



CONSTITUTION AND BYLAWS

THE AMERICAN LEGION DEPARTMENT OF ARIZONA
MARY ELLEN PIOTROWSKI POST 94
PO BOX 5447 SUN CITY WEST, AZ 85376-5447

DECEMBER 7, 2017

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CONSTITUTION AND BYLAWS

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 memory 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 consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

CONSTITUTION

ARTICLE I: NAME

The name of this organization shall be The American Legion Department of Arizona Mary Ellen Piotrowski Post 94.

ARTICLE II: OBJECTS

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, Department, and District 11 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 purposes.

Section 2. This organization shall be absolutely non-political and non-sectarian and shall 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 shall be addressed by his or her military or naval title in any meeting.

ARTICLE IV: MEMBERSHIP

Section 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion. There shall be no form of class of membership except an active membership as herein above provided.

Section 2. Application for membership shall be made by presenting to any duly elected or appointed officer a signed application form, proof of military service and honorable discharge from the Armed Forces of the United States of America.

Section 3. Any member of this Post may be expelled, reprimanded, or suspended for cause by a two-thirds vote of the Executive Committee after charges are preferred by the accuser(s) under oath and in writing, and a fair trial had upon the same. Cause for these actions shall consist of disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of the American Legion.

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 Executive Committee, provided that all dues in arrears and the payment of current dues for the year in which the reinstatement occurs are paid.

Section 5. No person who has been expelled by another 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, that person 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, except as may be otherwise provided by the Bylaws, shall be under the supervision of an Executive Committee which consists of members as specified in the Bylaws. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be such as are specified in the bylaws.

Section 3. All officers and executive committee members shall be elected or appointed annually, and shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committee member may be removed for inefficiency by a two-thirds vote the Executive Committee.

Section 4. Every member of this Post in good standing shall be eligible to hold office unless otherwise provided for herein.

Section 5. The duties of officers and the executive committee shall be those usually appertaining to such officers or committee and as further provided in the Bylaws.

ARTICLE VI: FINANCE

Section 1. The revenue shall be derived from annual membership dues, and from such other sources as may be approved by the Post Executive Committee.

Section 2. The amount of such annual Post dues shall be fixed and determined by this Post.

Section 3. The Post shall pay to Department Headquarters, the National Department, and District dues for every member of the Post.

ARTICLE VII: AMERICAN LEGION AUXILLARY

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of The American Legion Department of Arizona Mary Ellen Piotrowski Post 94.

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

Section 3. The Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee, the Department of Arizona, and The American Legion Department of Arizona Mary Ellen Piotrowski Post 94.

ARTICLE VIII: AMENDMENTS

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 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 the regular Post meeting held on the first Thursday of any month by a vote of two-thirds of the members of said Post attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at two preceding meetings of said Post.

ARTICLE IX: RATIFICATION

This Constitution was amended and accepted by a majority of the members present at the regular meeting held on Thursday, December 7, 2017 at Sun City West as recorded in the minutes of the meeting.

BYLAWS

ARTICLE I: NAME

Section 1. The post existing under these by-laws is to be known as The American Legion Department of Arizona Mary Ellen Piotrowski Post 94.

Section 2. The objectives of this Post are as set forth in the Constitution.

ARTICLE II: OFFICERS

Section 1. The officers shall be a Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Judge Advocate, Public Relations Officer, Service Officer, and Sergeant-at-Arms.

- a. **Elected Officers:** The Commander, Senior Vice Commander, Junior Vice Commander, and Finance Officer shall be elected annually by the members.
- b. **Appointed Officers:** The Adjutant, Service Officer, Historian, Chaplain, Judge Advocate, Public Relations Officer, Sergeant-at-Arms, and any others as deemed appropriate shall be appointed by the Commander.
- c. All Officers shall hold office for one (1) year or until their successors are elected and have been installed.
- d. Executive committee members (herein after referred to as Trustees) shall hold office for three (3) years or until their successors are elected and have been installed. Trustees shall serve no more than two consecutive terms. One (1) Trustee (herein after referred to as the First Year Trustee) will be elected annually.

