

THE AMERICAN LEGION
KAUKAUNA POST 41, INC.



POST BY-LAWS

AMENDED NOVEMBER 9, 2017

VETERANS ASSISTING VETERANS

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.

BY-LAWS OF KAUKAUNA POST 41 INC.

ARTICLE I - ORGANIZATION

Section 1. The Post existing under these By-Laws is to be known as Kaukauna Post 41 Inc., The American Legion, Department of Wisconsin. The location of said Post shall be in the City of Kaukauna, Outagamie County, Wisconsin.

Section 2. The objects of this Post are identical with the objects set forth in the Constitution of the American Legion, Department of Wisconsin.

ARTICLE II - MEMBERSHIP

Section 1. The government and management of this Post is entrusted to an executive committee to be known as The Executive Committee. However, neither the officers nor the Executive Committee have the power to commit the Post to support or sponsor any major project or program unless such project or program shall have been favorably passed upon by a majority vote of those members present at a regular meeting or a special meeting called for that purpose.

Section 2. The Executive Committee shall consist of the elective officers of the Post, and 1 member for each 100 or major fraction thereof of the total Post membership as of May 1, annually. Members of the Executive Committee shall be elected by ballot at the same meeting and in the same manner as the elective Post officers.

Section 3. The elective officers of the Post and the members of the Executive Committee shall be elected by ballot at the regular monthly meeting in May of each year and shall be installed at the regular monthly meeting in June of each year. A majority of the votes cast at the election shall be required to elect such officers and members of the Executive Committee. Failure of any candidate to receive such majority shall necessitate a run-off election between the two candidates receiving the highest vote.

Section 4. There shall be elected by ballot at the regular Post meeting in March of each year, beginning with March 1950, a Nominating Committee. This committee shall serve for one year only.

The Nominating Committee shall be required to present to the regular Post meeting in April of each year a complete list of nominees for each elective office, including members of the Executive Committee. Such nominees must be members of the Post in good standing. Additional nominations for the various elective offices, including membership on the Executive Committee, may be made from the floor at the regular Post meeting in April of each year.

A complete list of all nominees shall be mailed to each member with the notice of the election at least two weeks prior to the May meeting annually.

Section 5. A vacancy existing in the Executive Committee or in any elective offices of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the members present at any regular Post meeting or any special meeting of the Post called for that purpose. Any person so elected shall hold office for the unexpired term of the officer or member of the Executive Committee whom he 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 Committee.

ARTICLE III – 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 10 days after the installation of the new officers. Additional meetings may be called by the Commander whenever he deems necessary.

The Commander shall call a meeting of the Executive Committee upon the joint written request of 10 or more members of the Post, such written request to state the object for which such meeting is to be called. A majority of the members of the Executive Committee shall constitute a quorum thereof. In case of a special meeting of the Executive Committee notice must be given to each member not less than 24 hours in advance.

All actions of the Executive Committee shall be referred to the Post at its regular meeting for ratification or disapproval.

ARTICLE IV – ELECTIVE OFFICERS

The elective officers of the Post shall be as follows:

1. Commander
2. First Vice-Commander
3. Adjutant
4. Finance Officer
5. Service Officer
6. Chaplain
7. Sergeant-at-Arms

ARTICLE V - DUTIES OF OFFICERS

Section 1. Post Commander.

It shall be the duty of the Post Commander to preside at all meetings of the Post, to have general supervision over the business and affairs of the Post, and such officer shall be the chief executive officer of the Post. He 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 June meeting before the newly elected Commander takes over and a copy thereof immediately forwarded to the department adjutant. He shall perform such other duties as the Post may direct.

Section 2. First Vice-Commander

The First Vice-Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by, the Post Commander. He is also Chairman of the membership committee.

Section 3. Adjutant

The Adjutant shall 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; and under direction of the Commander handle all correspondence of the post. As necessary, the Post Adjutant will keep records of all Post members. The Post Adjutant is authorized to make deposits of membership renewals and other funds as may be necessary. All records of deposits will be sent to the Finance Officer.

