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# Constitution and By-Laws

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Post 581, The American Legion, Department of Illinois

Revision April 2026  
American Legion Post 581  
375 E. Locust St, Columbia, IL 62236

# Foreword

## **Difference Between Constitution and By-laws:**

The **constitution** is a more **permanent**, established document seldom amended unless triggered by an outside authority. The constitution identifies the fundamental principles and framework for an organization and meets specific legal requirements imposed by higher governing authorities, such as “The American Legion National Convention” or “Illinois Charitable Organization laws.”

The **by-laws** provide additional details that expand on constitutional guidance. The by-laws contain specific operational rules and procedures that determine how the membership and organization function from day to day and are considered a **living document**.

For example, the constitution will define the Post’s general organizational structure and operations as reported to the State of Illinois under the Illinois Charitable Organization Laws. In contrast, the By-laws contain very detailed information in the form of Standard Operating Procedures, or step-by-step guides, for various daily tasks, such as building-closing processes.

## **Constitution:**

1. **Purpose:** Defines the organization’s core principles, purpose, and structure.
2. **Content:** Outlines the overall governance, including membership rights, election procedures, and basic organizational structure.
3. **Frequency of Amendment:** Typically less frequent, requiring a formal process and often a higher vote threshold.

## **By-laws:**

1. **Purpose:** Provides detailed rules and procedures for the organization’s daily operations and internal governance.
2. **Content:** Includes specific rules for meetings, committees, member conduct, financial matters, and other operational details.
3. **Frequency of Amendment:** Generally, it is more flexible and can be amended more easily than the constitution.

**Gender Neutrality:** No Distinction Between Male and Female. Wherever in this constitution and in the By-laws reference is made to the words “him”, “he”, “his” and similar shall be deemed to include, as appropriate, “her”, “she”, “hers”, and similar references, to the end that all distinction between the male and female sexes, for purposes of this Constitution and By-laws, shall be deemed eliminated.

**Compliance with the organization:** This constitution and by-laws are adopted and subject to the provisions of the National Constitution of the American Legion and the American Legion Department of Illinois, as well as applicable Federal, State, County, and municipal laws. Any resolution or amendments to National or Departmental governing documentations in which a conflict with any of the Post provisions hereof shall be automatically and immediately remedied and implemented by the Post Executive Board to comply with updated directives.

**Interchangeable Terminology:** Terminology used by The American Legion has corresponding definitions under Illinois State Law and is, for all legal purposes, equivalent. Section 1 of the glossary lists these parallel terms, presenting each organizational term alongside its Illinois State Law counterpart.

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# 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 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 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.

## CONSTRUCTIVE NOTICE

All members, officers, trustees, liaisons, committee members, program participants, and all others subject to this constitution are deemed to have constructive notice of, and are obligated to comply with, all applicable laws, this Constitution, the By-Laws, policies, standard operating procedures, and directives of The American Legion and this Post. Failure to review, or ignorance of, such governing documents shall not excuse noncompliance. As a Legionnaire, imputed knowledge carries an affirmative duty to know; accordingly, willful blindness constitutes negligence per se and is not an acceptable justification.

## ARTICLE I - NAME

**Section 1.** NAME. The name of this organization shall be Columbia Post No. 581 American Legion, Department of Illinois; as such, it is incorporated under the General Not for Profit Corporation Act of the state of Illinois, hereafter referred to as The Post. EIN: 37-6033765

**Section 2.** LOCATION. Columbia American Legion Post No. 581, American Legion Department of Illinois, shall hereafter be located at 375 E. Locust Street in the City of Columbia, Monroe County, Illinois.

## ARTICLE II - OBJECTIVE AND PURPOSE

**Section 1.** OBJECTIVES AND PURPOSE. The objectives and purposes of this Post shall be to promote the principles and policies as outlined in the foregoing preamble, and the National and Departmental Constitutions of the American Legion. The Post will serve and support veterans, active-duty service members, and the surrounding community through advocacy, assistance, and fellowship. This Post is committed to honoring military service, strengthening patriotism, and providing vital resources, including veteran support services and community

programs. Through unity and selfless service, The Post works to ensure no veteran or family member is left behind.

