

Post Constitution and By-Laws

(Article VII, Section 2, Department By-Laws, as amended at the 1957 Department Convention, provides the following:)

- A. No new charter will be considered for a Post unless a copy of its proposed Constitution and By-Laws is attached to the application for a Post Charter; said Proposed Constitution and By-Laws is subject to review by the Department Judge Advocate and approval by the Department Commander. Upon the granting of a temporary charter for said new Post, the proposed Constitution and By-Laws will become valid and binding, subject to revision and/or amendment only as provided therein, and a copy of the Constitution and By-Laws of the Post will remain on file in Department Headquarters.

- B. The Department Executive Committee is charged to adopt a standard form Post Constitution and By-Laws, following the suggested form published by National Headquarters of The American Legion and approved by the National Judge Advocate, to apply to all Posts in the Department of Georgia who have never adopted a Post Constitution and By-Laws. Provided further, the Department Adjutant will, within sixty (60) days from the adjournment of the 1957 Department Convention, submit to each Post not having on file with the Department of Georgia a Post Constitution and By-Laws, a set of said standard form of Constitution and ByLaws for adoption, or in lieu thereof a substitute, duly adopted by said Post which will be subject to the approval of the Department Commander and the Department Judge Advocate.

All controversies arising in any Post or the Department after sixty (60) days from the adjournment of this convention, which does not have on file with the Department Headquarters an approved Constitution and By-Laws will be determined and adjudicated by the Department Judge Advocate and/or the Department Executive Committee in accordance with said standard form of Constitution and By-Laws.

- C. The application of the above Section 2(b) does not in any way preclude any Post from adopting its own special Post Constitution and By-Laws at any time by the proper procedure and vote of the members of the Post. Such special Post Constitution and By-Laws will be subject to review by the Department Judge Advocate and approval by the Department Commander, and a copy of same, adopted and approved will remain on file at Department Headquarters.

THE AMERICAN LEGION
CONSTITUTION OF LARRY HOFF POST NO. 2100,
DEPARTMENT OF GEORGIA

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 per cent 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 goodwill 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

The name of this organization will be LARRY HOFF POST NO. 2100 THE AMERICAN LEGION, DEPARTMENT OF GEORGIA.

ARTICLE II - OBJECTS

The objects and purposes of this Post will 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 the military or police service.

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

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

ARTICLE IV - MEMBERSHIP

Section 1. Eligibility to membership in this Post will be as prescribed by the National Constitution of The American Legion.

Section 2. Applications for membership will be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

Section 3. All applications for membership will be acted upon at the next Executive Committee meeting following the making of such application, and will, at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the members present cast their vote against the acceptance of said application, then such application will be recorded as rejected..

Section 4. Any member of this Post may be expelled for Cause by a two-thirds (2/3) vote of the Executive Committee members present after charges are preferred under oath in writing, and a fair trial had upon the same in accordance with procedure prescribed by National and adopted by the Department Executive Committee.

Section 5. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds (2/3) vote of the Executive Committee membership present at their meeting, and the payment of current dues for the year in which the reinstatement occurs.

Section 6. No person who has been expelled by a Post will 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, he may then appeal to the Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post, and will be ineligible for membership until such permission is granted.

ARTICLE V - OFFICERS AND COMMITTEES

Section 1. The administrative affairs of this Post of The American Legion will, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which will consist of three (3) members in addition to the elected officers of the Post. The term of office of members of the Executive Committee will be for one (1) year. This Post, by its By-Laws, may provide for such standing committees as the business of the organization may require.

Section 2. The officers of this Post will consist of a Commander, a Senior Vice-Commander, three (3) Junior Vice-Commanders, Finance Officer and a Judge Advocate which will be nominated at the April announcement or meeting preceding the annual election. An Adjutant, a Chaplain, a Historian, a Service Officer, and a Sergeant-At-Arms will be appointed by the Commander.

Section 3. All officers and Executive Committeemen will be elected annually and they will hold office until their successors are duly installed or as otherwise provided. Any officer or Executive Committeemen may be removed for inefficiency by the Executive Committee, a two-thirds (2/3) vote of said committee being necessary to affect such removal.

Section 4. Every member of this Post in good standing will be eligible to hold office in this Post.

Section 5. The duties of officers and the Executive Committeemen will be those usually pertaining to such officers or committeemen as further provided in the By-Laws.

ARTICLE VI - FINANCE

Section 1. The revenue of this Post will be derived from the membership or initiation fees, from annual membership dues and from such sources as may be recommended by the Post Executive Committee.

Section 2. The amount of such membership or initiation fees and the amount of such annual Post dues will be fixed and determined by this Post, for the ensuing year.

