

**CLAUDE R. BATCHELDER POST, NO. 72
ALTON, NEW HAMPSHIRE 03809**



The Post existing under these by-laws is to be known as

Claude R.Batchelder Post No. 72

Department of N.H. American Legion.

Revised and passed on the floor [date to be added] by a two-thirds vote.

ARTICLE I

Section 1 The Post existing under these by-laws is to be known as Claude R. Batchelder Post No. 72, Department of N.H. American Legion.

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

ARTICLE II - MANAGEMENT

Section 1 The government and management of the Post is entrusted to an Executive Committee of 12 members, to be known as the "Executive Committee", and also referred to as the "E-Board".

Section 2 The Executive Committee shall consist of three members in addition to the officers of the Post. These three members shall be as follows: the immediate Past Commander, if he or she desires. The two remaining, or all three if the Past Commander should decline, are to be elected annually during the monthly meeting. All elections of officers and committeemen shall be by ballot, and the 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 Executive Committee 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 members of the committee. A person so appointed shall hold office for the unexpired term of the member of the committee or officer whom he succeeds. A vacancy shall exist when a member or officer is absent from his or her post for an unexplained period, considered detrimental to the interest of the Post by the Executive Committee.

ARTICLE III - POST EXECUTIVE COMMITTEE

Section 1 The Post Executive Committee shall meet for organization and other such 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 Executive Committee shall meet at the call of the Commander at least every month and as often as the Commander may deem necessary. The Commander shall call a meeting of the Executive Committee upon the written request of three or more members of said Post; seven members of the committee shall constitute a quorum.

Section 2 The Post Executive Committee shall hire employees as may be necessary. Such hiring is on a temporary basis, subject to approval of the Post at the next regular meeting. The Executive Committee shall authorize and approve all expenditures; shall provide adequate bonds for all persons having the custody of Post funds; shall hear the reports of Post Committee chairmen; and generally shall have charge of and be responsible for the management of the affairs of this Post.

Section 3 All Committees shall report to the membership through the Executive Committee.

ARTICLE IV - MEMBERSHIP

Section 1 Any person shall be eligible for membership in THE AMERICAN LEGION who was regularly enlisted, drafted, inducted, or commissioned and who was accepted for and assigned to active duty in the Army, Navy, Marine Corps, Air Force, Merchant Marine or Coast Guard of the United States at some time during the period April 6, 1917 and November 11, 1918, or during the period between December 7, 1941 and December 31, 1946, or during the period between June 25, 1950 and January 31, 1955, or during the period between December 22, 1961 and May 7, 1975, or during the period between August 24, 1982 and July 31, 1984, or during the period between December 20, 1989 and January 31, 1990, or during the period between August 2, 1990 to date of hostilities as determined by the United States Government, all dates inclusive, or 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 Governments associated with the United States during any of said wars: provided, however, that such service shall have been terminated by honorable discharge or honorable separation and such person shall have broken his continuity of service and returned to a civilian status, or shall continue to serve honorably after the date of cessation of such hostilities as fixed by the United States Government; 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 himself to military discipline or unqualified service.

ARTICLE V - DUTIES OF OFFICERS

- Section 1 **“Duties of 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. Such Officer shall be the Chief Executive Officer of the Post. He or she 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 make recommendations for the ensuing year which shall be read at the annual meeting. ~~phrase deleted~~ He or she shall perform such other duties as are directed by the Post and shall serve as ex-officio member of all committees.
- Section 2 **“Duties of First vice Commander”**
The 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. The primary concern of the First Vice Commander is membership.
- Section 3 **“Duties of Second Vice Commander”**
The Second Vice Commander’s main concern is Post activities. Please refer to the current Officer’s Guide and Manual of Ceremonies.

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, reporting such [at] next regular meeting; 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 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 a local bank], or banks, and shall, once a month, report to the Executive Committee the condition of the finances of the Post, with such recommendations as he [or she] may deem expedient or necessary for raising funds to carry on the activities of the Post. [The Finance Officer, Post Adjutant and the Commander shall be authorized to sign all checks disbursing the monies of the Post, however only two signatures are needed on the checks.] The Finance Officer shall give a complete report at the regular post meetings. He [or she] shall [be] provided with such surety bonds in such sum as shall be fixed by the Post Executive Committee. [The Finance Officer shall prepare a budget for the year and present it to the Executive Committee] one month before installation. He or she shall submit to the post an annual fiscal statement no later than June 30 each year. [He or she shall have authority to pay all recurring Post bills, such us utilities, insurances, taxes, and mortgage.]