### **ARTICLE III - NATURE**

**Section 1.** CIVILIAN ORGANIZATION. This Post is a civilian organization, and membership therein does not affect or increase liability for military or police service.

**Section 2.** NON-POLITICAL. This organization shall be absolutely non-political and nonsectarian. It 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.** MILITARY RANKS. Prior military rank does not exist in the American Legion; no member shall be required to address another member by their military title, in any meeting of this Post.

### **ARTICLE IV - MEMBERSHIP**

**Section 1.** MEMBERSHIP REQUIREMENTS.

- a. Membership Requirements are as outlined in this Post's constitution and by-laws, and no others.
- b. Eligibility for membership in this Post shall be as set forth by the National Constitution of the American Legion.

### **ARTICLE V - WRITTEN COMMUNICATION**

**Section 1.** ELECTRONIC MEANS. Any communication transmitted or received by electronic means shall satisfy the "Written" notice requirement, as authorized by General Not for Profit Corporation Act 805 ILCS 105/101.80 and this constitution.

**Section 2.** While notification may be communicated electronically, at no time is a "Vote by Proxy" or via Absentee Ballot authorized to amend this constitution. All votes must be cast in person, with no additional considerations or exceptions.

### **ARTICLE VI - POST MANAGEMENT**

**Section 1.** EXECUTIVE BOARD. The Post administrative, fiduciary, general management, operational affairs, and programs oversight, as detailed further within the Post By-Laws, fall under the direct supervision of the seven (7) Executive Board members composed of four (4) Post Officers and three (3) trustees, in which the Executive Board has ultimate final inherent authority.

**Section 2.** OFFICERS OF THE POST. The elected officers of this Post shall be the Commander, First Vice-Commander, Second Vice-Commander, and Finance Officer. The appointed officers of this Post shall be the Adjutant, Chaplain, Historian, Sergeant-at-Arms, and Post Service Officer.

**Section 3.** TRUSTEES. Three trustees shall serve on the Executive Board.

**Section 4.** ELIGIBILITY. Every member of this Post in good standing shall be eligible to hold office in this Post.

**Section 5. TERMS.**

- a. Each elected officer, except for the Finance Officer, shall serve a minimum of twelve (12) months, beginning with the Installation Meeting following their election and ending with the next Installation Meeting. Any Post Officer shall hold office until their successors are duly installed or as otherwise provided.
- b. The Finance Officer, once elected, shall serve indefinitely, until resignation, death, or removal.
- c. Appointed Officers. Each appointed officer, except for the adjutant, shall hold office at the will of the Commander; however, no appointed officer shall be removed from office without the consent of the Executive Board.
- d. The Adjutant, once appointed, shall serve indefinitely until resignation, death, or removal.
- e. Trustees. Each elected trustee shall serve a minimum of twelve (12) months, beginning with the Installation Meeting following their election and ending with the next Installation Meeting.

**Section 6. POST COMMITTEES.** This Post, in accordance with The National Convention, its By-Laws, verbal and written directives, or Standard Operating Procedures (SOPs), may install a standing, temporary, or special committee as needed to carry out the business operations of the organization.

**Section 7. DUTIES OF POST OFFICERS, TRUSTEES, AND LIAISONS.** The Duties of Post Officers, Trustees, and Liaisons shall be to carry out the mission of the American Legion Post and to conduct business in a manner that supports the best interests of the Post. Generalized duties are as described in the most current year's Post Officer Guide and Manual of Ceremonies, to be further amplified by Post By-laws, SOPs, and directives.

**Section 8. REMOVAL OF A POST OFFICER, TRUSTEE, OR LIAISON.** Any Post Officer, Trustee, or liaison may be removed for non-performance, excessive absence, disciplinary, or other unspecified inefficiency by a singular two-thirds vote of the General Membership as outlined in the By-Laws.