Section 2. Nominations for the elected officer and trustee positions shall be made at the March Post meeting by a Nominating Committee appointed by the current Commander. Nominations may also be accepted from the floor during the March meeting.

- a. The Nominating Committee shall consist of three (3) available Past Commanders and shall begin recruitment after the January meeting. In the event three (3) Past Commanders are not available, the Commander will appoint members as needed to have a three (3) member committee.
- b. Candidates must be present to accept a nomination from the floor or have submitted an acceptance in writing to the Adjutant prior to the start of the meeting.
- c. Each member in good standing is eligible to hold any elected or appointed position.
- d. No member may hold an elective office and an appointed salaried office in this post at the same time.

Section 3. Election will be held annually at the regular April meeting. The incoming Commander will make all appointments prior to the May meeting.

- a. All voting shall be by ballot unless the candidate is running unopposed.
- b. Each present Post member in good standing shall be entitled to vote.
- c. All members who notify the Adjutant their inability to be present at the election of officers, shall be given an absentee ballot which shall be canvassed at the same time and place as the other ballots, provided that said ballots have been received prior to the closing of the polls.
- d. The Trustees shall, providing they are not candidates for Office, canvass the votes in presence of the Post and announce the results at the same meeting.
 - 1) The person receiving a majority of votes for any office shall be declared elected.
 - 2) If no person received a majority of votes cast for an office, a new ballot shall be prepared containing the names of the two (2) persons receiving the highest number of votes for any such office and a new vote will be taken.

Section 4. Newly elected and appointed officers will be installed at the May meeting and will assume duties on July 1st (start of the fiscal year).

ARTICLE III: EXECUTIVE COMMITTEE

Section 1. The government and management of the Post is entrusted to an Executive Committee to be known as the "Executive Committee" or simply the "Committee".

Section 2. The Executive Committee shall consist of the Officers, the Trustees, and Past Post Commanders. The Commander, Senior-Vice Commander, Junior Vice Commander, Finance Officer, the three (3) Trustees are members with a vote. The appointed officers and the Past Commanders are members with a voice but without a vote. Three (3) voting members, at least one of which must be an officer, constitute a quorum at all Committee meetings.

Section 3. The Executive Committee shall meet for organization and such other business as may come before it at the call of the Commander within ten days after the installation of the new officers. There after the Executive Committee shall meet at the call of the Commander. The Commander shall call a meeting of the Executive Committee upon the joint written request of three (3) or more members of the Executive Committee.

Section 4. The Executive Committee shall have general charge of all the affairs and business of the Post; shall adopt all rules and regulations necessary for the affairs and conduct of the Post; shall authorize all expenditures and contracts necessary in conduct of the affairs of the Post; and, in general, constitute the ruling and governing power of the Post for the purposes

aforsaid, as well as in all matters affecting its policy, finances, discipline, decorum and harmony except as hereinafter provided.

Section 5. The Executive Committee may appoint such assistants to officers named herein as they may deem to be necessary; shall authorize and approve all expenditures; may require adequate bonds from all persons having custody of Post funds; and generally shall have charge of and be responsible for the management of the affairs of the Post.

Section 6. All actions taken by the Executive Committee shall be reported to the Post members for their information. A written report of all meetings held by the Executive Committee shall be submitted at its next meeting for review.

Section 7. Any member of the Executive Committee may be removed for good cause by a vote of three-fourths of the members present at a regular or special meeting of the Post. Cause for these actions shall consist of disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of The American Legion.

