

CONSTITUTION AND BY-LAWS OF ORANGE POST NO.127
THE AMERICAN LEGION
DEPARTMENT OF CONNECTICUT
(as revised 05 May 2021)

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 Grèat 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

Section 1. The name of this organization shall be The Orange Post No.127, The American Legion, Department of Connecticut.

ARTICLE II - OBJECTIVES

Section 1. The objectives 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 police service.

Section 2. This organization shall be non-political 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. Notwithstanding such requirements are candidate debates or meet the candidate activities that will inform members of a candidate's positions prior to an election. Campaign materials may not be left behind after such activities. All candidates for a given position must be invited to participate in such activities. No candidate for nomination or election to, and no incumbent of, any remunerative elective public office shall hold any elective office or any appointive remunerative office in this post of The American Legion, provided that, members of post standing committees shall not be affected. Post officers in conflict with this provision will be replaced at the next meeting after such candidacy announcement or appointment and the officer will be considered suspended from office upon declaration of such candidacy.

Section 3. Rank does not exist in The American Legion; no member shall be addressed by his military or naval grade or rank 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.

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Section 2. Application for membership shall be made to the Membership chair in such manner as the membership chair requires to process the membership request.

Section 3. [Deleted]

Section 4. Members of this post may be suspended or expelled only upon a proper showing of cause as provided in the Constitution and By-Laws of The American Legion, Department of Connecticut, Inc.

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 a post meeting, and the payment of current dues for the year in which the reinstatement occurs. If a break in service results from such actions, membership shall restart from year one of continuous service.

Section 6. No person who has been expelled by a post shall be admitted to membership in another post, without the consent of the expelling post, except that where such consent has been asked for and denied by such post, they may then appeal to the State Executive Committee of the department of the expelling post for permission to apply for membership in another post and shall be ineligible for membership until such permission 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 an Executive Committee which shall consist of three members in addition to the officers of the post. The term of office of non-officer members of the Executive Committee shall be for three years. Non-Officer terms shall be staggered by 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, a senior vice-commander, a junior vice-commander, an adjutant, a finance officer, a post historian, a post chaplain, post service officer, a judge advocate and a sergeant-at-arms, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at a meeting preceding the annual election.

Section 3. All officers and non-officer executive committee member whose term has been completed shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or non-officer executive committee member may be removed for inefficiency by a two-thirds vote of members in good standing at a regular meeting provided the entire membership has been given one week's notice in writing, or by electronic notification or Post website notification which will be considered acceptable notification of such proposed action.

Section 4. Every member of this post in good standing shall be eligible to hold office in this post except as provided in Article III.

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

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Section 6. A vacancy occurring in any elective office may be filled for the unexpired portion of the term of said office by a special election at any regular meeting providing members of the post are notified at least one week in advance of said special election.

Section 7. Members of the post shall be notified at least one week in advance that an election is to take place.

Section 8. Officers shall be elected upon a majority vote of the members in good standing at a regular meeting.

ARTICLE VI – FINANCE

Section 1. All monies collected in the name of this post by any officer or member for any purpose whatsoever shall forthwith and without delay be turned over to the Finance Officer, who shall issue a receipt for same. The membership chair shall be given deposit only authorization and will provide deposit slip confirmation to the Finance Officer. Post members shall be authorized to make electronic payments via national or Post website when so authorized. Membership payment receipts are not required as membership cards are considered proof of payment.

Section 2. No expenditure involving the funds of this post shall be authorized or paid unless such expenditure shall first be approved by a majority vote of the members in good standing at a regularly convened meeting of the post. Recurring payments once authorized shall not require further approval but will be disclosed in the monthly finance report given to the membership. It requires a vote of the membership to discontinue a recurring payment. Any outstanding amounts on approved recurring payments (i.e., utilities, financial acct fees, maintenance fees, trash removal, snow removal, etc.) will be paid and considered authorized for payment until the necessary discontinuance has been accomplished.

Section 3. New membership fees in this post shall be regulated by the post. Upon payment of such fee members shall be entitled to all privileges of membership provided membership shall be renewed annually as provided herein.

