



CONSTITUTION  
AND  
BY-LAWS

OF

THE AMERICAN LEGION, DEPARTMENT OF  
COLORADO,

LOVELAND POST 15

REVISED: DECEMBER 11, 2007

# 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 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

The name of this organization shall be Loveland Post No. 15, The American Legion, Department of Colorado.

## ARTICLE - II OBJECTS AND PURPOSE

Section 1. The objects and purpose of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Department Constitution of The American Legion.

## ARTICLE - III NATURE

Section 1. 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 of deferment.

Section 2. Rank does not exist in The American Legion; no member shall be addressed by their military or naval title in any meeting of this Post.

## 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 shall be made on the prescribed membership form, it is accompanied by the necessary fees herein described. Proof of honorable military service (DD-214, etc.) will be required for all new membership processing. Applicants who are found ineligible for membership shall be so informed by the Adjutant who will notify the applicant, and they will have the dues and supporting documents, if any, returned.
- Section 3. Any member of this Post may be expelled for cause by a 2/3 vote of the membership in attendance at the next regular or special meeting of Post 15. After charges are preferred under oath in writing, or prescribed by the Constitution and By Laws of the Department of Colorado Article XII, Section 1, and a fair trial had upon the same.
- Section 4. A member who has been expelled from this Post for any cause may be reinstated to membership by a 2/3 vote of the membership present at the next regular or special meeting of Post 15.
- Section 5. Any member of this Post desiring to transfer to another Post shall upon application to the Adjutant, be furnished with a transfer card, provided all dues and assessments shall have been paid to date.
- Section 6. If accepted, the Adjutant shall notify the applicant, unless the applicant is present at the meeting, of acceptance into membership and instruct the applicant when to appear for initiation. If in attendance, the candidate may be initiated the same night. If rejected, the Adjutant shall notify the applicant, return the dues, and inform the applicant that they may be reconsidered in six (6) months from the date of rejection.
- Section 7. Requests for reinstatement must be accompanied by dues for the current membership year and the prior year's dues.

#### ARTICLE - V OFFICERS

- Section 1. The following shall be elected officers of this Post: Commander, Senior Vice-Commander, Junior Vice-Commander, Adjutant, Asst. Adjutant, Chaplain, Finance Officer and Sergeant at Arms.
- Section 2. Election of officers shall be as follows: The Commander shall appoint a Nominating Committee of not less than 3 to nominate at least one candidate for each office as set forth in section 1 of this Article. In addition to the nominations made by the Nominating Committee nominations may be made from the floor by any member of the post and nominations shall be open for two meetings including the annual election meeting.
- Section 3. All elective officers shall be elected by secret ballot at the annual election. Said election shall be held at the last regular meeting of April.

- Section 4. The duly elected officers shall be regularly installed in their respective offices at time and date approved by the membership, which shall be prior to the convening of the Department Convention following their election.
- Section 5. The term of office for each elected office shall commence upon the adjournment of Department Convention next after their election and installation.
- Section 6. A vacancy from an unexpired term shall be filled as followed:  
(a) A vacancy in the office of Commander shall be filled by the advancement of the Senior Vice Commander.  
(b) A vacancy in the office of Senior Vice Commander shall be filled by the advancement of the Junior Vice Commander.  
(c) All other vacancies existing in any office shall be filled by nominations from the floor and election by the membership in attendance at the next regular or special meeting of Post 15.
- Section 7. All officers other than those designated in Section 1, Article 5 of this Constitution including Service Officer, Historian, and such other officers as may be deemed essential by the Executive Committee or the Commander may be appointed by the Commander.
- Section 8. Any time an officer elected or appointed misses three consecutive regular meetings without just cause, the office shall be declared vacant by the Commander and they will be replaced by election or appointment. (These officers shall include all those representing Loveland, Post #15 in the Associated Veterans of Loveland.)

#### ARTICLE - VI EXECUTIVE COMMITTEE

- Section 1. The administrative affairs of this Post of The American Legion except as may be otherwise provided by the By-Laws shall be under the supervision of the Executive Committee.
- Section 2. Where the Post is in cooperation with other veteran organizations as in The Associated Veterans of Loveland, the Executive Committee will be suspended and the best interests of the Post will be satisfied by representatives appointed by the Post Commander to conduct business as members of Board-of Governors or any other needed committees. This incorporation will govern all aspects of administrative duties that the Executive Committee would otherwise control, I.E. building maintenance, lounge operations and other services that the Post chooses to manage. If The Associated Veterans of Loveland is ever dissolved, the Executive Committee will be reconstituted and assume their role for all administrative affairs of the Post as prescribed in the Constitution and Bylaws.

Section 3. The Executive Committee shall consist of the 8 elected officers together with the immediate Past Commander, making a total of nine of whom five shall constitute a quorum.