Section 8. All vacancies, other than Past Post Commander, existing in the Executive Committee, from any cause other than term expiration, shall be filled at a special election called for such purpose during the next meeting following the announcement of such vacancy to the members of the Post a majority vote of the remaining members of the Committee. A person so appointed shall hold office for the unexpired term. A vacancy shall exist when a member or officer is absent from the Post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

ARTICLE IV: DUTIES OF OFFICERS

Section 1. Commander: It shall be the duty of the Commander to preside at all meetings and meetings of the Executive Committee; to have general supervision over the business and affairs of the Post, and is the chief executive officer. The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business for the year and recommendations for the ensuing year which shall be read at the meeting for the annual election, and a copy thereof immediately forward to the Department Adjutant. The Commander shall perform such other duties as directed; shall execute jointly with the Adjutant without personal liability, all contracts, bonds and other instruments in writing provided and required by the Executive Committee.

Section 2. Senior Vice Commander: It shall be the duty of the Senior Vice Commander to assume and discharge the duties of the Commander in the absence or disability of, or when called upon by the Commander. The Senior Vice Commander shall appoint and supervise the Membership Committee for completion of a successful membership program.

Section 3. Junior Vice Commander: It shall be the duty of the Junior Vice Commander to assume and discharge the duties of the office of Commander in the absence or disability of the Commander and Senior Vice Commander or when called upon by the Commander. The Junior Vice Commander shall be in charge of all entertainment and social activities of the

Post and shall perform all duties and responsibilities thereof. The Junior Vice Commander shall appoint and supervise the Americanism Committee for completion of a successful Americanism program.

Section 4. Adjutant: The Adjutant shall have charge of and keep full and correct records of all proceedings of all meetings and keep such records as the Department or National organization may require; render reports and membership annually or when called upon at the meeting; shall have general charge of books and accounts, save those in the custody of the Finance Officer; shall render an annual account; and shall perform such other duties and acts as shall be required by the Executive Committee and, under the direction of the Commander, shall handle all correspondence.

Section 5. Service Officer: The Service Officer shall supervise all matters pertaining to the needs of ex-service persons in their dealings with the United States Department of Veteran Affairs or any other Department of the United States Government or any agency created by the State of Arizona affecting any dealings with ex-service persons. The Service Officer shall have supervision over the employment of needy Legion members in outside work and shall supervise the giving of relief to indigents and the care of families of ex-service people.

Section 6. Finance Officer: The Finance Officer shall have charge of all finances and see that all funds are safely deposited in a local bank(s) or savings institution(s) which are insured under the Federal Reserve System. The Finance Officer will:

- a. Provide a monthly report to the Executive Committee the condition of the finances, with such recommendations as deemed expedient or necessary for raising funds with which to carry-on activities.
- b. Keep a set of books or other permanent records showing distribution of receipts and disbursements, crediting receipts and charge disbursements of the proper items of the budget.
- c. Prepare and sign all checks when directed by the Commander. In the absence of the Finance Officer, the Commander or Adjutant may sign checks.
- d. Supervise the Finance Committee's preparation of an annual budget and present that budget to the Executive Committee for approval.
- e. No disbursements shall be made by the Finance Officer from any funds on hand when the funds allocated by the budget are exhausted.

Section 7. Historian: The Historian shall be charged with the individual records and incidents of the Post and members and shall perform such other duties as may properly pertain to the office as may be determined by the Post or the Executive Committee.

Section 8. Chaplain: The Chaplain shall be charged with the spiritual welfare of the comrades and will offer divine nonsectarian services in the event of dedications, funerals,

and public functions, etc., and adhere to such ceremonial rituals as are recommended by the National Headquarters from time to time.

Section 9. Sergeant-at Arms: The Sergeant-at-Arms shall preserve order at all meetings, be responsible for the posting and retrieval of the Colors and performing other duties as may be assigned by the Commander.

Section 10. Judge Advocate: The Judge Advocate's duty is to supply professional advice in the conduct of business or to procure proper counsel and is the guardian of Constitutional form of government. The Judge Advocate interprets the Constitution and Bylaws, and rules on the legality of officers and members actions and decisions.