Section 4. Membership dues shall be due and payable on July 1st of each year. Annual dues shall be regulated by the post. Annual dues changes must be proposed at the regular general monthly meeting before the election of officers is conducted. Members will vote on dues changes prior to the election of officers at that meeting. The membership year shall run from 1 July of the current year through 30 June of the next year. If dues are not paid by December 31st of each calendar year the member shall be classed as delinquent. If still delinquent after April first the member shall be suspended from all privileges. If the member is still under suspension on July 1st of the next membership year, their privileges and membership shall be forfeit. Reinstatement of membership with full rights of continuity of membership will require payment of all missing back dues at the current in effect dues rate per year at the requested time of reinstatement. Payment of just the current dues will cause reinstatement with a break in service. Annual dues will not be prorated as they establish the base year for years of continuity of membership.

Section 5. The fiscal year of this post shall be from the first of August of the current membership year though the 31st of July of the next membership year.

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Section 6. Special one-time assessments of members may be required from time to time to prevent loss or provide improvements to the Post Headquarters building, assets, and properties. Special assessments will be proposed at a meeting prior to the meeting in which any special assessment is voted on. Members will be notified of proposed assessments in writing, electronic communication and/or on the Post website. Such notification will provide the total amount required, individual assessment amount, the purpose of and the need for the assessment. Assessments must be approved by the membership and funds collected before any disbursements occur. The finance officer shall establish a separate tracking account for receipt of funds and disbursements from any such account and provide a monthly report on the status of each special assessment. Such accounts shall be audited at least annually during the annual audit.

ARTICLE VII - CHARTER MEMBERS

Section 1. 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 and OTHER LEGION SPONSORED ORGANIZATIONS

Section 1. This post recognizes an auxiliary organization to be known as Orange Unit No.127, The American Legion Auxiliary.

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

Section 3. This Post recognizes that a Sons of the Legion Squadron is desirable and if established will be known as Orange Connecticut SOL Squadron No. 127, The American Legion or other designation as may be required by the American Legion in chartering such a squadron.

Section 4. Membership in the Squadron shall be as prescribed by applicable regulations and Constitutions and Bylaws of the American Legion and the Sons of the Legion.

Section 5. Other American Legion sub-organizations authorized by National Headquarters, The American Legion and approved by the membership of the Post as its sponsor may be authorized. Membership will be as prescribed by said National Headquarters' direction and that sub-organization's controlling documents.

Section 6. The Post will not incur financial liability for these organizations. Any insurance or bond required to held by the Post for having sponsored such organizations shall be charged to such organization unless waived by the Post membership. Failure to pay such assessment or getting a Post waiver will cause the Post to withdraw its sponsorship. Such organization's finances will be as prescribed in their organization's authorization documents and regulations and not commingled with the Post's finances.

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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 Connecticut, The American Legion. Any amendment to said national or departmental constitution which conflicts 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 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 the next preceding regular meeting of said post, and provided, further, that written notice, electronic notification and/or Post website notifications shall 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 Constitution is to be voted upon.

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BY-LAWS - ARTICLE I – POST NAME and PURPOSE

Section 1. The post existing under these By-Laws is to be known as Orange Post No. 127 The American Legion, Department of Connecticut, Inc.

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

BY-LAWS - ARTICLE II - MANAGEMENT

Section 1. The government and management of the post is entrusted to an Executive Committee of thirteen members, to be known as the "Executive Committee"

