

**CONSTITUTION  
OF BANNER POST 109  
THE AMERICAN LEGION  
DEPARTMENT OF NORTH CAROLINA  
BENSON, NORTH CAROLINA 27504**

**PREAMBLE**

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of American; to maintain law and order; to foster and perpetuate a one hundred per cent 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 land 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**

Section 1: The name of this organization shall be Banner Post No. 109, The American Legion, Department of North Carolina.

**ARTICLE II**

**OBJECTS**

Section 1: 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 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 military or policed service.

Section 2: This organization shall be absolutely non-political and shall not be used for the dissemination of partisan principles, or 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 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 in writing under each regulation as may from time to time be prescribed by the Post's board-of-directors.

Section 3: All application for membership shall be acted upon at the next post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If ten or more members cast their vote against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six months from the date of such rejection.

Section 4: Any member of this post may be expelled for cause by a two-thirds vote of the board-of-directors after charges are preferred under oath in writing, and a fair trial had upon the same.

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 vote of the membership present in post 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 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, he may then appeal to the state executive committee for the department of the expelling post for permission to apply for membership in this post, and shall be ineligible for membership until such permissions is granted.

## ARTICLE V OFFICERS

Section 1: The administrative affairs of this post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of a Board-of-Directors which shall consist of **six (6)** members and the following officers of the post: Commander; Immediate Past Commander; First Vice Commander; Second Vice Commander; Adjutant; Finance Officer. The term of office of members of the board-of-directors shall be for one year. 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 a commander, first vice-commander; second vice-commander, adjutant, finance officer, post historian, post chaplain, post service officer, 2 sergeant-at-arms, **6** directors and immediate past commander, **and such other officers as may be deemed necessary by this organization**, who shall be nominated from the floor at the meeting preceding the annual election.

Section 3: All officers and board-or-directors shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided. Any officers or members of the board-of-directors may be removed for inefficiency by the board of directors, a two-thirds vote of said board being necessary to effect such removal.

Section 4: Every member of this post in good standing shall be eligible to hold office in this post.

Section 5: The duties of officers and the board-of-directors shall be those usually appertaining to such officers or committeemen and as further provided in the By-Laws.

## ARTICLE VI FINANCE

Section 1: The revenue of this post shall be derived from membership or initiation fees, from annual membership dues and from such other sources as may be approved by the post board-of-directors.

Section 2: The amount of such membership or initiation fees and the amount of such annual post dues shall be fixed and determined by this post **annually**.

Section 3: The post shall pay to departmental headquarters the national and departmental annual membership dues for every member of the post.

**ARTICLE VII**  
**CHARTER MEMBERS**

Section 1: Members who joined this post prior to November 11, 1919 (or members who joined this post prior to the issuance of charter) shall 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**  
**AMERICAN LEGION AUXILIARY**

Section 1: This post recognizes an auxiliary organization to be known as the Auxiliary Unit of Banner Post 109, The American Legion.

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

**ARTICLE IX**  
**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 North Carolina, 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 any regular post meeting by **vote of (5) five per cent of the post membership**, providing that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post, and **providing, further, that written notice shall have been given to all members by posting proposed amendment on Post bulletin board and/or on the Post web site at least thirty days** in advance of the date when such amendment is to be voted upon, and by notifying said members by mail or **post one-call phone system** that at such meeting a proposal to amend the Constitution is to be voted upon.

**BY-LAWS**  
**OF**  
**BANNER POST 109**  
**THE AMERICAN LEGION**  
**DEPARTMENT OF NORTH CAROLINA**  
**BENSON, NORTH CAROLINA 27504**

**ARTICLE 1**

Section 1: The Post existing under these By-Laws is to be known as Banner Post 109, The American Legion, Department of North Carolina.

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

**ARTICLE II**  
**MANAGEMENT**

Section 1: The government and management of the Post are entrusted to a Board-of-Directors of 12 members, to be known as the Board-of-Directors.

Section 2: The Board-of-Directors shall consist of 6 members in addition to the following officers of the Post namely; Commander, Immediate Past Commander, First Vice-Commander, Second Vice-Commander, Adjutant, Finance Officer, who shall be elected annually at the May meeting and take office at the meeting next following that of July 1. All elections of officers and Board-of-Directors shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

Section 3: All vacancies existing in the Board-of-Directors, or in any office of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining member of the board, and a person so appointed shall hold office for the unexpired term of the member of the Board or officer who he succeeds. A vacancy shall exist when a member or officer is absent from this post for three continuous unexcused Board meeting.

## ARTICLE III

### POST BOARD-OF-DIRECTORS

Section 1: The Post Board-of-Directors 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. Thereafter the Post Board-of-Directors shall meet at the call of the Commander at least every month and as often as said Commander may deem necessary. The Commander shall call a meeting of the Post Board-of-Directors upon the joint written request of (7) seven or more members of said Post Board-of-Directors, (7) seven members of the board shall constitute a quorum thereof.

Section 2: The Post Board-of-Directors shall hire such employees as may be necessary; shall require adequate bonds from all persons having the custody of Post funds after April 20, 2018; shall hear the reports of committee chairmen; and generally, shall have charge of and responsible for the management of the affairs of this Post. All meetings of the Board of Directors shall be open to all American Legion Post 109 members that are current with their dues, except in the case of any matter that pertains to a legal issue or personnel issue, which shall be held in closed session, with only the Board of Directors, however, the Board of Directors may at their discretion, invite anyone they deem necessary to participate in the closed session.