**Section 9. VACANCIES.** A vacancy shall exist when a member or officer is inactive or absent from the Post for a continuous period considered detrimental to the interest of the Post by the Executive Board as outlined in the By-Laws.

## **ARTICLE VII - ELECTIONS**

**Section 1. NOMINATIONS.**

- a. Post Officers and trustees shall be nominated at the first meeting in April (Nomination Meeting)
- b. All nominations shall be made orally and do not require a second, except for delegates who have nominated themselves in writing.
- c. Any suggested nominee can reject a nomination. It is encouraged that a nominee accept a nomination only with enthusiastic consent, and not out of guilt or to fill a post requirement.

**Section 2. ANNUAL ELECTIONS AND APPOINTMENTS.**

- a. Post-elections shall be held at the May general membership meeting.
- b. At this time, the onboarding Commander may request that members be appointed to positions. An elected Officer may also hold an appointive office, but may not concurrently hold more than one elected office. Any requested appointee may respectfully decline the Commander's request and should not accept any Officer Position for reasons other than the desire to perform in the selected position.

**Section 3. INSTALLATION OF POST OFFICERS AND TRUSTEES.**

- a. Newly elected Post Officers and Trustees should be installed at the June general membership meeting. Post Officers and Trustees will not be installed until a proper turnover is complete.
- b. Officers and Trustees who have not completed a turnover prior to the July meeting will constitute an unwillingness to accept the position.

## **ARTICLE VIII - FINANCE**

**Section 1. REVENUE.** The revenues of this Post shall be derived from membership dues and from such other sources as may be approved by the Post Executive Board. The primary sources of revenue shall be those customarily associated with nonprofit organizations. The Post may engage in unrelated business activities to generate revenue; however, the Post shall not intentionally derive more than ten percent (10%) of its net revenue from unrelated business sources.

**Section 2. POST DUES.** The amount of such annual Post dues for membership shall be fixed and determined by the Post Executive Board.

**Section 3. NATIONAL DUES.** The Post shall pay to the Departmental headquarters the National and Departmental annual membership dues for every member of the Post.

## **ARTICLE IX - PROGRAM RULES**

**Section 1. LEADERSHIP.** All elected and appointed leaders must be confirmed by the parent organization after each selection, or as needed.

**Section 2. RULES.** All by-laws, amendments, and/or standing rules must be presented to the parent organization for confirmation and approval prior to use.

**Section 3. REPORTS.** The program will provide to the parent organization any report(s) directed by the parent organization.

**Section 4. CONTROLS.** The parent organization may provide the program with the employer identification number (EIN), the program's tax-exempt status, and the necessary financial controls for the program's use. All program financial accounts must have a minimum of two (2) signatories appointed by the parent organization.

## **ARTICLE X - ORGANIZATIONS AND PROGRAMS**

**Section 1.** TEAMWORK. Resolution no. 53. “The vision of The American Legion, American Legion Auxiliary, and the Sons of The American Legion is to help and assist veterans and their families; therefore, in the spirit of rendering support and assistance, all must work together for the same principle.” As stated, IAW National Exec. Comm. Oct 17-18, 2012, Resolution No. 53, “Cooperation with The American Legion Auxiliary and Sons of The American Legion (21st Century)”; “All department, district, county and local (Post) American Legion leaders are urged to develop a cooperative relationship with the American Legion Auxiliary and Sons of The American Legion”

**Section 2.** THE AMERICAN LEGION AUXILIARY.

- a. This Post recognizes the Auxiliary Unit of the Post, hereafter known as the Auxiliary.
- b. Membership and eligibility for the Auxiliary shall be as defined by the National Constitution of the American Legion Auxiliary and under the governance of the Auxiliary.
- c. Whilst The Auxiliary carries its own parliament, The Auxiliary Members are subject to all conduct requirements and house rules while operating alongside the Post. Individual members may be suspended from the premises if, by a two-thirds vote of the Executive Board, they are deemed in violation.