Section 3. The Post will pay to the Department of Georgia Headquarters the National and Departmental annual per capita dues for each membership transmitted to the Department

ARTICLE VII - CHARTER MEMBERS

Members who joined this Post prior to the issuance of the charter will be known as charter members.

(NOTE: The matter of charter members for the permanent charter is left to the decision of the Post members.)

ARTICLE VIII - AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and the Constitution of the Department of Georgia, The American Legion. Any amendments to said National Constitution or Department Constitution which is in conflict with any provisions hereof will 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 meeting of the Executive Committee by a vote of two-thirds (2/3) of those members of said meeting, providing that the proposed amendment will have been submitted in writing and read at the next preceding regular meeting of said Committee meeting, and providing, further, that written notice (emails) will have been given to all Post members at least ten (10) days in advance of the date when such amendment is to be voted upon, notifying Post members that at such meeting a proposal to amend the Constitution is to be voted upon.

THE AMERICAN LEGION
BY-LAWS OF LARRY HOFF POST NO. 2100
DEPARTMENT OF GEORGIA

ARTICLE I

Section 1. The Post existing under these By-Laws is to be known as the LARRY HOFF POST NO. 2100, THE AMERICAN LEGION, DEPARTMENT OF GEORGIA.

Section 2. The objects of this Post are set forth in the Constitution of Larry Hoff Post 2100.

ARTICLE II - MANAGEMENT

Section 1. The government and management of the Post are entrusted to the Executive Committee as set up in the Post Constitution.

Section 2. The Executive Committee will consist of three (3) members in addition to the elected officers of the Post and together with the other officers of this Post will be elected annually at least fifteen (15) and not more than sixty (60) days prior to the date of the Department Convention. All elections of officers and executive committeemen will be by ballot and the candidate or candidates receiving the highest number of votes will be elected to the respective office or offices for which they are candidates. Installation of officers will be after the Department Convention.

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, will be filled by a majority vote of the remaining members of the committee, and a person so appointed will hold office for the unexpired term of the member of the committee or officer whom he succeeds. A vacancy will 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 Committee.

ARTICLE III - POST EXECUTIVE COMMITTEE

Section 1. The Post Executive Committee will meet for organization and such business as may come before it at the call of the Post Commander within 10 days after the installation of the new officers. Thereafter the Post Executive Committee will meet at the call of the Post Commander at least ever three months and as often as said Commander may deem necessary, five (5) members of the Committee will constitute a quorum thereof.

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

ARTICLE IV - DUTIES OF POST OFFICERS

Section 1. Duties of Post Commander: It will 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 will be Chief Executive Officer of the Post. He will approve all orders directing the disbursement of funds and will make

an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which will be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. He will perform other duties as directed by the Post.

Section 2. Duties of the Senior Vice-Commander: The Senior Vice-Commander will function under the jurisdiction of the Commander in carrying out the policies of the Post. In the event the Commander is not available to preside over any function or meeting, he must assume the jurisdiction and duties of the Commander for the function or meeting. The Senior Vice-Commander will be Chairman of the Membership Committee and will perform such duties as are required of him by the Post, Department and National Constitution.

Section 3. Duties of the Junior Vice-Commanders: The Junior Vice-Commanders will perform the specific functions respectively as assigned to them by the Post Commander and such duties as are usually incident to their office.

Section 4. Duties of the Finance Officer: The Finance Officer will be in charge of all finances and see that they are safely deposited in some local bank or banks and will report once a month to the Executive Committee and the general membership the condition of the finances of the Post, with such recommendations as he may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He will ensure that two (2) signatures are required on checks for disbursing the moneys of the Post. He will furnish such surety bonds in such sums as will be fixed by the Post Executive Committee.

Section 5. Duties of the Adjutant: The Adjutant will have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and 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 this Post.

Section 6. Duties of the Post Judge Advocate: The Post Judge Advocate will be the legal advisor of the Post Commander, the Post and the Executive Committee on legal questions and upon all matters involving interpretation of parliamentary procedure and will interpret this Post's Constitution and By-Laws and on such other matters as may be required of him by the Post Commander, the Post or the Executive Committee.

Section 7. Duties of the Post Chaplain: The Post Chaplain will be charge with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National and Department headquarters from time to time.

Section 8. Duties of the Post Historian: The Post Historian will be charged with the individual records and incidents of the Post and post members, and will perform such duties as may properly pertain to the office as may be determined by the Post and the Executive Committee.

