



**Alexander Hamilton Post 448**  
8<sup>th</sup> District, Department of California

**By - Laws**  
Revised

Adopted:  
16 February 2012



# THE AMERICAN LEGION DEPARTMENT OF CALIFORNIA

## BY-LAWS

### BY-LAWS OF ALEXANDER HAMILTON POST 448

#### 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 community, state and nation; to combat 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; and to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

#### ARTICLE I – NAME

Section 1. The name of the organization shall be:

ALEXANDER HAMILTON POST 448, of THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA, LOCATED AT: SAN FRANCISCO, CALIFORNIA, HEREINAFTER REFERRED TO AS "POST".

#### ARTILCLE II – OBJECTS

Section 1. The objects and purpose of this Post shall be to promote the principles and policies as set forth by the foregoing Preamble, and in the Articles of Incorporation of this Post, and in the National and Department of California 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. Rank does not exist in the Post. No member shall be addressed by his military or naval title in any meeting of this Post.

**Section 2.** The Post shall be absolutely 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.

**Section 3.** Each member shall perform his full duty as a citizen of the United States of America.

#### **ARTICLE IV – MEMBERSHIP**

**Section 1.** The eligibility for membership in this Post shall be those dates and conditions set forth in Article IV, Section 1 of the National Constitution of the American Legion, who, being a citizen of the United States at the time of his entry therein, served on active duty in the armed forces of any of the governments associated with the United States during any of said periods; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any of said periods; provided further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service; or who being in such service, was separated therefrom under circumstances amounting to dishonorable discharge and has not subsequently been officially restored to an honorable status. This Post shall require official evidence of eligibility with application for membership. A person merely “discharged from the draft” shall not be considered as having served on active duty.

**Section 2.** There shall be neither form nor class of membership except active membership.

**Section 3.** Candidates for membership in this Post shall make application upon a form prescribed by the Executive Committee of this Post; shall pay therein the initiation fee and dues for the current calendar year; and shall furnish official evidence of eligibility.

**Section 4.** All applications for membership shall be referred to the Membership Committee, which shall, at each regular meeting of the Post, report upon all applications received during or after the next previous regular meeting. A majority vote of those present and voting shall elect or reject a candidate. No member shall be elected to membership in this Post who is a member of any other post of The American Legion.

**Section 5.** 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/she may then appeal to the Department of California Executive Committee for permission to be admitted to membership in this Post, and shall be ineligible for membership until such permission is granted.

**ARTICLE V – OFFICERS****Section 1.**

- a. The officers of this Post shall be the Commander, the First Vice-Commander, the Second Vice-Commander, the Adjutant, the Finance Officer, the Historian, the Sergeant-at-Arms, the Chaplain, the Judge Advocate and the Service Officer. The Post may also have a Third Vice-Commander, an Assistant Adjutant, and an Assistant Sergeant-at-Arms.
- b. The elective officers of the Post shall be the Commander, First Vice-Commander and Second Vice-Commander.
- c. The following officers may be appointed by the Commander, subject to the advice and consent of the membership: Adjutant, Finance Officer, Historian, Chaplain, Sergeant-at-Arms, and Service Officer.
- d. Any officer, other than the Commander, First Vice-Commander, Second Vice-Commander, and Adjutant, may hold two or more of the above offices.

**Section 2.** Nomination for elective officers and at-large members of the Post Executive Committee shall be held during the First regular meeting in March of each year and announcement thereof shall be made by the Adjutant at the next regular meeting, in the Post Newsletter and on the Post website. The announcement shall be mandatory.

**Section 3.** All Post Officers shall be selected for a term of one year at a regular meeting on the Third Thursday of May and at least twenty (20) days prior to the opening of the Annual Department of California Convention. They shall be impressively installed, preferably by a ritual team, in accordance with the prevailing National Manual of Ceremonies, prior to the first day of September of that year. The At-Large Members of the Post Executive Committee may be elected for a term of one year, but not to exceed three years, provided that at least one-third of said Post Executive Committee shall be elected in each Legion year. If a Post Officer, such as Commander, is an ex-officio member of the Post Executive Committee, then his/her term on the Post Executive Committee shall expire at the end of his/her ex-officio term of office. If less than five (5) members run for the post of At-Large Executive Committee member, the balance may be appointed by the Commander upon the approval of the membership.

**Section 4.** All appointed officers shall serve for one year from date of appointment. The Commander may request that the membership remove said officer and a majority vote of the membership, present and voting, shall prevail. A published notice of said vote shall be made by the Adjutant at least two weeks before said vote.

**Section 5.** Every member of this Post in good standing shall be eligible to hold office in this Post as provided by Article IV, Section 2, and there shall be no limiting qualifications (e.g. length of time in the Post).