Section 2. Election Process

- a. **Positions** - The Executive Committee shall consist of three members in addition to the 10 officers of the post and together with the officers of this post shall be elected annually upon the expiration of their staggered term. These members shall be installed and take office between the adjournment of the Annual Department Convention and the fifteenth day of September, normally on the 1st of July, by the administration of the oath of office.
- b. **Election to Office** - All elections of officers and non-officer executive committee members shall be by ballot or slate 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.
- c. **Ties** - In the event of a tie with multiple candidates greater than two (2), a second vote will be taken with just the tied candidates on the ballot. If there are still multiple tied candidates, the candidates' names will be placed in the equivalent of a hat. Two names will be pulled at a time by a member not involved in the candidacies. Ties will then be decided by a flip of a US quarter dollar by a member not involved in the candidacies. The first-pulled name will call heads or tails prior to the flip. The losing candidate's name will be removed from the hat and the winner's name placed back in the hat and the process will be repeated until only two names are left, at which time a final coin flip will decide the winner. The candidate caller will be determined by the member pulling a name from the hat.
- d. **Election by Slate** - Election by a slate prepared by the nominating committee will be used for offices which have only one candidate showing interest for the position. Nomination committee identified multiple candidates and floor challenged positions shall be removed from any slate. The adjutant will cast one ballot for the election of the slate upon a motion from the floor made to that effect. Challenged positions shall be voted on prior to any slate elections.
- e. **Ballot Counting** - All ballots shall be double counted for validity by two members nominated and approved from the floor for such purpose before the election has begun and that are not candidates.
- f. **Closure of Nominations** - All closure of nominations and slate elections will be requested three times with an adequate time between requests to listen for new nominations from the floor.

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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, shall be filled by a special election at any regular meeting provided members of the post are notified at least one week in advance of said special election. Such 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.

BY- LAWS - ARTICLE III - POST 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 ten days after the installation of the new officers. Thereafter the post Executive Committee shall meet at the call of the commander as often as said commander may deem necessary. The commander shall call a meeting of the post Executive Committee upon the joint written request of three or more members of said post Executive Committee, five members of the committee shall constitute a quorum thereof.

Section 2. The post Executive Committee shall require adequate bonds from all persons having the custody of post funds; shall hear the reports of post committee chairs and generally, shall have charge of and be responsible for the management of the affairs of this post between regular meetings.

BY-LAWS - ARTICLE IV - DUTIES OF THE POST OFFICERS

Section 1. Duties of the Post Commander. It shall 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 shall be the chief executive officer of the post and shall approve all orders directing the disbursement of funds and 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. The Commander shall perform such other duties as directed by the post. The Commander in association with the Adjutant is responsible for authorizing users to the electronic reporting systems. The commander will be bonded in the same amount as the finance officer.

Section 2. Duties of the Post Senior Vice-Commander. The Senior 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.

Section 3. Duties of the Post Junior Vice-Commander. The Junior Vice Commander shall assume the duties and responsibilities of the commander in the absence of the commander and the senior vice-commander.

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 meetings, keep such records as the department and national organization may require, render reports of membership annually or when called upon at a meeting, and under the direction of the commander handle all correspondence of the post. The adjutant is responsible for preparing the annual Consolidated Post Report and submitting it to National in a timely manner and backing up the Commander in authorizing users to post electronic reporting systems. The Adjutant will be bonded in the same amount as the finance officer.

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Section 5. Duties of the Post Finance Officer.

- a. The finance officer shall be charged with the collection and custody of all funds of the post, except as otherwise provided herein. All funds, including cash and securities of all nature, except as otherwise provided, and except a reasonable petty cash account, shall be deposited by the finance officer in a bank in the State of Connecticut in the name of this post and such account shall be known as the Orange Post No.127, Inc., The American Legion account.
- b. Investment funds will be invested in well-established securities and funds based upon; the advice of a licensed security professional; the needs of the post; and approval by the members.
- c. The finance officer shall establish procedures for tracking the petty cash fund replenishment and disbursements.
- d. All bills shall be paid by check bearing the signature of the finance officer, provided that, when the finance officer, because of illness, absence or any other reason cannot perform his duty, the commander or adjutant is authorized to act as finance officer and shall carry out the provisions of this section.
- e. All investment reports, cancelled checks, bank deposit slips and other receipts shall be carefully preserved by the finance officer. The finance officer may use electronic deposit and/or payment processes provided they provide a traceable path for audit purposes.
- f. Once in each month the finance officer shall make a report of the financial condition of the post at a regular meeting.
- g. The books and records of the finance officer shall be audited by a committee of two members of the post in good standing appointed by the commander. Said audit shall be made before the close of the fiscal year as provided herein and such committee shall make a report of its findings in writing prior to the annual installation of officers and shall affix their signatures thereto.
- h. The finance officer shall be held responsible for all funds and assets entrusted to his care and custody and shall be required to post a bond in the sum of one hundred thousand dollars for the faithful performance of his duties, the premium to be paid by the post.
- i. The finance officer shall make an annual report covering the financial condition of the post as of the end of its fiscal year at the first meeting in the new fiscal year.
- j. The finance officer is responsible for making sure all post tax filings are made.