Section 11. Public Relations Officer: The Public Relations Officer shall promote public awareness and support of the Legions programs and presence in the community through publicity of activities using all local media available; advising and assisting the Commander and program committee chairs in the planning of such activities for optimum public exposure and media interest; and keeping the membership informed of Legion programs and policies.

Section 12: Trustee: The Trustees shall assist post officers in the conduct of their assigned duties, and canvas the ballots during elections. They interact with the membership and regularly advise the Executive Committee on the interests and concerns of the members. Trustees serve as voting members of the Executive Committee.

ARTICLE V: DELEGATES

Delegates and alternates to Department convention shall be selected by the Post at a regular meeting to be held at least 30 days prior to the date of such convention.

ARTICLE VI: APPOINTMENTS

The Commander, immediately upon taking office each year, shall appoint the following:

- a. Adjutant, Service Officer, Historian, Chaplain, Judge Advocate, and Public Relations Officer (Article II: Officers, Section 1.b. Appointed officers).
- b. Other officers or committees as needed and recommended by the Executive Committee.
- c. **Americanism Committee:** The Americanism Committee will be chaired by the Junior Vice Commander and shall be charged with inspiring patriotism and good citizenship by arranging for proper observance of patriotic occasions; encouraging patriotic and civic instruction in schools; Americanization of aliens; combating anti-American propaganda by educating the general public in American ideals through public forums, etc., and activities for community and civic betterment.
- d. **Finance Committee:** The Finance Committee will consist of the Senior Vice Commander (without a vote), the Finance Officer (without a vote), and three (3)

voting members. The Finance Committee shall devise ways and means of raising finances and shall arrange for the authorization thereof; shall audit the accounts of the Finance Officer; and prepare the annual budget.

- e. The budget shall cover the period to the end of the current year and shall allot the proportion of the income, or state the source of the funds, which may be used for any given purpose.
- f. Once approved by the Executive Committee and adopted by the membership, the budget shall become part of these bylaws for the period covered and can only be changed in the manner prescribed for amendment of these bylaws (Article XII: Amendments).

ARTICLE VII: RESOLUTIONS

All resolutions of state or national scope presented by a member or reported by a committee shall merely embody the opinion of this Post on the subject and copy of same shall be forwarded through the District 11 Adjutant to the Department Headquarters for approval before any publicity is given or action other than mere passage is taken.

ARTICLE VIII: MEETINGS

Section 1. The regular meeting shall be held at the Quail Room on the first Thursday of the month except Jun-Aug, 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.

Section 2. The Commander or a majority of the Executive Committee shall have power to call a special meeting at any time.

Section 3. Upon the written request of seven (7) members, stating the reason for a special meeting the Committee shall call a special meeting.

Section 4. Ten (10) members shall constitute a quorum.

ARTICLE IX: NOTICES

Section 1. Every member shall furnish the adjutant with an address for mailing, a phone number, and if available, an email for the Post's use.

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

ARTICLE X: RULES OF ORDER

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

ARTICLE XI: LIMITATIONS OF LIABILITIES

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: AMENDMENTS

Section 1. These By-Laws may be amended at any regular meeting by a vote of two-thirds of the members attending such regular meeting providing:

- a. The proposed amendment shall have been submitted in writing and read at the next preceding regular meeting.
- b. Written notice shall have been given to all members at their last known address or email address at least seven (7) days in advance of the date when such amendment is to be voted upon.

Section 2. These bylaws will be revised and updated once amendments are approved.

ARTICLE XIII: RATIFICATION

These Bylaws were amended and accepted by a majority of the members present at the regular meeting held on Thursday, December 7, 2017 at Sun City West as recorded in the minutes of the meeting.

Record of Changes

Originally published

Revised

October 4, 2007

Revised

November 1, 2007

Revised

October 2, 2014

Revised

December 7, 2017