**Section 3.** THE SONS OF THE AMERICAN LEGION.

- a. This Post recognizes a subordinate organizational program identified as “The Sons of the American Legion Squadron 581”, hereafter known as the SAL.
- b. Membership and eligibility for The SAL shall be as defined within The National Constitution of The Sons of the American Legion.
- c. The SAL shall mirror the Parent Post’s by-laws. However, the program governing authority is limited to those approved by the Post Executive Board.
- d. The SAL shall not possess any business, digital, financial, personal assets, or sponsorships, nor shall the program incur any liabilities or obligations separate from their chartered sponsor, the Post, without specific authorization in writing from the Executive Board.

## **ARTICLE XI - DISSOLUTION**

**Section 1.** This Post recognizes the authority of the Department of Illinois, The American Legion. In the event of the dissolution of this Post, the surrender or revocation of its charter, or for any reason ceasing to function as a Post of The American Legion, all property, assets, and funds of this Post, after the payment of all just debts and obligations, shall become the property of and be turned over to the Department of Illinois, The American Legion, to be held in trust or disposed of in accordance with the Constitution and By-Laws of the Department of Illinois and The American Legion.

**Section 2.** No member, officer, or individual shall have any right to or receive any distribution of the assets of this Post upon dissolution, unless entitled via post debts and obligations, for example, reimbursements or payroll.

**Section 3.** All records, documents, and property of the Post shall be delivered to the Department of Illinois, The American Legion.

## **ARTICLE XII - AMENDMENTS**

**Section 1.** REQUESTED AMENDMENTS. This constitution may be amended at any regular Post meeting by a vote of three-fourths of the members of said Post attending such regular meeting; providing that the proposed amendment shall have been submitted in writing and provided for review at the next preceding regular meeting of said Post; and, provided, further, that written notice shall have been given to all members at least thirty (30) 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.

**Section 2.** DIRECTED AMENDMENTS. Any resolution or amendments to National or Departmental governing documentations in which a conflict with any of the Post provisions hereof shall be automatically and immediately remedied and implemented by the Post Executive Board to comply with updated directives.

## **ARTICLE XIII - ENACTING CLAUSE**

**Section 1.** ENACTING CLAUSE. This Constitution of Columbia American Legion Post No. 581, The American Legion, Department of Illinois, approved and adopted by two-thirds affirmative vote of Post members present at a meeting held this 7th day of April 2026, supersedes all previously enacted similar documents.

# By - Laws

## ARTICLE I - NAME

**Section 1.** NAME. The name of this organization shall be Columbia American Legion Post No. 581, Department of Illinois; as such, it is incorporated under the General Not for Profit Corporation Act of the state of Illinois, hereafter known as the Post. EIN: 37-6033765.

**Section 2.** LOCATION. Columbia American Legion Post No. 581, American Legion Department of Illinois, shall hereafter be located at 375 E. Locust Street in the City of Columbia, Monroe County, Illinois.

**Section 3.** PURPOSE. The good name of this Post shall not be used for any purpose other than for the good of the American Legion and this Post.

**Section 4.** OBJECTIVES. The Objectives of this Post are as set forth in the constitution.

**Section 5.** SCOPE AND INTENT. These By-Laws provide operational details, procedures, and internal controls not expressly defined in the constitution, without altering its intent or authority.

## ARTICLE II - POWERS AND AUTHORITIES

**Section 1.** POWERS AND AUTHORITIES. The Post shall have power to do each and everything necessary, suitable, convenient to or expedient of any purposes to the attainment of any objectives herein, stated or accordingly and, in addition, to possess and exercise all powers, rights and privileges necessary, convenient, or incidental, to the objectives and purposes for which the Post is organized, or to the activities in which it is engaged.

