

BYLAWS  
OF  
THE AMERICAN LEGION  
FRED E. HAYES POST 57  
GRANDVIEW, WASHINGTON  
November 21, 2019

**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 all 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 goodwill 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 The American Legion, Fred E. Hayes Post 57 (hereinafter called Post), having received its Charter from the National Organization of The American Legion and being incorporated under and subject to the laws of the State of Washington.

**ARTICLE II  
Nature**

Section 1. Civilian Organization. The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in The American Legion, and no member shall be addressed by a military or naval title in any convention or meeting of The American Legion.

**ARTICLE III  
Membership**

**Section 1.** Any person shall be eligible for membership in The American Legion who meets the eligibility requirements for membership as established in the National Constitution of The American Legion.

**Section 2.** There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

**Section 3.** No person may be a member at any one time of more than one Post.

**Section 4.** Each Post shall be the judge of its own membership, 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 to remain a member.

a. Each applicant for membership in a Post shall present a fully executed official membership application or transfer form, together with the current dues, for a vote by the Post membership.

(1) Transfers to Other Posts. A member in good standing of this Post may transfer his or her membership to any other Post by submitting to the Adjutant of this Post an application for transfer signed by the member and the Adjutant of the Post to which transfer is desired. No refund of dues shall be made by this Post unless the Department and National per capita dues for such member have been received by the Post but not remitted to the Finance Officer of the Department of Washington or National Organization. Those dues will be returned to the transferring member.

(2) Transfers from Other Posts. A member in good standing of any other Post may apply for membership in Fred E. Hayes Post 57, by notifying the Adjutant of this Post and signing an application for transfer. Such application shall be delivered to the Adjutant of the Post from which transfer is desired; the name of such member shall be referred to the Membership Committee. Sub Section 1 of this Article shall apply to all persons transferring into this Post. If the member making such transfer has paid his dues in full for the current year to the Post from which transfer is made, no further payment of dues shall be required for such current year for such member, provided, that if the Post from which transfer is made has not paid to the Finance Officer of the Department of Washington the amount of the State and National per capita for such member, the amount thereof shall be paid to the Finance Officer of this Post by such other Post.

b. No person who has been charged by a Post with a violation which could lead to expulsion or suspension shall be permitted to transfer to another Post within the Department until those charges have been settled.

(1) When charges have been served, the Post shall file a copy of those charges with the Department Adjutant.

(2) When those charges have been settled, a copy of the resolution of such charges shall be filed with the Department Adjutant.

c. 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*:

(1) Where such consent has been asked for and denied by the expelling Post, an appeal may be made to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post; and

(2) Such person shall be ineligible for membership until such permission is granted.

**Section 5.** A member may be expelled or suspended from the Post and, thus, from The American Legion only after a fair trial, with the right to appeal, and only for disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of the Legion.

a. All charges must be made under oath in writing by the accuser(s) and no member in good standing shall lose their membership until given a fair trial by the Post in such manner and form as the National and Department By-Laws and the National Officer's Guide and Manual of Ceremonies shall prescribe.

b. Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee, according to the provisions in the Department By-Laws and the decision of the Department Executive Committee shall be final.

#### **Section 6. Dues**

a. The annual dues shall be as established by the membership. Dues shall not be less than the Department and National per capita paid annually. Proposals for a change in the dues will be considered prior to the month of February and when approved the change will be transmitted to Department for an effective date of the following dues year.

b. Delinquencies. 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, 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 this Post and The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which reinstatement occurs, provided, however, that the Post may waive the provisions thereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

**Section 7. Life Membership.** Life Membership may be granted by this Post to its members, but once granted, the Post shall be responsible for payment of such member's National and Department per capita as long as such members do not transfer out of the Post or resign from American Legion membership, provided however, that any such member may be suspended or expelled for the same causes as herein provided for the suspension or expulsion of any other member.

**Section 8.** Any member desiring to resign from the Post shall submit his resignation in writing to the Adjutant, who shall present it to the Executive Committee for action.

### **ARTICLE IV Officers**

**Section 1.** The officers of the Post shall be a Commander, a First Vice-Commander, a Second Vice-Commander, a Sergeant-at-Arms, an Adjutant, a Finance Officer, Chaplain, Service Officer, Historian, 2 Executive Committee members, 3 Finance Committee members and the Junior Past Commander. These officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the Post.

a. The offices of Adjutant and Finance Officer may be combined if needed.

**Section 2.** Nominations for the Office of Commander, First Vice-Commander, Second Vice-Commander, Sergeant-at-Arms, Adjutant, Finance Officer, Chaplain, Service Officer, Historian, 2 Executive Committee members and one member to the Finance Committee for a three-year term shall be opened for such nomination annually. The first nomination shall be the April meeting with second nominations at the meeting in May of each year.