Section 9. Duties of the Post Service Officer: The main function of the Post Service Officer is to advise and assist veterans or other claimants in the preparation of basic VA forms and in developing necessary supporting documentation or evidence. When fully and properly completed, the forms and related evidence should be forwarded to the appropriate VA Representative, who is an accredited representative of The American Legion, for review and submission to the VA. In carrying out the duties and responsibilities of the Post Service Officer, it is essential that no action be taken which would delay or jeopardize the timely submission of a claim and that every effort is made to ensure that the individual's rights and benefits are

are protected. The Post Service Officer will provide any assistance to any needy individual or family, provided the needs are within the guide lines of the Post.

Section 10. Duties of the Sergeant-at-Arms: The Sergeant-At-Arms will assist the Commander in maintaining order and decorum at all meetings. He will introduce visiting distinguished guests; he will be the custodian of all paraphernalia and colors, and see that they are properly displayed. He will perform such duties as prescribed by the Commander.

ARTICLE V -DELEGATES

Delegates and alternates to a Department convention will be elected in the same manner as the Post Officers at a regular meeting of the Post to be held at least fifteen (15) and not more than sixty (60) days prior to the date of such convention.

ARTICLE VI - APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year or at the next regular meeting after installation, may appoint the following standing committees.

Section 2. Americanism Committee. The Americanism Committee will be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions, encouragement of patriotic and civic phases of instruction in schools, Americanization of aliens, combating anti-American propaganda, youth activities by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

Section 3. Children and Youth Committee. The Children and Youth Committee will be charged with aid and service to children of veterans, cooperating with other established agencies in the community, laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "No child of a World War veteran shall be in need of the necessities of life" and "A square deal for every child."

Section 4. Financial Committee. The Commander will appoint, a Finance Committee, to be composed of three (3) members. The Finance Committee will be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, and accounting of all Post funds.

Section 5. House Committee. The House Committee will have charge of all matters pertaining to the Post quarters, publication of "House Rules" applicable to the conduct of members while on the premises of the Post, promotion of club advantages and arrangements for social activities.

Section 6. Membership Committee. The Membership Committee will have charge of all matters pertaining to the membership the Post, including the procuring of new members, reinstatement and eligibility of members.

Section 7. Publicity Committee. The Publicity Committee will be charged with the promotion of public support of the Legion's program by the establishment of proper contact with The American Legion Magazine, Department and National Legion news service and by local publicity of Post programs and activities.

Section 8. Sons of the American Legion Committee. The Sons of the American Legion Committee will be the coordinator of the operation of the Post's Squadron of the Sons of the American Legion.

Section 9. The American Legion Riders Committee. The American Legion Riders Committee will be -----the coordinator of the operation of the Post's group of American Legion Riders.

Section 10. All members of all committees appointed by the Commander will be subject to removal at the pleasure of the Commander.

ARTICLE VII - RESOLUTIONS

All resolutions of state or national scope presented to this Post by a member or reported to this Post by a committee will merely embody the opinion of this Post on the subject and copy of the 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 regular meeting of the members of this Post will be held through YouTube media or interactive media unless changed by a majority vote of members at a General Membership meeting, at which may transact such business as may properly be brought up for action; such meeting may be converted into an entertainment meeting, as may be deemed advisable by the General Membership of the Post.

ARTICLE IX – LIMITATIONS OF LIABILITIES

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

Section 2. The Commander may call a special meeting of the Post, if required.

Section 3. Upon the written request of five (5) members in good standing, the Post Commander will call a special meeting of the Post.

Section 4. Eight (8) members in good standing of this Post will constitute a quorum at any regular or special meeting of the Post.

Section 5. All members will be notified in writing at least ten (10) days in advance of a special called meeting.

Section 6. Minutes and a record of attendance shall be kept of all meetings, both regular and special, and a copy of such minutes and attendance records will be retained by the Post Adjutant and kept on file. The previous minutes of a regular or special meeting will be read, discussed and may be voted on by members.

ARTICLE X - NOTICES

Section 1. Every member will furnish the Post Adjutant with his or her phone no., Text-Smart Phone no. mailing ad.

Section 2. The Post Adjutant will cause notice of the annual election to be given at least ten (10) days prior thereto.

ARTICLE XI RULES OF ORDER

At any meeting of members held under the provision of the By-Laws, all questions of parliamentary laws and rules of order not specifically provided for in the By-Laws will be decided according to the principles laid down in the most current published edition of Robert's Rules of Order as published by the trustee for the Robert's Rules Association.

ARTICLE XII – AMENDMENT OF BY-LAWS

These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending any regular Post meeting, providing that the proposed amendment will have been submitted in writing and read at the next preceding regular meeting of said Post meeting, and providing, further, that written notice will 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 By-Laws is to be voted upon.