Section 4. Finance Officer

The Finance Officer shall have charge of all finances and see that they are safely deposited in some local bank or banks. He shall report monthly to the members of the Post, the condition of the Post finances. He shall sign all checks disbursing the funds of the Post. A second signature shall be required on all checks. This second signature can be anyone of the elective officers in good standing. The Post shall furnish a surety bond in such sum as shall be fixed by the Executive Committee that covers all Post personnel with access to the Post financial accounts. The Finance Officer shall keep such books and records as will enable him to give a full and complete financial statement when called upon to do so by the Post or the Executive Committee.

Section 5. Service Officer

The Service Officer shall perform the usual duties incident to his office. The Service Officer will assist any Veterans with questions concerning VA Benefits.

Section 6. Chaplain

The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the event of dedication, funerals, public functions etc., Adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time.

Section 7. Sergeant-at-Arms

The Sergeant-at-Arms shall perform such duties as may be from time to time assigned to him by the Post Commander. He shall preserve order at all meetings.

ARTICLE VI – DELEGATES

Section 1. Delegates and alternates to a department or district convention or conference shall be elected by majority vote at a regular post meeting not less than 30 days prior to the date of such convention or conference. The immediate Commander and Adjutant are hereby declared post delegates to all conferences and meetings.

Section 2. Two delegates and two alternates are to be elected by majority at the regular post meeting in May to represent the post on the Outagamie County Council. The Post Commander also becomes a delegate to the Outagamie County Council.

ARTICLE VII – APPOINTMENTS

Section 1. The Commander, with the approval of the Executive Committee, immediately upon taking office each year, shall appoint the following standing committees: Membership, Finance, Athletic, House, Rules and Regulations, Service Officer, Chaplain, and Historian.

The Executive Committee shall cause the books of the Finance Officer to be audited at least once each year not later than one month after the meeting at which elective officers are elected. They shall cause a written report thereof to be made at a regular meeting of the Post. Said Committee shall supervise the investments of any funds of the Post so that such funds shall consist of investments not lower than investments rating AA. The Executive Committee shall designate the duties of these standing committees.

The chairman of each standing committee shall make a report of the activities of such committees at each regular meeting of the Post.

ARTICLE VIII – MEETINGS

Section 1. The regular meetings of the Post shall be held at the appointed location on the First Tuesday of each month of each year at which may be transacted such business as may properly be brought up for action. Changes to the scheduled dates will be made by majority votes of the members present at a prior meeting.

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

Section 3. Upon written request of a majority of members, the committee shall call a special meeting of the Post.

Section 4. Members present at a regular meeting shall constitute a quorum. A majority of members present at a special meeting shall constitute a quorum.

ARTICLE IX - NOTICES

Section 1. Every member shall furnish the Post Adjutant with his or her address for mailing purposes.

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

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. This Post shall not incur, nor cause to be incurred any liability or obligations whatever which shall subject to liability any other post or subdivision, group of men, members of the American Legion, or other individuals, corporations, or organizations, without their written consent.

ARTICLE XII - AMENDMENTS

Section 1. These by-laws may be amended at any regular Post meeting by a vote of two-thirds of members of said Post attending such regular meeting; provided, that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post; and Provided, further, that written notice shall have been given to all members 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.

ARTICLE XIII – DISCIPLINE OF POST AND POST MEMBERS

Section 1. Each Post of THE AMERICAN LEGION shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of THE AMERICAN LEGION.

Section 2. Members may be suspended or expelled from the Legion only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, and conduct unbecoming a member of THE AMERICAN LEGION. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose his/her membership until given a fair trial by the Post or

Department in such manner and form as the Department By-Laws and Department Executive Committee shall prescribe.

Section 3. Any member who has been suspended or expelled has the right of appeal to his/her Department Executive Committee, or to the Department Convention, according to the provisions in the By-Laws of such Department. The decision of the Department shall be final.

Section 4. A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If his/her dues are paid on or before February first, he/she shall be automatically reinstated. If he/she is still delinquent after February first, he/she shall be suspended from all privileges. If he/she is still under suspension on June thirtieth of such year, his/her membership in THE AMERICAN LEGION shall be forfeited. A member so suspended or whose membership has been forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the years in which the reinstatement occurs. Provided, however, that the Posts, Departments, and the National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with references to former members who have been prevented from the payment of dues by reason of active military service.

These by-laws were adapted at a regular meeting of this Post by a majority vote of the members present, which meeting was held upon the 3rd day of May 1949. Amended May 5, 1959. Amended November 9, 2017.