**Section 3.** The officers shall be elected by secret ballot at the May meeting to serve for one year (except Adjutant – Finance Officer who are elected for 2 year terms and Finance Committee members who are elected for 3 year terms) or until their successors are elected.

**Section 4. Eligibility.** Any member of this Post in good standing shall be eligible for any office.

**Section 5.** No newly elected or appointed Post Officers, regardless of the date of installation, may assume their duties of office earlier than the first day following the close of the annual Department Convention.

**Section 6.** Training. Newly elected or appointed officers must complete the current version of Basic Training or American Legion Extension Institute offered online from the National Organization prior to assuming their duties and will attempt to complete Department Legion College as soon as possible.

**Section 7.** Attendance of Officers. If any Officer is absent for three consecutive meetings of the Post, the Commander shall make a report thereof to the Executive Committee. In the event that the Executive Committee shall not find that such Officer was unavoidably absent on account of sickness, employment obligations, urgent business engagements connected with The American Legion, or other good cause, the sufficiency of which shall be determined by the Executive Committee, the office of such absentee shall be declared vacant.

**Section 8.** Vacancies. Whenever a vacancy shall occur in an Elective Office of the Post, the Commander shall, at the next regular meeting, announce the existence of such vacancy and call for nominations for such office, and at the next succeeding regular meeting, nomination to be reopened and vacancy filled, to serve until the next annual meeting of the Post or until the successor is elected and qualified.

**Section 9.** Representative to Community Center Advisory Committee. Annually, the Commander shall recommend a member of the Legion Family (i.e., Legion, Auxiliary, Sons of The American Legion) to the City of Grandview as a representative to the Grandview Community Center Advisory Committee. This representative is confirmed and appointed by the Mayor of Grandview in January of each year.

## **ARTICLE V Duties of Officers**

**Section 1.** The Post Commander. The Post Commander shall preside at all meetings of the Post and of the Post Executive Committee. He/she shall approve (either verbally or electronically) all checks and vouchers prepared by the Post Adjutant or Finance Officer. He/she shall perform all other duties usually devolving upon the chief officer of an organization.

**Section 2.** The Post Vice-Commanders.

**a.** First Vice-Commander. The First Vice Commander shall exercise all of the duties of the Commander in the absence of the Commander. He/she shall also have full charge of membership.

**b.** Second Vice-Commander. The Second Vice-Commander shall exercise all of the duties of the Commander in the absence of both the Commander and the First Vice-Commander. He/she shall have charge of entertainment and refreshments at meetings.

**Section 3.** Adjutant. The Adjutant shall act as Secretary at all meetings of the Post and Executive Committee; shall maintain and keep permanent books and records of the Post; shall keep an account of each member of the Post; shall transmit all member applications, renewals and transfers to Department and/or National at least weekly; preserve all correspondence and files belonging to the Post and Executive Committee; shall send all notices as may be required of him/her; shall attest the Commander's signature to all resolutions, documents, contracts and other writings of the Post and of the Executive Committee; may appoint an Assistant Adjutant who would be ratified by the Executive Committee; shall perform such other duties as prescribed by the Commander or the Executive Committee.

**Section 4.** Finance Officer. The Finance Officer shall act as Secretary of the Finance Committee and any other Committee that set up ways and means of making money; shall receive and be

responsible for all annual dues and assessments of the Post; shall keep an account with each Committee receiving money on behalf of the Post and its activities; advise all Committees on the keeping of proper account and records; no money shall be disbursed except by check or voucher signed by the Finance Officer or the Commander, except Electronic Fund Transfers (EFT) for recurring monthly bills (subject to prior approval by the Commander); and at the time the funds are disbursed, he/she shall enter into a book for that purpose the amount and purpose of disbursement; shall ask for an Executive Committee meeting at the end of each quarter, and go over the books with the Committee and make a report in full to the Post at the first meeting following the period ending the quarter; shall pay all routine monthly bills upon receipt. No monies shall be withdrawn from any savings funds without a 2/3 majority vote of members present at a regular meeting in favor of such withdrawals; the Finance Officer is required to sign proper authorization for said withdrawal and shall be present at the time of withdrawal; ask for a meeting of the Executive Committee as soon as possible after election and prior to installation for the purpose of checking all accounts of the Finance Officer and arrange to relieve the Finance Officer of all responsibility and obligation of his or her post upon installation of the newly elected Finance Officer; shall perform such other duties as prescribed by the Commander or the Executive Committee.

**Section 5.** Sergeant-at-Arms. The Sergeant-at-Arms shall have charge of the entrance to the Post Hall during meetings. He/she shall escort visitors to the Commander, assist in the initiation of new members, aid in keeping order, and perform such other duties as usually pertain to the Office of Sergeant-at-Arms, or which may be required by the Commander.