Section 6. The duties of officers and Post Executive Committee shall be those usually pertaining to such officers or Post Executive Committee members and as further provided for in these By-Laws.

Section 7. All vacancies in the elective offices shall be filled by a mandatory, secret ballot, and a majority of votes cast shall be necessary to elect the Commander and Vice-Commanders; the other officers and members of the Post Executive Committee may be elected by plurality.

Section 8. The office of Finance Officer and any other offices and/or positions charged by the Post Constitution and By-Laws with the responsibility of handling Post funds shall be bonded under a blanket bond to be purchased by the Department of California Headquarters and billed to the respective Post at cost.

Section 9. If in the event that any Post Officer or member of the Post Executive Committee shall be absent for three consecutive meetings of the Post or the Post Executive Committee without being excused by the Post, Commander, or Post Executive Committee, such office may be declared vacant by a majority vote of those present at a regular Post meeting held after written notice to all members that such vote will be taken. The vacancy so created shall be filled by election or appointment as the same was originally filled.

#### ARTICLE VI – FINANCE

Section 1. No Appropriations shall be made without first referring the same to the Finance Committee or Post Executive Committee for report therefrom. The Post Executive Committee shall prescribe the form in which financial records shall be kept.

Section 2: The Post Executive Committee may appropriate expenditures not to exceed \$250.00 without member approval, subject to a 2/3 vote of the Committee members present and voting.

#### ARTICLE VII – THE AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Alexander Hamilton Unit No. 448 THE AMERICAN LEGION AUXILIARY, Department of California.

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

#### ARTICLE VIII – PROCEDURES

Section 1. Opening and closing of Meetings, initiation of new members, and installation of officers, shall be conducted as prescribed and approved by the National Convention of The

American Legion in Kansas City, 1921, with subsequent amendments adopted and approved by later conventions.

Section 2. Roberts' Rules of Order, Revised, shall govern the conduct of all meetings except as may be otherwise provided in these By-Laws.

#### ARTICLE IX – POST EXECUTIVE COMMITTEE

Section 1. The Post Executive Committee shall consist of 5 At-Large Members in addition to the Commander, the First Vice-Commander, the Second Vice-Commander, the Finance Officer, and the Adjutant.

Section 2. The Post Executive Committee shall consider all matters affecting the Post and shall make recommendations to the Post membership, which thereafter shall be approved by the post before becoming effective.

Section 3. The Commander, First Vice-Commander and Adjutant shall be chairman, vice-chairman, and secretary of the Post Executive Committee, respectively.

#### ARTICLE X – MEETINGS

Section 1. The regular meetings of this Post shall be held on: the Third Thursday of the month at the War Memorial Veterans' Building, 401 Van Ness Ave, San Francisco, in a room arranged by the Commander, or at a place designated by the Post Executive Committee and published in advance by the Adjutant.

Section 2. Special meetings may be called by the Commander or by the Post Executive Committee, and must be called upon the written request of 10 members. No special meeting shall be called unless announced by the Commander or Adjutant at the regular meeting preceding the emergency meeting or unless notice is mailed to each member 5 days prior to said meeting, stating the time and place of the meeting and the subject to be considered.

Section 3. The Post, at any meeting, may consider and pass upon any matters irrespective of whether such matters have been previously considered by the Post Executive Committee.

Section 4. Quorum at all regular meetings shall consist of at least 5 members.

Section 5. The Post Executive Committee shall regularly meet at least once between meetings of the Post at a time and place designated by said Committee. A majority shall constitute a quorum. Said Committee may hold such special meetings as said Committee or the Commander may deem advisable, notice thereof being mailed to each Committee member at least seventy-two hours before the time and place of the meeting and the matter to be considered. A phone or email notification of said special meeting is acceptable provided a majority of the Committee is notified and attends.

**Section 6: Email or phone polls of the Post Executive Committee may be made under procedures established by the Post Executive Committee.**

**Section 7. No member shall take part in any Post meeting or election unless they are a member in good standing.**

**Section 8. Members shall be entitled to cast absentee ballots or vote online under the procedures established by the Post Executive Committee and approved at a regular meeting by a majority of the members of the Post present and voting. No member shall be allowed to vote by proxy.**

**Section 9. Unless otherwise specified, all notices required to be given by the By-Laws shall be written notices. A written notice may be letter, email, newsletter, or website notice; in a manner approved by the membership.**

#### **ARTICLE XI – DUTIES OF OFFICERS**

**Section 1. Duties of the Post Commander — It shall be the duty of the Post Commander to preside over all meetings of the Post, and to have general supervision over the business affairs of the Post, and such officer shall be the chief executive officer of the Post. He/she shall perform such other duties as directed by the Post.**