Section 6. Duties of the Post Historian. The historian shall be responsible for the compiling of a complete historical record of the post. The Historian shall have authority to request from the officers, committee chairs and others, information necessary for the performance of the Historian's duties and shall take such action as deemed appropriate for the preservation of such records, provided that if an expenditure of money shall be involved, authorization shall first be obtained at a regular meeting.

Section 7. Duties of the Post Chaplain.

- a. The post chaplain shall be charged with the spiritual welfare of the post and will offer divine-but-non-sectarian service in the event of dedications, funerals, public functions,

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etc., adhere to such ceremonial rituals as are recommended by the national or department headquarters from time to time.

- b. The chaplain shall report membership deaths and illnesses at post regular meetings and provide post get-well intentions to ill members and express post condolences to deceased member families when identified. The chaplain as the post focal point will arrange for membership color guard, firing squad and other family requested bereavement services that the post can provide.

Section 8. Duties of the Post Sergeant-at-Arms. The sergeant-at-arms shall preserve order at all meetings and shall perform such other duties as may from time to time be assigned by the Post Executive Committee.

Section 9. Duties of the Post Service Officer. The service officer shall perform all the duties relating to this office and to the office of State Soldiers, Sailors and Marines Fund Officer. The Service Officer shall not be required to disclose any confidential or personally identifiable information.

Section 10. Duties of the Post Judge Advocate. The judge advocate shall advise the post officers and the post Executive Committee on all legal matters, including the interpretation of the national, departmental and post Constitutions and By-Laws, and shall perform such other duties as are usually incident to the office.

BY-LAWS - ARTICLE V - POST COMMITTEES

Section 1. Except as otherwise provided and except when a committee of one shall be elected by the post, the commander shall appoint all committee chairs. Chairs of committees as recommended by The American Legion, Department of Connecticut and as provided herein, shall be appointed by the commander following the installation of officers.

Section 2. The chairs of each of the following committees shall make a report at each meeting of the post: Membership, American Legion Baseball, House, Oratorical Contest, Boys State, Scholarship and Finance.

Section 3. Chairs of special committees shall be appointed by the commander as such committees are created by a vote of the post.

Section 4. All committee chairs are authorized to appoint associate members and each chair shall be responsible for the functioning of their committees.

BY-LAWS - ARTICLE VI - DELEGATES

Section 1. Delegates and alternates to a department convention shall be elected by the post at a regular meeting of the post held at least twenty days prior to the date of such convention.

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BY-LAWS - ARTICLE VII - RESOLUTIONS

Section 1. All resolutions of state or 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 department headquarters for its approval before any publicity is given or action taken other than mere passage by the post.

BY-LAWS - ARTICLE VIII - MEETINGS

Section 1. The regular meetings of the post shall be held at a place designated by the members at a regular meeting on the first Wednesday of each month, at which may be transacted such business as may be properly 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 Executive Committee shall have the power to call a special meeting of the post at any time.

Section 3. Upon the written request of ten members, the commander shall call a special meeting of the post, provided the entire membership is notified at least one week before the date of such meeting.

Section 4. Ten members shall constitute a quorum.

BY-LAWS - ARTICLE IX - CEREMONIES

Section 1. All ceremonies and observances shall be conducted in the manner prescribed in the Manual of Ceremonies issued by national headquarters: of The American Legion except that when necessary or advisable, ceremonies may be conducted otherwise, provided the procedure is approved at a regular meeting of the post or when necessary, by the Executive Committee. In an emergency the commander or other person in charge of such ceremony or observance may follow such procedure as in his judgment meets the requirements of the occasion.