ARTICLE – VII  
COMMITTEES AND APPOINTMENTS

Section 1. The Post Commander immediately upon taking office each year shall appoint such Standing Committees as deemed necessary by the Executive Committee to fully comply with the Department and the National mandates of The American Legion Program and to carry on successfully the Post activities.

Section 2. The Commander shall also appoint a Service Officer and a Post Historian as well as any other Officer deemed necessary by the Executive Committee.

ARTICLE – VIII  
LIMITATIONS OF LIABILITIES

Section 1. Post 15 shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other association, subdivision, members of The American Legion, or other individuals, corporations or organizations.

Section 2. No member, officer, or committee of Post 15 shall have authority to bind it by contract or incur any obligation upon its behalf, except by express authority of the Post 15 Commander. All contracts entered into on behalf of Post 15 shall be in writing, reviewed by the Post Commander, executed by the Adjutant and evidenced by its corporate seal, if available, which shall be affixed by the Finance Officer and attested by his signature.

Section 3. Notwithstanding any other provision herein or in the Post 15 By-Laws, no officer, employee or representative of Post 15 shall take any action or carry on any activity by or on behalf of the Post 15 not permitted to be taken or carried on by an organization exempt under Section 501(c)(19) of the Internal Revenue Code of 1986 and its Regulations as they now exist or as they may hereafter be amended, or by an organization contributions to which are deductible under Section 170(c)(2) of the Code.

ARTICLE – X  
AMENDMENTS

Section 1. Amendments to this Constitution and Bylaws shall be submitted in writing at the regular meeting of the Post and may be voted on at the next succeeding meeting and shall be adopted by a 2/3 vote of members present at said second meeting. Providing that notice of mail shall be given to all members in advance of the date when such amendment is to be voted on.

- Section 2. This Constitution and Bylaws is adopted subject to the provisions of the National Constitution and Bylaws of The American Legion. Any provision of, or amendment to the National Constitution of The American Legion, which is in conflict with any provisions herein, shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.
- Section 3. All changes to this Constitution and Bylaws whether proposed, administrative, pending, or finally approved shall be recorded contemporaneously herein and entered in the Change Log attached herein as Appendix "A". Appendix "A" is intended to track modification and/or amendment to the Constitution and Bylaws. All modifications to this Constitution and Bylaws, including, but not limited to, amendments and corrections, shall be recorded in Appendix A and maintained by the Adjutant. Entries shall include the date, the effected paragraph, the identity of the person or group initiating the change, and the status of the change. Change status shall be one of the following:
- (a) "APP" meaning approved by majority vote at The American Legion, Post 15 Meeting of those members in attendance.
  - (b) "DEF" meaning defeated or removed by majority vote at The American Legion, Post 15 Meeting of those members in attendance.
  - (c) "NVR" meaning no vote is required; typically used for correction of typographical errors.
  - (d) "DIR" meaning the alteration was performed under the direction of The American Legion, Department of Colorado or National.
  - (e) "PDG" meaning the alteration was performed as a draft to the document and is pending approval but a 2/3 vote by the members in attendance of a regular meeting.

## By-Laws

### ARTICLE - I NAME

- Section 1. The following shall be the By-Laws of Post No. 15, The American Legion, Department of Colorado.
- Section 2. **POWERS OF THE EXECUTIVE COMMITTEE:**  
The Post Executive Committee shall meet at the call of the Commander. Powers and duties of the Executive Committee shall be as set forth in the Constitution.
- Section 3. **DUTIES OF THE OFFICERS:**  
The Commander  
It shall be the duty of the Post Commander to preside over all Post and Executive Committee meetings; to preserve order and enforce strict observance of the constitutional bylaws; to appoint members of the committees, unless otherwise provided for in these bylaws; to serve as ex-officio member of all committees except the nominating committee; and to prescribe any and all special duties for other officers and committees. The Commander shall not vote except in the case of a tie.

The Commander shall attend or designate an alternate representative to attend all District and Department conferences and conventions.

Senior Vice Commander

Shall assume and discharge the duties of the office of Commander in the absence of, disability of, or when called upon by the Post Commander. The Senior Vice Commander shall be the Post Membership Chairman. He will also serve as a member of the Executive Committee.

Junior Vice Commander

Shall assist the Senior Vice Commander in his duties and serve as a member of the Executive Committee. The Junior Vice Commander shall also assist the Commander in the discharge of their official duties and shall assume the duties of the Commander in the absence or disability of both the Commander and Senior Vice Commander. The Junior Vice Commander is also responsible for Legion programs and activities

The Adjutant

The Post Adjutant shall have charge of and keep full and accurate records of all proceedings of all Post and Executive Committee meetings, keeping such records as the Department and National organizations may request; render reports of membership annually or when called upon at a meeting and under the direction of the Commander, handle all the correspondence of the Post. The Post Adjutant shall serve as a member of the Executive Committee.