**Section 2.** ENTRUSTED AUTHORITIES. (i) Upon election or appointment, each Post Officer, Trustee, and Liaison is granted limited Entrusted Authority by the entirety of the organization to perform all duties and responsibilities within their position in the best interest of the Post and its membership, in which the Commander has the utmost authority. (ii) The Executive Board is entrusted with the oversight of post operations to include, but not limited to, stewardship of Post Assets, finances, and property, the enforcement of by-laws, resolutions, and policies, to maintain a strategic direction consistent with the American Legion's mission, and to ensure compliance with all National, Department, and legal requirements. (iii) At no time is an Officer, Trustee, or Liaison allowed to override the Post Constitution and By-laws, National or Departmental Convention, governing laws, or the will of membership where votes are explicitly required.

**Section 3.** INHERENT AUTHORITIES. Upon election or appointment, the Post Executive Board as well as each Post Officer, Trustee, and Liaison is granted limited inherent authority by the entirety of the organization to take reasonable and necessary actions to fulfill their assigned duties when those actions are not explicitly listed, yet essential to the performance of their duties and responsibilities provided such actions do not conflict with governing documents.

**Section 4.** INDIVIDUAL ENACTMENT. Post Officers do not possess power of their own; they temporarily hold the authority entrusted to them by the membership and may exercise inherent authority only as necessary to faithfully execute that trust. (i) Individual Enactment may only operate inside entrusted or inherent authority; it cannot create authority. (ii) No individual enactment shall supersede required votes, due process, or governing documents where applicable.

## **ARTICLE III - MEMEBERSHIP**

### **Section 1.** NEW MEMBERSHIP.

**a.** Applications made in writing using standard written form or online shall be reviewed upon receipt by the Post Executive Board for accuracy and eligibility prior to the applicant's presentation to general membership.

**b.** After the Post Executive Board review, all membership applications shall be acted upon at the next Post General Memberhsip meeting. At that meeting, each application shall be accepted, rejected, or referred for further investigation and further consideration. The majority vote of the members present shall determine whether the applicant is accepted or rejected.

**c.** Prospective members will then be notified of acceptance. If denied, prospective members shall be notified in writing.

**d.** Applicable dues must be collected in full prior to assuming membership privileges.

**Section 2.** MEMBERSHIP RENEWAL. All post members in good standing within the Post who are not under disciplinary action are eligible for consecutive yearly membership, provided membership dues requirements have been fulfilled.

**Section 3.** MEMBERSHIP TRANSFERS. At no time may a Post member hold concurrent memberships. If an established Legionnaire wishes to join The Post, the Legionnaire must submit a Member Transfer Request (MTR) online, or Member Data Form (MDF) 30-001 via the Post's Adjutant.

**Section 4.** DISQUALIFIED APPLICATIONS. No person who has been expelled or suspended by a Post shall be eligible for membership at the Post, without the written consent of the expelling Post. If a prospective member's request is denied by the prior Post, the prospective member may then appeal to the prior Post's Departmental Executive Committee for permission to apply for new membership. Prospective members shall be ineligible for membership application until such permission is granted and submitted to the Post Executive Board for review.

**a.** This organization reserves the right to deny or revoke membership based on conduct inconsistent with its mission, values, or applicable laws. Any individual who willingly is a member of, affiliated with, or actively supports an organization that advocates the overthrow of the government; promotes racism, sexism, ageism, or discrimination; or encourages violence or unlawful behavior shall be deemed ineligible for membership.

**b.** Any individual who creates or fosters racial, religious, or class strife within the Post shall be identified as un-American, a menace to our liberties, and destructive to our fundamental law. These actions are inconsistent with the ideals and purposes of the American Legion as stated IAW “National Exec. Comm. Aug 21, 2017, Resolution No. 3.” and are grounds for membership denial/revocation.

**c.** Equal Opportunity. No applicant to this Post shall be excluded or denied membership because of race, creed, gender, age, color, disability, national origin, or sexual orientation in this Post or in any group affiliated with this Post.

