

Revised 2014

# CONSTITUTION OF MILLARD AMERICAN LEGION POST NO. 374

## 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 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

**Section 1.** The name of this organization shall be Millard Post No. 374, The American Legion, Department of Nebraska.

## ARTICLE II

### NATURE AND PURPOSES

**Section 1.** The purpose and objects of this organization shall be set forth in the preamble to this Constitution and shall include service to the community in harmony with the preamble, and shall include the relief and assistance of those in need thereof and especially dependents, surviving spouses, or orphans, regardless of eligibility for or membership in this organization.

**Section 2.** The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by military or naval title in any convention or meeting of the Legion.

**Section 3.** The American Legion shall be absolutely non-political and shall not be used for the discrimination or partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment. No candidates for nomination or election to, or incumbent of, remunerative elective public office, shall hold any elective or any appointed office in this post of The American Legion, but such persons are not prohibited from serving on standing or special committees.

**Section 4.** Millard Post No. 374, The American Legion, is a branch organization of The American Legion, Department of Nebraska, and of the national organization of The American Legion. By becoming a member of this Post, each person shall automatically become a member of the parent organization.

## ARTICLE III

### ORGANIZATION

**Section 1.** The organization of this Post shall be in conformity with the provisions of the Constitution of The American Legion, Department of Nebraska, and the National Constitution of The American Legion.

**Section 2.** The minimum membership of this post shall be fifteen (15) members, unless otherwise determined by the Department Executive Committee.

**Section 3.** This Post shall never be named after any living person.

**Section 4.** The legislative power of this organization shall be vested in the membership thereof, and each member in good standing shall be entitled to one vote.

**Section 5.** The Post operations shall be conducted by an eleven (11) member Executive Committee consisting of five (5) elected officers and six (6) other elected members to the Executive Committee.

## **ARTICLE IV ELIGIBILITY**

**Section 1.** Any person shall be eligible for membership in this Post of The American Legion who was regularly enlisted, drafted, inducted or commissioned and who was accepted for and assigned to active duty in the Army, Navy, Marine Corps, Coast Guard, Air Force or Merchant Marines (the latter must provide proof of duty at sea for eligibility) of the United States at some time during any of the delimiting periods as set forth in Article 14 of the National Constitution of The American Legion, or who being citizens of the United States at the time of entry therein, served in the Military or Naval services of any of the Governments associated with the United States during said wars of hostilities, provided however that such person shall have an honorable discharge or separation from such service or continues to serve honorably after any off the aforesaid terminal dates; provided further that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

**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.** No person may be a member at any time of more than one post. Non-residents otherwise eligible shall be admitted to membership on the same basis as residents.

**Section 4.** No person who has been expelled by a post shall be admitted to membership in this Post, without the consent of the expelling post, except that there such consent has been asked for and denied by such post, he or she may then appeal to the Executive Committee of the Department of the Expelling Post for permission to be admitted to membership in another post, and shall be ineligible for membership until such permission is granted.

## **ARTICLE V ELECTIONS**

**Section 1.** Nominations of all elected officers and the other members of the Executive Committee shall be held at the regular meeting in April in each year. A member in good standing may run for only one office.

**Section 2.** Each of the five (5) Officers shall be elected for a one year term.

**Section 3.** The other six (6) members shall be elected for two (2) year terms with three (3) members being elected on alternating years.

**Section 4.** Election of Post Officers and the other members of the Executive Committee shall be held the same day as the annual meeting in May.

**Section 5.** Eligibility of all members voting shall be verified at the time of the election.

**Section 6.** The Post Commander, shall before the Regular Meeting in April of each year, appoint a Nominating Committee consisting of three eligible members of the Post, for selecting two or more candidates for each elective office of the Post as provided in Section 1 of Article VI. The recommendations of the Nominating Committee shall be reported to the membership of the Post at the regular meeting in April. Nomination of candidates for the various elective offices may be made from the floor, in addition to those presented in the report of the Nominating Committee. To be nominated from the floor the member must be present or submit, prior to the nomination, a letter indicating his or her willingness to accept the nomination.