BY-LAWS - ARTICLE X - NOTICES

Section 1. Every member shall furnish the post adjutant and Membership Chair with his or her address for mailing purposes, telephone number for contact purposes, and email address if available and such other information as needed to update membership records.

Section 2. The post adjutant shall cause notice of the annual election to be given at least one week prior thereto.

BY-LAWS - ARTICLE XI - RULES OF ORDER

Section 1. All proceedings of this post shall be conducted under and pursuant to Roberts'

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Rules of Order (Revised), except as herein otherwise provided. The most current version available shall take precedence.

BY-LAWS - ARTICLE XII - LIMITATION 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, sub-division, group of men, members of the American Legion, or other individuals, corporations, or organizations.

BY-LAWS - ARTICLE XIII - SPECIAL FUNDS

Section 1. No fund appropriated, established, or set aside for a specific service or purpose shall be spent except for such specific service or purpose, including investment (capital improvement) funds. Interest on investment accounts may be used for current operations.

Section 2. A loan to the general fund of the post may be made from a special fund with provision for repayment as agreed by two-thirds vote of the members attending a regular meeting.

Section 3. To abolish any special fund or investment account a two-thirds vote of members of the post in good standing attending a regular meeting must vote its withdrawal, provided that all members have been notified of such intended action at least ten days in advance of the date of such meeting. This does not include changing individual investment funds within the investment account such that no funds are withdrawn or such as any investment transactions requiring approval of the membership at a regularly scheduled meeting for its intended purpose.

Section 4. No withdrawal from a special fund shall be made without the signatures of both the post commander and the post finance officer.

BY-LAWS - ARTICLE XIV - LIQUIDATION OF POST ASSETS

Section 1. All assets of any and every nature of this post must always be subject to the control of all the members in good standing as provided in these By-Laws.

Section 2. No member of this post shall gain any monetary or other consideration of value at the liquidation or dissolution of the assets of this post.

Section 3. When the membership of this post shall decrease to the point where it is deemed advisable and expedient; by a majority vote of the Executive Committee and a majority vote of the post members, to liquidate the assets of this post, action to bring about such liquidation or dissolution of all assets mentioned herein shall be taken by a committee appointed for such purpose by the commander. All assets shall only be disposed of for currency of the United States of America. All such currency, except such as may be necessary to defray the expenses of such liquidation or dissolution, shall be transferred in its total sum to the Department of Connecticut, The American Legion not later than thirty days after such action. It shall be requested that all such currency so transferred be used to establish a fund to be known as The Orange Post No.127, The American Legion Fund and that the Executive Committee of the American Legion Department of Connecticut appoint a committee to administer such fund for the purpose of relief and aid for any

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veteran of any war, or any widow, orphan or other relative of such a veteran in need of relief or aid.

BY-LAWS - ARTICLE XV – MEMBERS IN GOOD STANDING

Section 1. The term "members in good standing" as used in these By-Laws shall mean members who have paid their dues and all other assessments in full by or on the dates set by proper authority.

BY-LAWS - ARTICLE XVI – AMENDMENTS

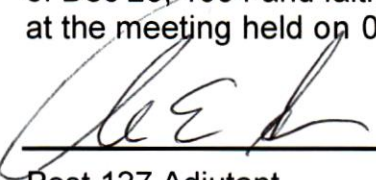
Section 1. These By-Laws may be amended at any regular post meeting by a vote of two-thirds of the members of this post attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of this post; and provided, further, that written, electronic and/or Post website notice shall have been given to all members at least ten 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.

BY-LAWS - ARTICLE XVII - INCONSISTENCY

Section 1. Any provision of these By-Laws inconsistent with the provisions of the national or department Constitution and By-Laws is invalid, but no such inconsistency shall void any other provision hereof.

Certificate of Adjutant

The foregoing Constitution and By Laws of The American Legion, Orange Post No.127 were debated and adopted in final form as a full updated revision to the Constitution and Bylaws of Dec 28, 1954 and faithfully reproduced here at the meeting held on 05 May 2021.



Post 127 Adjutant

ALAN E SCOTT