**Section 2. Duties of the 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/she shall perform such other duties as directed by the Post.**

**Section 3. Duties of the Second Vice-Commander — The Second Vice-Commander shall assume and discharge the duties of the office of First Vice-Commander in the absence or disability of such officer, and shall perform other duties as directed by the Post.**

**Section 4. Duties of Post Adjutant — The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, and under the direction of the Post Commander handle all correspondence of the Post. He/she shall receive such salary as provided by the Post.**

**Section 5. Duties of the Finance Officer — The Finance Officer will be charged with the custody of the funds of the Post. He/she shall keep its accounts and report thereon at regular meetings of the Post. He/she shall receive all funds of the Post and pay all bills approved by the Post. He/she shall be bonded under a blanket bond to be procured from the Department of California Headquarters and paid for by the Post.**

**Section 6. Duties of Post Historian — The Post Historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as directed by the Post or the Post Executive Committee.**

**Section 7. Duties of the Judge Advocate — The Post Judge Advocate's duties shall be to advise the Post Officers on the construction and interpretation of the Post's By-Laws and to perform such other duties as are usually incident to the office or as directed by the Post Executive Committee.**

**Section 8. Duties of Post Chaplain — The Post Chaplain shall be charged with the spiritual welfare of the Post members and their families and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Departmental Headquarters from time to time.**

**Section 9. Duties of Sergeant-at-Arms — The Sergeant-at-Arms shall preserve order at all meetings and shall perform and shall perform such other duties as may be from time to time may be assigned to him by the Post.**

**Section 10. Duties of the Post Service Officer — The Post Service Officer shall monitor the wellbeing and welfare of the Post and Post members and shall report to the Commander and Post Executive Committee of said needs and concerns. He/she shall assist members in obtaining Legion and veteran benefits as needed and shall keep the membership apprised of critical issues pertaining to all veterans and active duty servicemembers. The Post Service Officer shall perform such additional duties as directed by the Post Executive Committee.**

## **ARTICLE XII – DUES, FEES AND FUNDS**

**Section 1. The annual dues shall be set by a majority of the membership, in good standing, present and voting at the regular meeting in the month of January, as needed. The Adjutant must notify the membership and publish said notice of vote at least one regular meeting in advance of said vote.**

**Section 2. The membership-initiation fee shall be fixed by the Post.**

**Section 3. From such dues and fees the Post shall pay all per capita taxes or assessments and such other expenditures as the Post may approve.**

**Section 4. A member whose dues for the current year have not been paid by January 1<sup>st</sup> shall be classified as delinquent. If their dues are paid on or before February 1<sup>st</sup> they shall be automatically reinstated. If they are still delinquent after February 1<sup>st</sup>, they shall be suspended from all privileges. If they are still under suspension on June 30<sup>th</sup> of such year, their membership in 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.

#### **ARTICLE XIII – DELEGATES AND REPRESENTATIVES**

**Section 1.** The delegates and alternates to represent the Post at Department of California Convention shall be elected at a regular meeting of the members of the Post by vote of those present and voting. The election shall be held at least twenty (20) days before the Department of California Convention convenes. The time and place for holding the convention must be announced by the Post Commander one regular meeting in advance of the election.

**Section 2.** The Representatives to the American Legion War Memorial Commission shall be appointed or elected by the Post and shall serve for a term of one year.

#### **ARTICLE XIV – APPOINTMENT**

**Section 1.** The Post Commander, immediately upon taking office each year, shall appoint a Finance Committee and such other committees as shall be found necessary. Standing committees shall consist of such members as may be directed by the Post and the chairman thereof shall be designated by the Post Commander.

**Section 2. Audit —** Each Post shall keep books of account, and shall cause said books to be examined by a licensed accountant or a committee of three (3) competent persons, none of whom may be the Commander, Adjutant, Finance Officer or any other person charged with the responsibility of handling Post funds. Such examination must be made within 90 days of the installation of Post Officers, and for the period of the immediate preceding fiscal year of the Post, said fiscal year shall be determined by the Post. Each Post shall certify to the Department Adjutant prior to December 1 each year that such examination has been made and file the original thereof with the Department Adjutant before said date, with a copy thereof to the District Commander of the District of said Post. The Department of California Commander, The Post Commander, or the Post Executive Committee may order an audit of the books of account at such other times during the current year as may be deemed advisable. Failure of the Post to meet any of the requirements of this section within said times or any general or special extension thereof, shall be deemed a delinquency and the delegates of such Post shall not be entitled to be accredited at the Department of California Convention. The certification to the Department Adjutant and the examination may be put on forms furnished by the Department Adjutant's office.

**Section 3. Membership Committee —** The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procurement of new members, and the eligibility and reinstatement of members, subject to the approval of the membership.