**Section 6.** The Post Chaplain. The duties of the Post Chaplain shall be as usual in the office as prescribed by The American Legion Officers Manual.

**Section 7.** The Post Historian. The duties of the Post Historian shall be to keep a complete history of the Post from its inception. He/she shall make an annual report to the Post at its annual meeting.

**Section 8.** Past Commanders. All Commanders retiring from office shall receive the Honorary Title of Past Commander upon the installation of their successor in office. The Past Commander who has been most recently in officer shall be known as the Junior Past Commander and shall be an ex-officio member of the Executive Committee.

**Section 9.** Service Officer. The Post Service Officer shall bring to the attention of all veterans and their dependents the rights and benefits granted them by law; shall utilize the *Service Officer's Manual* for basic direction; shall utilize all services and agencies available to assist veterans and dependents.

## **ARTICLE VI Surety**

Surety Requirements. Each Officer of the Post and each Committee Chair regularly handling American Legion monies, shall be properly bonded with a good and solvent surety bonding or insurance company to cover double the average annual funds handled by the individual. This may be included in the Post Insurance Policy.

## **ARTICLE VII Meetings**

**Section 1.** The regular meetings of the Post shall be held each month from September to June inclusive on a date set by the Executive Board unless otherwise ordered by the Membership. An Executive Committee meeting will be held during the month of August or prior to the September regular meeting for the purpose of planning the year's activities and training of new officers and thereafter when called.

**Section 2.** The regular meeting in May shall be known as the annual meeting and shall be for the purpose of electing officers, receiving reports of officers and committees, and for any other business that may arise.

**Section 3.** Special meetings may be called by the Commander or by a majority of the Executive Committee and shall be called upon the written request of five members of the Post. The purpose of the meeting shall be stated in the call. Except in cases of emergency, at least three days written or electronic notice shall be given.

**Section 4.** Members present at a Post meeting shall constitute a quorum, provided there is one officer in attendance and one member is designated as a recorder or secretary in the absence of the Adjutant.

**Section 5.** Order of Business.

- (1) Roll Call of Officers
- (2) Reading of Minutes of Previous Meeting
- (3) Memorial to Departed Comrades
- (4) Finance Report
- (5) Adjutant's Report (includes Membership & correspondence)
- (6) Unfinished Business
- (7) New Business
- (8) Balloting on Applications
- (9) Service Officer Report (includes Sick Call, Relief & Employment)
- (10) Committee Reports
- (11) The Good of The American Legion (The Membership shall be permitted to make any suggestions of any kind, character, or description, save of religion or partisan politics).

## **ARTICLE VIII The Executive Committee**

**Section 1.** The Executive Committee shall have general supervision of the affairs of the Post between its business meetings, fix the hour and place of meetings, make recommendations to the Membership, act as the Finance Committee until members are elected to fill the Finance Committee positions, and shall perform such other duties as are specified in these bylaws. The Committee shall be subject to the orders of the Membership, and none of its acts shall conflict with action taken by the Membership.

**Section 2.** The Executive Committee shall be composed of the Commander, First Vice-Commander, Second Vice-Commander, Junior Past Commander, Sergeant-at-Arms, Adjutant, Finance Officer and three members to be selected at large from the members of the Post, who shall be elected and installed in the same manner as other Post Officers and who shall hold office for a period of one year or until a successor is elected and qualified.

**Section 3.** An Executive Committee meeting shall be held prior to the first regular membership meeting in September. Additional meetings of the Committee may be called by the Commander or upon written request of three members of the Committee.

## **ARTICLE IX Committees**

**Section 1.** A Finance Committee shall be composed of the Commander, Finance Officer and three elected (one each year to serve a three year term) members. Four members of the Committee shall constitute a Quorum. The Finance Officer shall be the Chair of such Committee.

**a.** It shall be the duty of this committee to prepare a budget for the current fiscal year, which shall be presented for adoption or correction as soon as possible after installation of officers.

**b.** The Finance Committee may from time to time submit amendments to the budget for the current fiscal year, which may be adopted by a majority vote.

**c.** Whenever a proposal is made at any regular or special meeting for an expenditure not covered by the Budget, in any sum exceeding \$100.00 (one hundred dollars), then, before its passage and allowance or rejection, the same shall be referred to this Committee which shall investigate the matter and determine its expediency, and shall report its approval or disapproval at the next regular meeting. Should the Committee disapprove such expenditure, it shall state its reasons therefore and it will require a two-thirds vote of all members present and voting to authorize such expenditure over the Committee's report of disapproval.

**d.** The Finance (Executive) Committee shall make an annual audit of the books of the Finance Officer, as well as the books of all Committees handling funds.

