

## **PREAMBLE**

For God and Country, We associate ourselves together, for the following purposes: To uphold and defend The Constitution of the United State 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 conserve and sanctify our comradeship, by our devotion to mutual helpfulness.

### **Constitution of Young-Richardson Post 59** **Department of New Hampshire, The American Legion**

#### **Article I**

#### **NAME**

Section 1. The name of this organization shall be Young-Richardson, Post 59, The American Legion, a Post of the Department of New Hampshire, The American Legion.

#### **Article II**

#### **OBJECTS**

Section 1. The Objects and purposes of this Post shall be to promote the principles and the policies as set forth in the foregoing Preamble, and the National and Department Constitution 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. Rank does not exist in The American Legion. No member shall be addressed by his military title in any meeting of this Post.

Section 2. While requiring that every member of organization perform his or her full duty as a citizen according to his own conscience and understanding, this organization shall be absolutely non-political. It shall not be used for dissemination of partisan principles, or for the promotion of the candidacy of any person seeking public office or preferment, nor shall distinction of class, creed, nationality, religion or sect be recognized or countenanced in the organization.

#### **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. All persons making application for membership in this Post must exhibit an honorable discharge or Department of Defense form 214 or such other form approved by the National organization. Proof of eligibility must be presented to a member of the membership committee and such information relating to his or her service as may be requested by the Post.

Section 3. All applications for membership shall be acted upon at the next Post meeting, following the making of such application. All applications for membership are accepted or rejected by a majority vote at the regular Post meeting.

Section 4. 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 at a Post meeting provided, however, that he or she shall make payment of current dues at the time of reinstatement.

Section 5. No person who has been expelled by another Post of The American Legion shall be admitted to membership in this Post without the consent of the Expelling Post, except that when such consent has been asked for and denied by such Post. He may appeal to the membership committee for membership in this Post, but shall be ineligible for membership until the membership committee grants such permission. The decision of the membership committee, however, is subject to appeal to the membership of the Post. If said appeal to the membership is denied, an appeal then may be made to the Executive Committee of the Department of New Hampshire to apply for membership in another Post.

Section 6. Transfer from and to this Post shall be governed by the rulings adopted by the Department of New Hampshire and the National Headquarters of The American Legion. All applications for transfer shall be referred to the membership committee for recommendation.

Section 7. The annual dues of the Post will be set by vote of the membership at a regular meeting upon the recommendation of the Executive Board. Dues shall become payable on or after July first (1st) each year. Those members who have 30 consecutive year member status with this Post shall be awarded honorary "life membership", and shall have their dues paid by the Post.

Section 8. Reference Section four (4) National By-Laws. A member whose dues for the current year have not been paid by January first (1st) shall be classed as delinquent. If dues are paid on or before February first (1st) he or she shall be automatically reinstated. If dues are still delinquent after February first (1st), he or she shall be suspended from all privileges. If he or she is still under such suspension on June thirtieth (30th) of such year membership in The American Legion shall be forfeited.

Section 9. The Post shall pay to the Department of New Hampshire in a timely manner, all dues money obligated to the Department and National American Legion. The Post shall pay to the District in a timely manner, all money obligated to the District.



Section 10. The financial year of the Post shall be from January 1 to December 31 inclusive as per the Constitution of the Department of New Hampshire and the National American Legion organizations.

## **ARTICLE V**

## **LEGAL TITLE**

Section 1. The legal title to all property, effects and assets of this Post shall rest in the membership thereof.

Section 2. Termination of membership for whatever case shall be considered a withdrawal from the Post and in addition, shall be a release of all rights, title to and interest in the property and assets of the Post.

## **ARTICLE VI**

## **OFFICERS**

Section 1. The Officers of the Post shall be Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Finance Officer, Sergeant-at-Arms, Judge Advocate, Service Officer, Chaplain, Historian and Children & Youth Officer.

Section 2. All Officers in Section one (1) except the Adjutant and Finance Officer, are elected annually by secret ballot and by majority vote. Nominations shall be made and election shall be held at the regular meeting in January, and the Installation held at the regular meeting in February. The Adjutant and Finance officer shall be nominated and elected at the same meeting to serve for two (2) years.

