



American Legion

## Orcutt Post 534

145 W. Clark Avenue, Orcutt CA 93455 \* 805-937-0651 \* <http://post534.org/>

### Constitution

## The American Legion, Orcutt Post 534

### Preamble:

For God and Country, we associate ourselves 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 our associations in the Great Wars; To inculcate a sense of individual obligation to community, state, and nation; To combat autocracy of both the classes and 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 devotion to mutual helpfulness.

### Article 1 – Name

**Section 1.** – The name of the organization shall be Orcutt Post 534, The American Legion, Department of California, located at Orcutt, California, hereinafter referred to as Post or Post's.

### Article 2 – Objects

**Section 1.** – The objects and purposes of this Post shall be to promote the principles and policies set forth in the foregoing Preamble, the National and Department Constitutions of The American Legion.

### Article 3 – Nature

**Section 3.1.** – This Post is a civilian organization and membership therein does not affect or increase liability for military or police services.

**Section 3.2.** – This Post shall be absolutely non-political and shall not be for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

**Section 3.3.** – Rank does not exist in the Post. No member shall be addressed by their military title in any meeting at the Post.

### Article 4 – Management

The Post Bylaws shall provide for the establishment of an Executive Committee that shall govern the affairs of the Post. The Post Bylaws may provide for such other standing committees as determined to be necessary by the Executive Committee.

### Article 5 – Membership

**Section 5.1.** – Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion.

**Section 5.2.** – Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Executive Committee.

**Section 5.3.** – All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the Post members at said meeting cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

**Section 5.4.** – The practice and procedures for expulsion or suspension of a member of The

American Legion will be in accordance with those defined in the Officer's Guide under the Practice and Procedures in the Expulsion of a Member of The American Legion and the Department of California Trial Manual.

**Section 5.5.** – A two-thirds vote of the Post membership present in a regular Post meeting and the payment of current dues for the year in which the reinstatement occurs may reinstate a Post member who has been expelled or suspended from this Post for any cause.

## **Article 6 – Officers and Advisors**

**Section 6.1.** – The officers of the Post shall be a Commander, First Vice-Commander, Second Vice-Commander, Sergeant-at-Arms, Adjutant, Finance Officer, Service Officer, Ways and Means Officer, Judge Advocate, Chaplain, Historian, Parliamentarian, Junior Past Commander, First Executive Committeeman and Second Executive Committeeman. The Post may also have a Third Vice-Commander, an Assistant Adjutant, and an Assistant Sergeant-at-Arms and such other officers as may be deemed necessary by this organization.

**Section 6.1.1.** – The Junior Past Commander shall be the most recent previous Post Commander.

**Section 6.2.** – The Commander, First Vice-Commander, Second Vice-Commander, Sergeant-at-Arms and Executive Committeemen, designated as First Executive Committeeman and Second Executive Committeeman, shall be elected annually and they shall hold office for a term of one year commencing with their installation in accordance with the Post Bylaws.

**Section 6.3.** – The following Post officers shall be appointed by the Commander: Adjutant, Finance Officer, Service Officer, Ways & Means Officer, Judge Advocate, Chaplain, Historian, and Parliamentarian.

**Section 6.4.** – The Commander shall appoint a Post member as the Scouting Advisor.

**Section 6.5.** – The Commander shall appoint a Post member, who does not serve as an officer in the Sons of The American Legion, Squadron 534, as Squadron Advisor.

**Section 6.6.** – Nominees for the elected officers shall be nominated from the floor at the Post's regular monthly meetings in April and May. Immediately following the nominations of at the regular monthly Post meeting in May the election of officers will be held.

**Section 6.7.** – The election of officers shall be by secret ballot and the candidates receiving the greatest number of votes shall be elected to the respective office for which they are a candidate. In the event that there is only one candidate that candidate may be elected by acclamation.

**Section 6.8.** – The Commander, First Vice-Commander, Second Vice-Commander, and Sergeant-at-Arms may not hold any other office in the Post. However, Executive Committeemen and appointed officers may hold two or more appointed offices.

**Section 6.9.** – Any vacancy for an elected office shall be filled by secret ballot at a regular monthly Post meeting following the vacancy; provided that notice of the election is given at the meeting preceding the election. In the event that there is only one candidate that candidate may be elected by acclamation.

**Section 6.10.** – The duties of the Executive Committee members shall be as set forth in the Post Bylaws.

## **Article 7 – Finance**

**Section 7.1.** – No appropriation of Post funds, except for bills received for products purchased for the administration or operation of the Post, for services rendered to the Post or to reimburse Post members for expenses incurred on behalf of the Post, shall be made without first referring such appropriation to the finance committee for consideration. The finance committee shall consider said appropriation and present the result of their deliberation concerning approval or rejection of said

appropriation. The decision of the Executive Committee concerning approval or rejection of said appropriation shall be final and binding.

**Section 7.2.** – All elected and appointed officers of the Post shall be bonded under a blanket bond to be purchased from the Department of California Headquarters and billed to the Post at cost.

**Section 7.3.** – The revenue of this Post shall be derived from annual membership dues and such other sources as may be approved by the Executive Committee.

**Section 7.4.** – The amount of the annual Post membership dues amount shall be determined and fixed by the Executive Committee.

**Section 7.5.** – The Post shall pay to the Department of California a per capita tax, for every member of the Post. The amount of the tax shall be determined by the Department of California.

#### **Article 8– The American Legion Auxiliary**

**Section 8.1.** – This Post recognizes an auxiliary organization known as the Auxiliary Unit of Orcutt Post 534, The American Legion, Department of California.

**Section 8.2.** – Membership in the Auxiliary shall be as prescribed by the National Constitution of The American Legion.

#### **Article 9 – The Sons of The American Legion**

**Section 9.1.** – This Post recognizes an auxiliary organization known as The Sons of the American Legion Squadron of Orcutt Post 534, The American Legion, Department of California.

**Section 9.2.** – Membership in The Sons of the American Legion shall be as prescribed by the National Constitution of The Sons of the American Legion.

#### **Article 10 – The American Legion Riders**

**Section 10.1.** – This Post recognizes an auxiliary organization known as The American Legion Riders Chapter of Orcutt Post 534, The American Legion, Department of California.

**Section 10.2.** – Membership in the The American Legion Riders shall be as prescribed by the Department of California Constitution of The American Legion Riders.

#### **Article 11 – Amendments**

**Section 11.1. – Notification.** Written notice of the presentation of proposed amendments must be given to the Post membership at least five days in advance of the date the proposed amendments will be presented.

**Section 11.2. – Presentation.** Amendments must be presented to the membership in writing and read to the membership at two regular Post meetings. The reading of amendments during a meeting may be waived by a majority voice vote of members present. Proposed amendments will be made available at the Post for review by Post membership during the period between the two said regular Post meetings.

**Section 11.3. – Post Adoption.** Having a quorum present at the second regular Post meeting and after the proposed amendments have been presented, adoption requires a two-thirds vote of the Post members present and voting at the meeting. Adoptions of amendments are subject to the provisions of the National Constitution of The American Legion and of the Department Constitution of the Department of California, The American Legion.

**Section 11.4. – Approval.** Amendments initiated and adopted by the Post shall not be in force or effect until approval of the amendments is obtained by the Constitution and Bylaws Commission of the Department of California.