotic occasions, dedication ceremonies, and funeral services for deceased members.
- c. When possible, visit sick members at the hospital or at home, and send flowers and get well cards to hospitalized members. Cost of the flowers and cards will be borne by the Post.
- d. Comfort bereaved families of deceased members.

- e. Officiate, when requested, at funerals for deceased members. When officiating at a funeral a sectarian service may be used if specifically requested by the family of the deceased.
- f. Officiate, as required, at installations, initiations and other ceremonies required by the Officer's Guide and Manual of Ceremonies published by the National Organization.

*Section 6.* The Post Historian shall maintain a record of Post activities, including, but not limited to newspaper articles, pictures, Post newsletters and a written narrative of the Post's year.

*Section 7.* The Post Service Officer shall:

- a. Assist members and other veterans who may request help in the preparation of claims with the government.
- b. Assist with matters relating to the welfare of members of the Post.
- c. Conduct all investigations and administer all relief, including expenditure of funds provided by the County Veterans Assistance Funds.
- d. Maintain close liaison with the Department Service Officer.
- e. Coordinate Post activities related to Veteran's hospitals and homes in the vicinity of the Post.

*Section 8.* The Post Sergeant-at-Arms shall:

- a. Greet members and guests upon their arrival at Post meetings.
- b. Provide names of guests and new or prospective members to the Commander prior to the start of the Post meeting.
- c. Preserve order at meetings and shall perform such other duties as may be assigned from time-to-time by the Post Commander or Post Executive Committee.

*Section 9.* The Honor/Color Guard shall carry the United States flag and the Post colors at all official functions requiring the colors to be posted and carried, such as in parades and other ceremonies.

*Section 10.* The Judge Advocate shall provide fair and unbiased opinions upon request of Post Officers or Chairmen relative to the provisions of these Bylaws, the National Constitution and Bylaws, The Department Bylaws, The National Officers Guide and Manual of Ceremonies, and Robert's Rules of Order, current revision. If the Judge Advocate is an attorney, he or she may provide advice on all Post legal matters.

*Section 11.* The Executive Committee shall:

- a. Act as the general advisory board to the Commander shall approve the accounts of the Finance Officer shall act in emergency when the Post is not in session, except that such action shall be ratified at the next Post meeting; and shall perform those duties specified in these Bylaws and as are usually governed by such body.
- b. The Executive Committee shall meet at least monthly, and in special session when called by the Commander. Due notification of the meeting date, time and place will be given to each member of the Committee by the Adjutant or Commander.
- c. The minutes of each Executive Committee Meeting shall be read at the next regular Post meeting for approval by the membership. Any exception taken by a member to any action of the Executive Committee shall be considered by the Post membership in attendance, subject to the provisions of Robert's Rules of Order.

## **ARTICLE X DELEGATES**

*Section 1.* District Fall and Spring Conferences, and district meetings.

The Post is entitled to one vote at each conference or meeting. The Post Commander is a delegate to these meetings without certification. If the Commander is unable to attend, or it is the desire of the Post that someone other than the Commander serve as the delegate, then that individual is elected or appointed and must be certified to the District Commander.

*Section 2.* Department Annual Convention.

Since the Post is entitled to at least one delegate and one alternate, and may be entitled to more, as specified in the Department Bylaws, the nomination and election of such delegates shall be held at the same time as the annual election of Post Officers. The outgoing Post Commander should be given preference as the Primary Delegate.

## **ARTICLE XI COMMITTEES**

*Section 1.* Standing Committees.

The Post shall have those committees necessary to accomplish the aims and purposes of the Post and The American Legion. These committees could include, but are not limited to: Americanism, Child Welfare, Membership, Finance and Audit, Publicity and Public Relations, Athletics and Sons of the American Legion. The Commander shall appoint a chairman and as many members as necessary for each committee.

*Section 2.* Special Committees.

The Commander shall appoint a chairman and necessary members to any special committee deemed needed for the conduct of Post business.

## **ARTICLE XII MEETINGS**

*Section 1.* Post membership meetings shall be held each month at a date, time, and location as advertised in the Post newsletter. The location, date and time may be changed by specific action of the Post membership at a regular meeting provided all members in good standing are notified in advance of the planned action to consider the change.

*Section 2.* Executive Committee Meetings shall usually be held each month two weeks after the normal Post meeting at a date, time and location as advertised in the Post newsletter.

*Section 3.* Meeting protocol.

All meetings will be governed by the National Officer's Guide and Manual of Ceremonies and Robert's Rules of Order.

*Section 4.* Special Meetings.

Special meetings may be called at any time by the Post Commander a majority of the Post Executive Committee or upon written demand of any ten members in good standing of the Post. As much advance notice of the special meeting shall be given as the urgency of the particular situation allows.

*Section 5.* Quorum

At all regular and special Post meetings, as well as Executive Committee Meetings, if proper notification of the meeting has been given, a quorum shall consist of the members present.

## **ARTICLE XIII REQUIREMENT TO NOTIFY**

The monthly newsletter, "The High Desert Post 56 Newsletter" shall be considered the primary method of notifying members for any purpose including those items in these Bylaws requiring a need for notification. Notification of the newsletter will include electronic media, telephone and for out of area members or members that do not have access to electronic media, U.S. Mail.

## **ARTICLE XIV USE OF LEGION NAME AND INSIGNIA**

The Post will, at all times, comply with the National Constitution and mandates of the National Convention and National Executive Committee regarding the use of The American Legion name and insignia as copyrighted and/or patented under the laws of the United States.

## **ARTICLE XV AUXILIARY**

High Desert Unit #56 of The American Legion Auxiliary is authorized and shall be organized and operated in compliance with the National and Department Constitutions of both The American Legion and The American Legion Auxiliary. The Post shall encourage and cooperate with the Unit in all its authorized activities.

## **ARTICLE XVI SONS OF THE AMERICAN LEGION**

The Post promotes The Sons of The American Legion (SAL) and will insure that High Desert Squadron #56 will be organized and operated in accordance with the National and Detachment of Nevada Bylaws and rules. No activity of that Squadron shall conflict with activities of the Post, and the Post shall encourage and cooperate with the Squadron in all of its authorized activities. The Post shall provide one Post member to act as advisor to the Squadron and add other members if necessary.

## **ARTICLE XVII AMENDMENTS / REVISIONS**

*Section 1.* These Bylaws may be amended or revised at a regular meeting of the Post by a  $\frac{2}{3}$  vote of those members in attendance providing the following have been accomplished prior to the vote:

- a. The members shall be notified at least one month in advance of the meeting at which the vote will be taken.
- b. A copy of the proposed changes will be made available at the meeting prior to the meeting date of the vote and on the day of the vote. The changes shall be read at both of these meetings. Changes require a majority of the members present to render an affirmative vote.

*Section 2.* No action based on these amendments or revisions shall be taken until approved by the Department Executive Committee.



## CERTIFICATION OF BYLAWS APPROVAL

These Bylaws are certified to be a true copy of those approved by the Post membership at the regular meeting held on FEB. 10, 2011.

CERTIFIED:

A handwritten signature in blue ink, appearing to read 'John M. Beckwith', written over a horizontal line.

Post Adjutant

A handwritten signature in blue ink, appearing to read 'Katherine A. Baron', written over a horizontal line.

Post Commander