

**THE AMERICAN LEGION
DEPARTMENT OF NEVADA
DARRELL DUNKLE POST 1**



CONSTITUTION AND BYLAWS

WITH CHANGES VOTED UPON AND ADOPTED NOVEMBER 4, 2014

NEW TEXT IS IN ITALICS

CONSTITUTION

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 and 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 DARRELL DUNKLE Post 1, The American Legion, Department of Nevada.

ARTICLE II – OBJECTS

Section 1. The objects and purposes of this post shall be to promote the principles and policies as set forth in the foregoing preamble and the National and Departmental Constitutions of The American Legion.

ARTICLE III – NATURE

Section 1. This post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2. This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for promotion of the candidacy of any person seeking public office or preferment.

Section 3. Rank does not exist in the American Legion; no member shall be addressed by his military or naval title in any meeting of this post.

Section 4. The American Legion, Department of Nevada, is subject to all the applicable provisions of Title 36, Chapter 3, of the United States Code; to all of the applicable provisions of the Nevada Revised Statutes, as defined in Chapter 82, as either or both such laws may be amended from time to time; and to all of the applicable provisions of the National Constitution of The American Legion, as it may be amended from time to time, which National Constitution is hereby incorporated herein and made a part hereof by specific reference.

ARTICLE IV – MEMBERSHIP

Section 1. Eligibility to membership in this post shall be as prescribed by the National Constitution of the American Legion.

Section 2. Application for membership made in writing under such regulations as may from time to time be subscribed by the post Executive committee.

Section 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 members cast a vote against the acceptance of said application, then such application shall be recorded as rejected.

Section 4. No person shall be a member at any one time of more than one post.

Section 5. Any member of this post may be expelled or suspended from this post for any cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing and a fair trial had upon the same.

Section 6. A member who has been expelled or suspended from this post for any cause may be reinstated to membership by a two-thirds vote of the membership present in post meeting and the payment of post dues for the year in which the reinstatement occurs.

Section 7. No person who has been expelled or suspended by a post shall be admitted to 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, may then appeal to the state Executive Committee of the department 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 V – OFFICERS

Section 1. *The Administrative affairs of this Post shall, except as may be otherwise provided by the By-laws, be under the supervision of the Executive Committee which shall consist of the elected and appointed officers of the Post. The term of office for members of the Executive Committee shall be for one year, and they shall hold office until their successors are duly installed, or as otherwise provided. This Post, by its By-laws, may provide for such other standing committees as the business of the Post may require.*

Section 2. *The Post shall have a Commander, Adjutant, and a Finance Officer, none of whom may simultaneously serve in the dual capacity of Commander/Adjutant or Commander/Finance Officer.*

Elected Officers - *The elected officers of the Post are the Commander, 1st Vice Commander, 2nd Vice Commander, and Sergeant at Arms.*

Appointed Officers - *The Commander shall appoint the following officers to the Executive Committee to accomplish the work of the Post: Adjutant, Chaplain, Finance Officer, Judge Advocate and Service Officer. Any other appointed officers to the Executive Committee shall have a voice without vote.*

Section 3. Nominations

- a. *At the Post meeting in January of each year, nominations for elected officer positions will be opened.*

- b. *Any member interested in running for an elected Post officer position shall complete a nomination form provided by the Post. Any member otherwise nominated must sign the nomination form, by another, indicating acceptance or rejection of the nomination.*
- c. *Each nominee shall provide proof of current membership and form DD214, or other acceptable proof of service dates and character of discharge.*
- d. *Nomination forms must be received by the Executive Committee no later than the March meeting of the Executive Committee.*
- e. *The nominees for each office will be announced at the Post membership meeting in April.*
- f. *No nominations from the floor are allowed, as voting is by secret ballot and all members have had opportunities to be nominated in the months preceding the election.*