Assistant Adjutant

Shall take minutes of the Post and Executive Committee meetings under the direction of the Post Adjutant and shall assist the Post Adjutant in the discharge of their duties and assume the duties in the absence of the Post Adjutant. He shall serve as a member of the Executive Committee.

Finance Officer

Shall have charge of all Post funds except provided herein and see that they are safely deposited in a bank or banks and shall report once monthly or when-ever called upon to report to the Executive Committee and the Post the condition of finances of the Post. The Finance Officer may make recommendations that are deemed expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer shall serve as Chairman of the Finance Committee. He is a member of the Executive Committee.

Post Chaplain

The Post Chaplain shall be charged with the spiritual welfare of the Post and its members will arrange divine but non-sectarian services in the event of funerals, dedications, public functions and other gatherings where such service might be applicable. The Chaplain shall adhere to such ceremonial rituals as are recommended by the National and Department Headquarters. He shall be a member of the Executive Committee.

Sergeant at Arms

The Sergeant-at-Arms shall preserve order at all meetings and shall see that meetings place is properly arranged before the meetings and shall perform such other duties as

may be assigned to him by the Post Commander or Executive Committee. He shall be a member of the Executive Committee.

#### Appointed Officers

It shall be the duty of the Post Commander to appoint a Post Service Officer, Historian and such other officer as may be deemed necessary to the operation of the Post.

#### Section 4. CONVENTIONS AND CONFERENCES:

Delegates to the Department and/or District Convention shall be elected by ballot by the Post at a regular meeting of the Post. Post Commander and Adjutant shall automatically serve on such delegations. Post Commander shall serve as the Chairman of the Delegation in each instance, and in the Commanders absence shall be elected by the Delegation.

#### RESOLUTIONS:

All resolutions of District, State, and National scope presented to this Post by a member or reported to this Post by Committee shall merely embody the opinion of this Post on the subject if adopted and said resolution shall be presented to the District or State Department for final approval.

#### Section 5. MEETINGS:

1. The regular meetings of the Post shall be held at the Associated Veterans of Loveland on the 2<sup>nd</sup> Tuesday of every month, promptly at 7:00 PM, unless otherwise specified. When a legal holiday occurs on any meeting day, or when a meeting must be canceled due to other circumstances, the Post Commander may arrange to hold the meeting on another day and shall see that the membership is so advised.
2. The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.
3. At a written request of 6 members, the Executive Committee shall call a special meeting of the Post.
4. Six members shall constitute a quorum.
5. All meetings shall be conducted in conformity with the American Legion's Manual of Ceremonies.
6. All proceedings of this Post shall be conducted in accordance with Robert's Rules of Order, revised, except as otherwise provided herein.

#### Section 6. FINANCES:

1. The revenue of the Post shall be derived from annual membership dues and membership for life dues as provided by the Constitution and By-Laws of The American Legion, Department of Colorado and other such sources as may be approved by the Post and within the guidelines of the Constitution of The American Legion, Department of Colorado.
2. Revenue derived by games of chance as governed by the State of Colorado shall be placed in a separate account as provided by said laws and use of these funds shall be governed by said laws.
3. Any disbursement of funds except for membership dues must have final approval of Post membership. Any disbursement over One thousand

dollars (\$1000.00) for any one item must be approved at two (2) consecutive regular business meeting of the Post. The Post Commanders will have digression to spending funds up to Three hundred dollars (\$300.00), provided it is in the good interest of the Post or its members.

Section 7. AMENDMENTS:  
These By-Laws may be amended at any regular Post meeting by a vote of 2/3 of the members of said Post attending such regular meeting, providing there is a quorum present. Provided, that the proposed amendment shall have been submitted in writing and read at the next proceeding regular meeting of the said Post and provide further, that written notice shall have been given to all members at least 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. This notification shall be made by special notice.

Section 8. These By-Laws shall become effective upon adoption by the Post at a regular meeting

Proposed to Post15 membership on October 10, 2007 .

Voted on at the regular meeting on December 11, 2007 .

Approved on December 11, 2007 at

the regular meeting, a quorum being present, and mailed to Department on December 11, 2007 .

CERTIFIED BY:

PRINT Bill Peterson SIGNATURE *Signature on File Copy* Post 15, Adjutant

PRINT Robb Smith SIGNATURE *Signature on File Copy* Post 15, Commander

APPENDIX – A  
CHANGE LOG

<b>Date</b>	<b>Article/section</b>	<b>Change</b>	<b>By</b>
12/11/2007	Constitution and Bylaws	PDG – Full revision to reflect business practices currently being done today	CDR Robb Smith

EXAMPLE

<b>Date</b>	<b>Article/section</b>	<b>Change</b>	<b>By</b>
5/25/2006	Constitution	PEN – Constitution Draft	CDR Robb Smith
6/25/2006	Article VII, Section 1	NVR - Typographical error corrected – "position" was omitted	CDR Robb Smith