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 may properly pertain to the office as may be determined by the Post, or the Executive Committee.

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 services in the event of dedications, funerals, public functions, etc. He [or she] must adhere to such ceremonial rituals as are recommended by the national department headquarters from time to time.

Section 8 **“Duties of Sergeant-At-Arms”**

The Sergeant-At-Arms shall preserve order at all meetings and shall perform such other duties as may be, from time to time, assigned to him [or her] by the Post Executive Committee.

Section 9 **“Duties of Service Officer”**

The duties of the Post Service Officer call for a competent and dedicated [person] who has a deep interest in his [or her] fellow veterans, the post, and the community. [The Service Officer] is responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted them by law.

Section 10 **“Duties of Judge Advocate”**

The Post Judge Advocate shall advise the Post Officers and the Executive Committee on all legal matters including the construction and interpretation of the Post's Constitution and Bylaws and shall perform such other duties as are usually incident to the office. His or her rulings, formally and officially made, shall be binding unless he or she is over-ruled through the proper procedure by the District or Department Judge Advocate. Any rulings by the Department Judge Advocate may be appealed to the Department Executive Committee. The Judge Advocate and his Legal Committee are charged with seeing that audits are carried out by accountant, Finance Committee, and Finance Officer. This should be done annually before the installation of officers or more frequently at the discretion of the Executive Committee.

ARTICLE VI - 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. Such election is to be held at least 20 days prior to the date of such convention, but not before the election of officers whom will be in office at the time of the Convention.

ARTICLE VII - APPOINTMENTS

Section 1 The Post Commander, immediately upon taking office each year, shall appoint, where warranted, the chairmen for the standing committees: Activities, Americanism, Bar, Baseball, Boy Scout, Building, Bylaws, Finance, Kitchen, Meat Raffle, Membership, Public Relations and Scholarships. Such standing committees shall consist of the Chairman, and such additional members as deemed necessary but not fewer than hereinafter specified. Such members' names shall be submitted to and approved by the Post. Vacancies shall be filled on any committee when a committee member misses three consecutive unexcused meetings or if a member resigns on his or her own accord. He or she will automatically be replaced. Any member in good standing will qualify to fill a vacancy with the approval of majority vote of the existing committee.

Section 2 **“Activities Committee”** - this Committee Added -

The Activities Committee shall consist of the chairman and an additional four members, approved by the Post, and shall initiate, organize and coordinate activities of the Post, The Auxiliary, The Sons and The Riders.

Section 3 **“Americanism Committee”**

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 propoganda by education of the general public in American ideals through public forums, etc., and through activities for community and civic betterment.

Section 4 **“Bar Committee”** - this Committee Added -

The Bar Committee shall consist of a chairman, who is current Legion Post Commander, and five Members appointed by the Commander. The Bar Committee will oversee the business of the Dugout as set forth in The Post Bylaws, Article IV

Section 5 **“Baseball Committee”** ~~– this Committee Added -~~

The Baseball Committee shall have two or more members. The Committee will be charged with all aspects of operation of the baseball team(s), including organization and finance.

Section 6 **“Boy Scout Committee”** ~~– this Committee Added -~~

The Boy Scout Committee shall have two or more members. The Committee will be charged with all aspects of sponsoring the Boy Scout and /or Cub Scout units, including organization and finance.

Section 7 **“Building and Grounds Committee”**

The Building and Grounds Committee shall consist of the chairman and an additional four members, approved by the Post, and shall for at least one year have charge of all matters pertaining to the care of the Post quarters and the promotion of club advantages. Vacancies shall be filled for the remainder of any term in the same manner as the original appointment. A majority of the Committee shall be present to act in all cases. Without in any way restricting the foregoing general power and authority of the Executive Committee, it shall have full responsibility with respect to the following:

1. To keep and maintain the real estate, buildings, furniture and furnishings of the Post in good substantial repair and condition, and to effect such improvements, alterations, renovations and additions to said real estate, buildings, furniture and furnishings, from time to time, as they shall judge reasonably necessary for the protection and improvement of said property. All expenditures up to maximum of \$500.00 shall be approved by the Executive Board. Over \$500.00 expenditures have to be voted at a regular Post meeting and approved, other than emergency repairs. All expenditures must be related to the Finance Officer.
2. To ensure the buildings and improvements of the Post are kept insured.
3. To rent apartments and rooms; to fix rentals and to collect said rentals and account to the Finance Officer for deposit in the general fund; to make and execute leases of apartments and rooms for and in the name of the Post; for periods not in excess of five years, such leases to be binding upon the Post; to rent meeting halls and other portions of the buildings of the Post at such times as will not interfere with the activity of the Post, its Auxiliary, or the Sons of American Legion and to fix, collect, and account for the rentals.
4. To act for and in behalf of the Post working with the Judge Advocate in all legal matters, disputes and difficulties affecting the real estate and buildings of the Post, with full authority to commence or enforce, or to defend or oppose, all actions, suits or claims relating to said real estate, and also in their discretion to compromise or settle any such action, suit, or claim, subject to Executive Committee approval.

- Section 8 **“Bylaws Committee”** ~~– this Committee Added –~~
The Bylaws Committee will consist of a Chairman, who is the current Legion Post Judge Advocate, and the Executive Committee. This Committee will periodically review the Post Bylaws to ensure correctness, fairness, and compliance with National, Department and District standards. The Committee will hear, and take under advisement, suggestions or concerns of Legion Members regarding the Bylaws.
- Section 9 **“Finance Committee”**
The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds.
- Section 10 **“Kitchen Committee”** ~~– this Committee Added –~~
The Kitchen Committee shall consist of a chairman, who is current Legion Post Commander, and four Members appointed by the Commander. This Committee will oversee the operation of the kitchen, authorizing its use and putting in place safety rules.
- Section 11 **“Meat Raffle Committee”** ~~– this Committee Added –~~
The Meat Raffle Committee shall consist of a chairman appointed by the current Post Commander, and at least one member each from The Legion, The Auxiliary, The Sons and The Riders. This Committee will organize, schedule and direct the Meat Raffles.
- Section 12 **“Membership Committee”**
The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatements and eligibility of members. The Chairman of this committee shall be the First Vice Commander.
- Section 13 **“Public Relations Committee”**
The Public Relations Committee shall be charged with the promotion of public support of the Legion's program by establishing proper contact with the “American Legion Magazine”, the department and national Legion news service, and by local publicity of Post programs and activities.
- Section 14 **“Scholarship Committee”**
This committee shall consist of a chairman and four additional members to establish guidelines for scholarships to be awarded. The Chairman shall report to the main body the committee recommendations.

These Committees have been deleted: Ceremonials, Children and Youth, Economic, Foreign Relations, Graves Registration and Memorial, Legislative, Veterans Affairs and Rehabilitation, Security, Sons of the American Legion, Visiting or V.A.V.S.

ARTICLE VIII - 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 to this Post on the subject; a 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 IX - MEETINGS

- Section 1 The regular meetings of the Post shall be held at the club rooms on the second Monday of the month from 6:30 P.M. to no later than 9:00 P.M., unless a later time is approved from the floor. After such business as may properly be brought up for action, these 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 written request of seven members, the Executive Committee and/or the Commander shall call a special meeting of the Post.
- Section 4 Seven members shall constitute a quorum at a regularly scheduled meeting. Motions, other than emergencies, shall be brought before the appropriate committee and Executive Committee prior to vote by the floor.

ARTICLE X - NOTICES

- Section 1 Every member shall furnish the Post Adjutant with his or her address for mailing purposes.
- Section 2 The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior to the meeting.

ARTICLE XI - RULES OF ORDER

- Section 1 All proceedings of this Post shall be conducted under "Robert's Rules of Order", except as otherwise specified.

ARTICLE XII - LIMITATIONS OF LIABILITIES

- Section 1 This Post shall incur no liability or obligation whatever on behalf of any other post, subdivision, group of men, members of the American Legion, or other individuals, corporations, or organizations.

ARTICLE XIII - LEGAL RESPONSIBILITY

- Section 1 From the effective date on the face of these Bylaws, all Post officers and members of committees elected after March, 1992, who have dealt in good faith shall be protected and defended by the Post in the case of any legal action because of duties or actions on behalf of the Post. The Post will absorb the expense of this defense.

ARTICLE XIV - AMENDMENTS

- Section 1 These by-laws may be amended at any regular Post meeting by a vote of two-thirds of the members of Post attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at the preceding regular meeting of said Post, and provided further that written notice shall have been given to all members at least seven days prior to the date when such amendment is to be voted upon, and that members be notified that a proposal to amend the Bylaws are to be voted upon.