Section 4. Elections

- a. *Elections shall be held at the Post membership meeting in May of each year.*
- b. *Voting will be by secret ballot, with the winner being determined by the largest number of votes cast.*
- c. *Where only one person is indicated for an officer position on the ballot, such nominee must receive fifty percent (50%) plus one (1) vote of those voting in the election to be elected.*
- d. *The names of those members elected will be announced at the end of the May meeting.*
- e. *Members elected will be installed as the first order of business at the Post membership meeting following the Department convention.*
- f. *Prior to the deadline established by the Department the Post Adjutant will forward to the Department the required report of elected officer's names, addresses and phone numbers specifying the date of election and scheduled date of installation.*

Section 5. Nominations and Elections Committee

A Nominations and Elections committee will be formed consisting of the Junior Past Commander and two (2) persons chosen by the Junior Past Commander from the membership. If the Junior Past Commander is not available, then another Past Commander, or other member in good standing, will be selected as Committee Chairperson by the Executive Committee.

Section 6. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 7. The duties of officers and the Executive Committee shall be those usually appertaining to such officers or committee, and as further provided in the By-laws.

Section 8. Any officer, or committee person may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

ARTICLE VI – FINANCE

Section 1. The revenue of this post shall be derived from membership or initiation fees, from annual membership dues and from such other sources as may be approved by the post executive committee.

The amount of such membership or initiation fees and the amount of such annual post dues shall be fixed and determined by this post.

No post shall engage in any activity where money or property is solicited from the public without first securing the approval of the district. Violation of this provision shall be reported to the department commander by the district committee.

The post shall pay to departmental headquarters the national and departmental annual membership dues for every member of the post.

ARTICLE VII – CHARTER MEMBERS

Section 1. Members who join this post prior to November 11, 1919 (or members who join this post prior to the issuance of charter) shall be known as charter members.

ARTICLE VIII – AMERICAN LEGION AUXILIARY

Section 1. This post recognizes an auxiliary organization to be known as Auxiliary Unit of Darrell Dunkle Post 1, The American Legion.

Section 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

ARTICLE IX – AMMENDMENTS

Section 1. This constitution is adopted subject to the provisions of the national Constitution of The American Legion and of the Department Constitution of the Department of Nevada, The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This constitution may be amended at any regular post meeting by a vote of two-thirds of the members of said post attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post, and providing, further, written notice shall have been given to all members at least 20 days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the constitution is to be voted upon.

BY-LAWS

ARTICLE 1- NAME

Section 1. The post existing under these By-laws is to be known as Darrell Dunkle Post 1, The American Legion, and Department of Nevada.

Section 2. The objects of this post are as set forth in the Constitution.

ARTICLE II – MANAGEMENT

Section 1. The Government and Management of the Post are entrusted to the Executive Committee.

Section 2. *The Executive Committee shall consist of the elected and certain appointed officers of the Post. Elections of Post officers will occur at the Post membership meeting in May, and installation of officers will occur at the Post meeting following the Department convention. The election of officers shall be by secret ballot, and the candidates receiving the highest number of votes cast shall be elected to the respective office for which they are candidates.*

Section 3. All vacancies existing in the Executive Committee, or 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 remaining members of the committee, and a person so appointed shall hold office for the un-expired term of the member of the committee of office that succeeded. A vacancy shall exist when a member of officer is absent from the post for a continuous period considered detrimental to the interest of the post by the Executive Committee.

ARTICLE III – POST EXECUTIVE COMMITTEE

Section 1. The post Executive Committee shall meet for organization and such other business as may come before it at the call of the post commander within ten days after the installation of the new officers. Thereafter the post Executive Committee shall meet at the call of the commander at least every three months and as often as said commander may deem necessary. The commander shall call a meeting of the post Executive Committee upon the joint written request of one or more members of said post Executive Committee Five (5) members of the committee shall constitute a quorum thereof.

Section 2. The post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of post funds; shall hear the reports of post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this post.

ARTICLE IV – DUTIES OF OFFICERS

Section 1. Duties of post commander: It shall be the duty of the post commander to preside at all meetings of the post and to have general supervision over the business and affairs of the post, and such officer shall be the chief executive officer of the post. The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the department adjutant. The Commander shall perform such other duties as directed by the post.