**Section 7.** The elected Officers and other members of the Executive Committee of this Post shall be installed in office at or before the first regular meeting of this Post in June of each year.

**Section 8.** Each elected Officer and other member of the Executive Committee shall serve their term until their successor is installed, provided that if the Officer or other Executive Committee member is removed from office, is elected to a difference office, or resigns effective immediately, the vacancy shall occur effective upon removal, election, or resignation.

**Section 9.** Deleted May 20, 1998. Transferred to Article VII, Section H of the By-Laws.

**Section 10.** All elections of Post Officers and the other members of the Executive Committee shall be by secret ballot.

**Section 11.** Deleted May 20, 1998. Transferred to Article VII, Section I of the By-Laws.

**Section 12.** Election of Post Officers and the other members of the Executive Committee shall be determined by a Plurality Vote.

**Section 13.** Any elected Officer or other member of the Executive Committee member who is absent from three (3) regular Executive Committee meetings in any six (6) month period or from four (4) regular Executive Committee meeting in any twelve (12) month period may forfeit that office. At any time after the occurrence of the prohibited absences, any Executive Committee member may make a motion that the office be vacated. If passed, the office will be immediately vacated and notice thereof shall be immediately posted in a prominent location in the Post.

**Section 14.** All vacancies shall be filled by an election to be conducted at the next regular meeting following the occurrence of a vacancy. All nominations to be made from the floor.

**Section 15.** Members elected to any office or Executive Committee shall provide adequate proof of eligibility for membership in The American Legion prior to installation.

## **ARTICLE VI OFFICERS**

**Section 1.** The Post shall at its annual meeting elect a Post Commander, a First Vice Commander, a Second Vice Commander, a Finance Officer and an Adjutant to serve for the term of one year.

**Section 2.** No Commander shall be elected to succeed himself or herself more than once. All candidates for office must be members in good standing of this American Legion Post.

**Section 3.** The Commander shall appoint, subject to the approval of the Executive Committee, a Post Service Officer, a Post Sergeant-at-Arms, a Post Chaplain, a Post Judge Advocate, plus all standing and ad-hoc committees as deemed necessary.

**Section 4.** All appointed officers shall hold office at the pleasure of the appointing power. All appointed officers shall be installed and shall take the same pledge as the Elected Officers. Appointees shall not have voting power in the Executive Committee meetings.

**Section 5.** Any Officer or Executive Committee member may be removed for inefficiency by the Executive Committee. A two-thirds vote of the Executive Committee being present and voting is necessary to effect such removal. A member who is subject to this sanction is not eligible to vote on the issue.

## **ARTICLE VII POST EXECUTIVE COMMITTEE**

**Section 1.** Seven (7) members of the Executive Committee shall constitute a quorum provided that one of the attending members is the Commander or one of the Vice Commanders.

**Section 2.** The Executive Committee shall meet regularly once each calendar month, at a time and place to be fixed by the Committee. Special meetings may be called at any time by the Commander or Acting Commander upon oral notice to all members of the Committee. The Post Commander shall call a special meeting at any time upon the written request of four (4) members of the Committee. Special meetings shall be called not less than two (2) days nor more than five (5) days following the filing of a request with the Adjutant. Except when Section 3 of this Article applies, all meetings of the Committee shall be open to any member of the Post, and any member shall, upon request, be heard on any matter then and there regularly before the Committee.

**Section 3.** The Executive Committee may enter into a closed session for the good of the Post, if a majority of those present and voting agree.

**Section 4.** The Commander, or presiding Vice Commander, shall not vote on any motion, resolution, or other matter that may come before the Committee except to break an otherwise tie vote.

## **ARTICLE VIII DEPARTMENT CONVENTION DELEGATES**

**Section 1.** Delegates and alternates to the annual convention of The American Legion, Department of Nebraska, shall be affirmed at a regular meeting held prior to the date of such convention.

## **ARTICLE IX DISCIPLINE**

**Section 1.** Any member is subject to discipline as prescribed by the Constitution and By-Laws of the National Organization of The American Legion, Department of Nebraska, and by this Constitution and the Post By-Laws.