**Section 4. Finance Committee — The Finance Committee shall be charged with the administration of the financial policy, preparation of an annual budget with recommendations, and supervision of receiving, disbursing, and accounting of all Post funds.**

**Section 5. The American Legion Programs Committee — The Committee members shall be appointed by the Commander to oversee the programs within the Four Pillars of The American Legion.**

#### **ARTICLE XV – 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 individuals, corporations or organizations.**

#### **ARTICLE XVI – TRIALS**

**Section 1. Members of this Post shall be subject to disciplinary action as provided in the Trial Manual of the Department of California as adopted, and as the same may be amended from time to time hereafter. A copy of the verdict, certified by the Post Commander and Post Adjutant, shall be forwarded to the Department Adjutant.**

#### **ARTICLE XVII – RECALL PROVISION**

**Section 1. A petition, signed by ten percent of the membership in good standing requesting the holding of an election for the purpose of recalling an elective officer or a member of the Post Executive Committee may be filed at any time with the Adjutant. The Adjutant shall, within five (5) days of the filing said petition, compare the signatures on the applications of the respective signers on file in the Post Records. The Adjutant shall deliver the petition and his report on the correctness of the signatures to the Post Executive Committee at its next meeting. If it shall appear from the report of the Adjutant that ten percent of the membership have signed said petition, the Post Executive Committee shall fix the date for the recall election, which date shall be fixed for a regular meeting of the Post to be held not less than two weeks nor more than six weeks after the meeting of the Post Executive Committee. If the report of the Adjutant shall show less than ten percent of the membership have signed, said petition shall be forthwith returned to the member who filed the same with the Adjutant who shall then have ten days thereafter to obtain the required number of valid signatures, and re-file said petition with the Adjutant who shall recheck with his records and resubmit the same to the Post Executive Committee at its next meeting thereafter with his report. If the petition is then found being sufficient, the recall election shall be fixed as set forth above.**

**Section 2. Notice of the date, time, and place of holding the recall election shall be mailed to each member of the post in good standing at his address as the same appears in the post records, at least ten (10) days before the election.**

**Section 3. All recall elections shall be conducted by written secret ballot.**

**Section 4. At the election, the ballot shall read as follows:**

**“Shall (Name of Officer or member of the Board of Directors ) be recalled**

**Yes \_\_\_\_\_**

**No \_\_\_\_\_”**

**A “Yes” vote shall be counted for the recall and a “No” vote shall be counted as against the recall. Only members in good standing shall be entitled to vote at such election.**

**Section 5. If the officer or member of the Post Executive Committee shall be recalled, the Post, at its next regular meeting, shall elect a successor to fill the unexpired term. Nominations shall be held the same date as the election. The person recalled shall not be eligible as a candidate for election to fill the vacancy.**

#### **ARTICLE XVIII – AMENDMENTS**

**Section 1. Proposed amendments to these By-Laws must be submitted in writing at a regular meeting of the Post, and read thereat, and the Adjutant shall also publish said amendments as prescribed herein. At the next regular meeting, or subsequently if postponed, the proposed amendment may be adopted by a two-thirds affirmative vote of those present and voting.**

**Section 2.**

- a. These By-Laws shall be amended to conform to any changes in the National or Department Constitution and By-Laws. Failure of the Post to adopt the required amendments shall not delay or modify the effect of such changes.**
- b. Any amendment initiated by the Post shall not be in final force or effect until approval by the Constitution and By-Laws Commission of the Department, but shall be temporarily enforced pending action thereon if not in conflict with the Constitution and By-Laws or adopted policy of The American Legion, or the Department of California, The American Legion.**

### CERTIFICATION

Above the signatures of the Commander and Adjutant, certify to the following:

**“We hereby certify that the above By-Laws were read at two meetings, and adopted on 16 February 2012, a quorum being present, by a vote of two-thirds vote of those present and voting.”**

First reading: 19 January 2012

Second reading: 16 February 2012

|   |                                       |
|---|---------------------------------------|
| Signed: _____                           | Signed: _____                         |
| <b>Mario A, Benfield,<br/>Commander</b> | <b>Ernest J Gaudreau<br/>Adjutant</b> |

**Similar certification in the event of any subsequent amendment is required.**

These By-Laws or any amendment thereto must be sent in DUPLICATE to Department Headquarters, as one copy is kept by Department Headquarters for the Post files. And the original returned to the post for their files, after having been approved by the Constitution and By-Laws Chairman.

THE ARTICLES OF INCORPORATION FOR THIS POST ARE ON FILE WITH THE SECRETARY OF STATE, UNDER THE DATE OF 10 December 1986 . POST NAME ALEXANDER HAMILTON Post 448 CORPORATE NO. 1194589 .