Section 2. Duties of vice commander:

A. The 1st Vice Commander shall assume and discharge the duties of the office of commander in absence or disability of, or when called upon by the Post Commander. The 1st Vice Commander shall be Chairman of the Membership Committee and as such aid the Post Adjutant in making contact with renewing Post Members and report the Post membership standing in attaining annual membership goals.

B. The 2nd Vice Commander shall assume and discharge the duties of the office of the commander in the absence or disability of, or when called upon by the Post Commander. The 2nd Vice Commander shall be Chairman of the Oratorical Committee, and the chairman of the Entertainment Committee.

Section 3. Duties of post adjutant: The adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings of the General Membership and the Executive Committee, and keep such records as the department National Organizations may require, render reports of membership annually or when called upon at a meeting, and under direction of the commander handle all correspondence of the post.

Section 4. Duties of the finance officer: The finance officer of the post shall have charge of all finances and see that they are deposited in some local bank or banks and shall report once a month to the Executive Committee the condition of the finances of the post, with such recommendations as may deem expedient or necessary for raising funds with which to carry on the activities of the post. The Post Finance Officer shall sign all checks dispersing the monies of the post, and shall furnish such surety bonds in such sum as shall be fixed by the post Executive Committee.

Section 5. Duties of the post service officer: The post Service officer shall advise and assist veterans and other claimants in preparation of basic VA forms and assist the Department Service Officer in developing supporting evidence. To bring to the attention of all veterans and their dependents the rights and benefits granted them by law. Know how to utilize the expert services available through Legion channels, as well as those of other agencies in this community.

Section 6. Duties of the post historian: The post historian shall be charged with the individual records and incidents of the post and post members, and shall perform such other duties as may properly pertain to the office as may be determined by the post Executive Committee.

Section 7. Duties of the post chaplain: The post chaplain shall be charged with the spiritual welfare of the post comrades and will offer divine but not sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the national or department headquarters from time to time.

Section 8. Duties of sergeant-at-arms: The sergeant-at-arms shall preserve order at meetings and shall perform such other duties as may be from time to time assigned by the post Executive Committee.

ARTICLE V – DELEGATES

Section 1. Delegates and alternates to a department convention shall be selected from a pool of volunteers from the active Post Membership, and selected by the Executive Committee at a regular meeting of the **Committee** held at least 20 days prior to the date of such convention.

ARTICLE VI – APPONTMENTS

Section 1. The post commander, immediately upon taking office each year, shall appoint the following standing committees; Americanism, Finance, Legislative, Membership, Veterans Affairs and Rehabilitation. In addition to the above, the Post may have need for other committees, depending on the specific programs

and activities being sponsored. Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the post commander.

ARTICLE VII – RESOLUTIONS

Section 1. All resolutions of state or national scope presented to this post by a member or reported to this post by a committee shall merely embody the opinion of this post on the subject and a copy of same shall be forwarded to the department headquarters for its approval before any publicity is given or action other than mere passage by the post is taken.

ARTICLE VIII – MEETINGS

Section 1. The post must open and close local meetings as per the National “Manual of Ceremonies” and “Post Commanders Guide”.

Section 2. The regular meeting of the post shall be held at the clubrooms the first Tuesday of each month at which may be transacted such business as may properly be brought up for action, such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the post.

Section 3. The post commander or a majority of the Executive Committee shall have power to call a special meeting of the post at any time.

Section 4. Upon written request of three members, the committee shall call a special meeting of the post.

Section 5. Five Members shall constitute a quorum.

ARTICLE IX – NOTICES

Section 1. Every member shall furnish the post adjutant with a telephone number, an E-Mail if available and an address for mailing.

Section 2. The post adjutant shall cause notice of the annual election to be given at least two weeks prior to the date of said election.

ARTICLE X – RULES OF ORDER

Section 1. All proceedings of this post shall be conducted under and pursuant to Roberts Rules of Order, except as herein otherwise provided.

ARTICLE XI – LIMITATIONS OF LIABILITIES

Section 1. The post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

ARTICLE XII – AMMENDMENTS

These By-laws may be amended at any regular post meeting by a vote of two-thirds of the members of the post attending such regular meeting:

A. Provided that the proposed amendment shall have been submitted in writing and read at the last preceding regular meeting of the post