Section 3. No member, who is absent, shall be placed in nomination unless his or her consent, in writing, has been received by the Post Adjutant before the January meeting. This letter of consent will be read only if the person has been nominated.

Section 4. Nominations shall not be closed until all members present desiring to speak have had the opportunity to do so.

Section 5. If a full slate of officers is not nominated at the January meeting, nominations may be made for the vacant office(s) at the February meeting.

Section 6. The Executive Board shall consist of the Commander, First Vice Commander, Second Vice Commander, Finance Officer, Adjutant and the immediate Past Commander. The Judge Advocate will serve as a member without a vote on the Executive Board.

Section 7. Every member of this Post in Good Standing shall be eligible to hold an office in this Post.

Section 8. The duties of Officer and Executive Board members shall be those duties usually pertaining to those positions and as further provided in the By-Laws.

Section 9. All vacancies existing in the Executive Board, or in any office for the Post for any cause other than expiration of the term, shall be filled by the majority vote of the remaining members of the Executive Board. A person so appointed shall hold office for the un-expired term of the person whom he or she succeeds. A vacancy shall exist when a member or officer is absent from his post for a continuous period considered detrimental to the interest of the Post by the Executive Board.

## **ARTICLE VII**

## **COMMITTEES**

Section 1. The Commander, upon taking office each year, shall appoint the following standing committees of the Post. Americanism, Membership, Veterans Affairs and Rehabilitation, Public Relations, Children and Youth, Finance, National Security, Advisor to the Sons of The American Legion, and any other committees requested by the Executive Board or by the members at the regular Post meeting.

## **ARTICLE VIII**

## **MEETINGS**

Section 1. The regular meeting of the Post shall be held at the Post Home on the Third (3rd) Tuesday of each month at 7PM. Eleven (11) members shall constitute a quorum, for transacting such business as may be properly brought up for action.

Section 2. Special meetings of the Post can be called by a majority vote of the Executive Board, in writing, or upon the written petition of ten (10) members in good standing.

Section 3. A majority (4) of the Executive Board must be present at their meetings to act on any business, which would have an affect on the Post.

## **ARTICLE IX**

## **FINANCE AND CONTRACT**

Section 1. The revenue of this Post shall be derived from annual membership dues, and from other sources as may be recommended by the Executive Board and approved by the membership at regular Post meetings.

Section 2. After a contract has been approved by the membership and the Executive Board, the Commander, Adjutant and Judge Advocate shall sign it. In the event that there is no Judge Advocate, the Finance Officer shall sign.

Section 3. Beginning in February 2001 and every two years and at the discretion of the Executive Board an audit of the Post's finances shall be performed by the Post's Accountant.

## **ARTICLE X**

## **CHARTER MEMBERS**

Section 1. Members who signed the original application for a Charter will be known as Charter Members



## ARTICLE XI

## AUXILIARY MEMBERS

Section 1. Young-Richardson Post 59 of The American Legion recognizes an Auxiliary organization to be known as The American Legion Auxiliary, Unit Number 59 of the Young-Richardson Post 59.

Section 2. Young-Richardson Post 59 of The American Legion recognizes and sponsors the organization known as the Sons of The American Legion, Squadron 59 of the Young-Richardson Post 59.

## ARTICLE XII

## RULES OF PROCEDURE

Section 1. The majority shall rule on all motions or resolutions not otherwise provided for.

Section 2. All differences of opinion with regard to points of order or mode of procedure not otherwise provided for shall be governed by Parliamentary practice as set forth in Robert's Rules of Order and as interpreted by the Judge Advocate.

## ARTICLE XIII

## AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion, and of the Constitution of the Department of New Hampshire, The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions here shall automatically repeal or modify the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution and By-Laws may be amended at any regular Post meeting by vote of Two-Thirds of the members of said Post attending such regular meeting, provided that the proposed amendment shall be submitted in writing and read at the immediate prior regular meeting of said Post. And provided further that written notice, either special or in the Monthly Newsletter, shall have been given to all members at least ten (10) 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 and By-Laws is to be voted upon.