Section 3: The Post Board-of-Directors shall authorize and approve all regular expenditures; however, they will require all expenditures over \$2,500.00 to be brought before the membership of said Post for their approval.

## ARTICLE IV

### DUTIES OF OFFICERS

Section 1; Duties of Post Commander. It shall be the duty of the Post Commander to preside at all meeting of the Post and 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 countersign all checks \$2,500.00 or over written by the Finance Officer. 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 annual meeting and a copy thereof be forwarded to the Department Adjutant. He shall perform such other duties as directed by the Post.

Section 2: Duties of First Vice-Commander. The First Vice-Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, when called upon by the Post Commander. He shall be the chairman of the membership committee, and render reports of membership annually or when called upon at a meeting.

Section 3: Duties of the Second Vice-Commander. The Second Vice-Commander shall assist the Commander in all of his duties. He shall be the chairman of the dance and entertainment committee.

Section 4: Duties of the Post Adjutant. The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meeting, keep such records as the Department and National organizations may require, and under direction of the Commander handle all correspondence of the Post.

Section 5: Duties of the Finance Officer. The Finance Officer of the Post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Board-of-Director and Post the condition of the finances of the Post, with such recommendations as he may deem expedient or necessary for raising fund with which to carry on the activities of the Post. He shall sign all checks disbursing the moneys of the Post and will get the signature of the Post Commander on all checks \$2,500.00 or over. He shall furnish such surety bond in such sum as shall be fixed by the Post Board-of-Directors as set forth in Article III Section 2.

Section 6: Duties of Post Historian. The Post Historian shall be charged with the individual records and incidents of the Post and Post member and shall perform such other duties as may properly pertain to the office as may be determined by the Post or the Board-of-Directors.

Section 7: Duties of Post 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 function, etc., and adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

Section 8: Duties of Post Sergeant-at-Arms. The Post Sergeant-at-Arms (2) shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to him by the Post Board-of-Directors.

## **ARTICLE V** **DELEGATES**

Section 1: Delegates and alternates to a Department Convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at least 20 days prior to the date of such Convention.

## **ARTICLE VI** **APPOINTMENTS**

Section 1: The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Membership, Dance and Entertainment, Legal, Publicity, Rehabilitation and Service Committee, Community Service, Oratorical, Americanism, Athletic, Sons of The American Legion, Legion Riders, Children and Youth Committee and Defense Committee. Such standing committees shall consist of such members, and chairman thereof, as shall be designed by the Post Commander.

Section 2: The Membership Committee shall have charge of the matters pertaining to the membership of the Post, including the procuring of new members, reinstatement, and eligibility of members.

Section 3: The Dance and Entertainment Committee shall have charge of all matters pertaining to the care of the Post quarter, promotion of club advantages and arrangements for social activities.

Section 4: The Legal Committee shall be charged with the legal supervision of Post affairs and audit of Post financial account.

Section 5: The Publicity Committee shall be charged with the promotion of public support of the Legion's programs by the establishment of proper contact with The American Legion Magazine, Department and National Legion news service by local publicity of Post programs and activities.



Section 6: The Rehabilitation and Service Committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or State government employment, relief, etc.

Section 7: The Americanism Committee shall 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 by education of the general public in American ideals through public forms, etc. and activities for community and civic betterment.

Section 8: The Athletic Committee shall be charged with the promotion of physical development and clean sports by the organization of Post athletic teams, recreation, etc. and by cooperation and support in the general recreational and athletic programs of the community.

Section 9: Sons of The American Legion Committee shall have oversight of the operation of the Post's squadron of the Sons of The American Legion.

Section 10: Children and Youth Committee shall 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 Veteran shall be in need of the necessities of life" and "a square deal for every child."

Section 11: The Defense Committee shall work with and coordinate Legion efforts with the local Defense Council on matters pertaining to National, civilian, and home defenses and to assist the armed forces of the United States in recruiting efforts and in every way to be active in community activities for the defense of the Nation and the security of the American home.

Section 12. Legion Riders

Section 13: Oratorical

Section 14: Community Service

## **ARTILCLE VII** **RESOLUTIONS**

Section 1: All **resolutions** of State and National scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and copy of 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 Post shall be held at the Post home on the third Friday of each month, 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 of the Post.

Section 2: The Post commander or a majority of the Board-of-Directors shall have power to call a special meeting of the Post at any time.

Section 3: Upon the written request of **(20) twenty members** of the Post , the board shall call a special meeting of the Post.

Section 4: **(5) Five per cent** of current members of the Post shall constitute a quorum.

## **ARTICLE IX** **NOTICES**

Section 1: Every member shall furnish the Post Adjutant with his or her address and phone number for mailing and **one-call phone system** purposes.

Section 2: The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto either by mail or **one-call phone system and posting on the Post Web site.**

## **ARTICLE X** **RULES OF ORDER**

Section 1: All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, except as herein otherwise provided.

**ARTICLE XI**  
**LIMITATIONS OF LIABILITIES**

Section 1: This Post shall incur, or cause to be incurred, no liability nor obligations whatever, which shall subject to liability any other post, subdivision, group of men or women, 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 Post meeting by a vote of (5) Five per cent of the Post membership 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 by posting the proposed amendment on the Post bulletin board and/or on the Post web site at least 30 days in advance of the date when such amendment is to be voted upon, and by notifying said members by mail or one-call phone system that at such meeting a proposal to amend the By-Laws is to be voted upon.

Amended April 20, 2018