**ARTICLE X  
AUXILIARIES**

**Section 1.** This Post of The American Legion recognizes an auxiliary organization to be known as “Unit No. 374, The American Legion Auxiliary, Department of Nebraska.”

**Section 2.** The Auxiliary and its branches shall be organized and governed according to such rules, regulations, and mandates, as may, from time to time, be prescribed by the National Executive Committee of The American Legion, the Executive Committee Board of the Department of Nebraska of The American Legion, and the Executive Committee of this Post.

**ARTICLE XI  
SONS OF THE AMERICAN LEGION**

**Section 1.** This Post of The American Legion recognizes a Sons of The American Legion Squadron to be known as Sons of The American Legion Squadron 374.

**Section 2.** This Squadron shall be organized and governed according to such rules, regulations and mandates as may be prescribed by the National Executive Committee of The American Legion, the Executive Committee Board of the Department of Nebraska of The American Legion, and the Executive Committee of this Post.

**ARTICLE XII  
AMERICAN LEGION RIDERS**

**Section 1.** This post of the American legion recognizes a American Legion Riders Chapter to be known as American Legion Riders Chapter 374.

**Section2.** This Chapter shall be organized and governed according to such rules, regulations and mandates as maybe prescribed by the membership of this post and the executive committee of this post.

**ARTICLE XIII  
RATIFICATION**

**Section 1.** All acts performed, officers elected and other business transacted by the previous organization of Millard Post No. 374 of The American Legion, Department of Nebraska, are hereby ratified and confirmed.

**ARTICLE XIV  
AMENDMENTS**

**Section 1.** This Constitution may be amended at any regular meeting of the Post by a two-thirds vote of the members present, provided notice of the proposed amendment shall have been given at the next preceding meeting or in writing in the call for the meeting.

**Section 2.** This Constitution may be amended by a simple majority vote after being read at two consecutive meetings and after being posted for two consecutive months.

**Section 3.** At all times, the provisions of the Constitution will be deemed automatically amended to conform to the Constitutions of the Department of Nebraska, or the National Constitutions, if any provision herein is deemed to be in contravention of either of the latter Constitutions.

This Constitution was passed by the General Membership on this 20th day of November, 2013

Dated this 21<sup>th</sup> day of November, 2013

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Signed: Randy F. Mattison, Adjutant

## CONSTITUTION & BY-LAWS AMENDMENTS

BE IT KNOWN THAT on the 20<sup>th</sup> day of May, 1998, at the regular general meeting of the membership, the following resolution, having been previously raised at the April general meeting, was passed by a two-third majority vote:

BE IT RESOLVED that Article V, Section 9 & 11 of the Constitution of Post 374 be deleted, and

FURTHER, that Article VII, Section 2 of the By-Laws of Post 374 be amended by adding the following:

H. Polls open for elections pursuant to Article V of the Post Constitution will be opened from 8:00 a.m. for 11 ½ continuous hours on the same day as the annual meeting in May.

I. All ballots shall be retained by the incumbent Adjutant until all officers are installed.

Dated this 20<sup>th</sup> day of May, 1998

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Signed: Edmund E. Bosch, Adjutant

BE IT KNOWN THAT on the 21<sup>th</sup> day of March, 2012, at the regular general meeting of the membership, the following resolution, having been previously raised at the February general meeting, was passed by a two-third majority vote:

BE IT RESOLVED that Article VI, Section 2 of the Constitution of Post 374 be allowed a onetime exception to article 6 section 2 of the post 374 constitution to allow Greg Petersen to run of a third term as commander. So that he may finish getting the post up and running from its relocation.

Dated this 22<sup>th</sup> day of October, 2012

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Signed: Randy F. Mattison, Adjutant

BE IT KNOWN THAT on the 20<sup>th</sup> day of August, 2014, at the regular general meeting of the membership, the following resolution, having been previously raised at the February general meeting, was passed by a two-third majority vote:

BE IT RESOLVED that Article XII of the Constitution of Post 374 was added to recognize the American Legion Riders as American Legion Riders, Chapter 374. Subsequent Articles were renumbered.

Dated this 22nd day of August, 2014

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Signed: Scott Q Spicer, Adjutant