**Section 2.** Standing Committees. The Standing Committees of this Post shall be as follows:

- (a)** Rehabilitation (includes Veterans Affairs and Volunteer Services)
- (b)** National Security (includes Homeland Security)
- (c)** Americanism
- (d)** Community Service and Post Activities (includes Wreaths Across America)
- (e)** Economic
- (f)** Membership and Publicity
- (g)** Boys State
- (h)** Children and Youth
- (i)** Law and Order
- (j)** Constitutional Speech
- (k)** Education
- (l)** Sons of The American Legion (SAL) Advisory
- (m)** American Legion Riders (ALR) Riders Advisory

(n) Scouting - Any Boy Scouts of America activity group corporately sponsored by this Post is authorized to use the Post IRS Employer Identification Number (EIN) for banking purposes.

(o) Legislation (On call. Assistance to National and State legislation as requested from Department Legislative Chairman)

(p) Executive and Finance and such other committees as the Commander and Executive Committee determine necessary.

**Section 3.** Such other committees, standing or special, shall be appointed by the Commander as the Membership or the Executive Committee shall from time to time deem necessary to carry on the work of the Post. The Commander shall be ex-officio member of all committees except the Executive and Finance Committees.

**Section 4.** Vacancies. Vacancies may occur on any Committee by the death or resignation of any member and also by the failure of any member to attend three consecutive regular meetings without cause, and the action of the Committee or Commander in declaring such vacancy shall be conclusive, and such vacancies, other than that of the Executive or Finance Committee, shall be filled by the Commander for the full or unexpired term as the case may be; provided, that, should such absence be for a good cause a substitute may be appointed from the members of the Post to act during such absence.

## **ARTICLE X Delegates**

**Section 1.** Delegates and Alternates to represent the Post at Department Conventions shall be nominated and elected by a majority vote on a secret ballot, at such times as may be deemed in the best interest of the Post and Department.

**Section 2.** The Commander, Commander Elect and Adjutant Elect shall be automatically named as delegates.

**Section 3.** The members receiving the greatest number of votes shall be Delegates, and those receiving the next greatest number of votes shall be Alternates.

**Section 4.** A Delegate may be paid for his or her service such sum as may be set by the Executive Committee and ratified by the Post. To receive any money, a Delegate MUST attend the 6<sup>th</sup> District Caucus and also, cast a ballot for Department Officers.

**Section 5.** The Commander will be the Delegate to District Conferences. If the Commander is not available, then Section 3 above applies.

## **ARTICLE XI Sons of The American Legion (S.A.L.) Organization**

**Section 1.** Squadron (if organized): The Squadron level for the S.A.L. shall be known as the Sons of the American Legion, Fred E. Hayes Squadron 57, hereafter referred to as "Squadron", which:

a. Shall operate under a Squadron Constitution and/or Bylaws, which have been approved by the Post Executive Committee.

b. Is under the supervision of and responsible to the Post Executive Committee through the Post S.A.L. Advisory Committee.

c. Squadron funds shall be transmitted to the Post Finance Officer to be held and accounted for separately from other Post funds.

**ARTICLE XII**  
**American Legion Riders**

**Section 1.** The Post shall be the host of an American Legion Riders Chapter (if organized) authorized by National Executive Committee Resolution 35.

**Section 2.** The American Legion Riders (ALR) Chapter will govern and finance themselves independent from the Post and in accordance with Resolution 35. All ALR Chapter members and officers shall be members of the American Legion Family (i.e., American Legion, American Legion Auxiliary or Sons of the American Legion).

**Section 3.** The ALR members shall conduct themselves according to not only their Constitution and By-laws, but in accordance with the Constitution and By-laws of their respective Legion family organizations.

**Section 4.** The ALR Chapter representative will report activities and finances at each Post meeting and/or Post Executive Committee meeting.

**ARTICLE XIII**  
**Matters of Policy**

**Section 1.** All resolutions, motions or proposals relating to or affecting the general policy of the Post shall be first read, offered or made at a regular meeting of the Post, and shall thereupon be postponed by the Commander until the next regular meeting of the Post.

**Section 2.** No member or group of members of this Post shall conduct any activities of any nature in the name of this Post or The American Legion for any purpose without authority and such authority will require a two-thirds vote of all members present at a regular meeting of the Post.

**ARTICLE XIV**  
**Parliamentary Authority**

These bylaws and any special rules of order the Post may adopt shall prevail. All cases not covered by these bylaws shall be governed by the current edition of *Robert's Rules of Order Newly Revised*.

**ARTICLE XV**  
**Amendment of Bylaws**

These bylaws may be amended at any regular meeting of the Post by a two-thirds vote, provided that the proposed amendment will be transmitted to the entire membership no less than thirty (30) calendar days prior to the date of the vote, with notice of the times and dates of the first reading and the vote.

Actions:

These Bylaws were voted on and passed by the membership on May 17, 2018.  
These Bylaws were revised and approved by the membership on November 21, 2019.

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Robert G. Gates, Commander

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James A. Davidson, Adjutant