## **ARTICLE IV - MANAGEMENT**

### **Section 1. EXECUTIVE BOARD.**

**a.** The Post Executive Board is composed of the Commander, the First Vice Commander, the Second Vice Commander, the Finance Officer, and three elected trustees. (i) These members serving as the Post’s Board of directors are fiduciaries charged with being legally and ethically bound to act in the best interests of the organization, not personal, political, or factional, as mandated by the Illinois General Not for Profit Corporation Act (805 ILCS 105).

**b.** The Post Adjutant shall attend and keep a record of Post Executive Board Meetings; however, they shall not be a voting member. Any other officer or member may participate as requested or desired.

**c.** The Post Executive Board oversees the conduct and performance of all Post Officers, Trustees, Legionnaires, program participants, volunteers, employees, and affiliates, collectively enforcing compliance with all governing rules and regulations. (i) Any updates or changes to applicable governing documentation, laws, or conventions shall be automatically implemented by the Executive Board via a standard operating procedure (SOP) until a revision of the by-laws can be executed by the authorities listed under Article II of these by-laws.

**d.** At no time is the Executive Board authorized to “act” by proxy under the Illinois General Not for Profit Corporation Act (805 ILCS 105).

**e.** Unless otherwise stated, the Post Executive Board, in agreement with the Post Finance Officer, has unilateral final authority to approve or reject all transactions under \$10,000 throughout the Post, apart from the following: The Executive Board may not withdraw money from investments or spend greater than \$10,000 on any singular transaction without membership approval.

**f.** Shall receive the Post’s monthly reports, prepare a summarized report, and present the summary at the General Membership Meeting.

**g.** Shall hire and terminate employees.

**h.** Shall have the authority to rent or lease the Post’s property.

**i.** Shall file criminal charges in the event of damage or theft of the Post.

- j.** Shall take custody of all goods, materials, and property within the Post home and premises intended to benefit the Post. All goods, materials, and property will be deemed Post assets unless specified in writing.
- k.** A member of the Post Executive Board, as identified within the respective individual Standard Operating Procedure, shall oversee all program and committee meetings.
- l.** Will perform annual administrative and financial audits.
- m.** Shall maintain transparency and ensure that all members have access to all Post records upon request.
- n.** Upon installation, will review all business conducted in the prior year to complete the annual Consolidated Post Report, along with recommendations for the ensuing year, to be presented at the General Membership meeting. The Post Adjutant shall submit the CPR to the official post records and immediately forward a copy to the Department.
- o.** Shall be able to designate any of these authorities via SOP as outlined in section 4 below.
- p.** Any member may challenge the action of the Executive Board during a general membership meeting with justifiable reasoning for their objection. A singular two-thirds vote is required to reverse any transaction that will not assume additional fees. If the reversal of a transaction will incur additional costs, a special meeting shall be held to address the transaction.

**Section 2. POST COMMITTEES**

- a.** This Post, in accordance with The National Convention, its By-Laws, written directives, or Standard Operating Procedures (SOPs), may install a standing, temporary, or special committee as needed to carry out the business operations of the organization.
- b.** There shall be three (3) Primary Standing Committees as follows: the Finance Committee, the Operations Committee, and the Post Programs Committee. Each Primary Standing Committee shall be assigned a corresponding Post Officer in Charge. All other secondary committees shall fall under one of the three primary committees. Leadership of a secondary committee, unless otherwise determined by these by-laws, shall assume the title of “Liaison”. The liaison shall serve as the chairperson of the committee or program.
- c.** Each liaison shall provide a monthly report to its respective OIC, IAW “Post Reports” Standard Operating Procedures. Liaison and Committee reports will be submitted, as directed, to the Executive Board for inclusion in the Minutes and Post Records.

**Section 3. ANNUAL REVIEW**

- a.** The Post Commander shall immediately, upon taking office each year, evaluate each committee and program for organizational necessity to determine its continuation. If the Commander deems a committee or program excessive, unnecessary, or unlawful, the Commander may terminate the committee, program (internal), or the Post’s participation (external). (i) The Commander will evaluate the liaisons in charge of each committee and program. A liaison may be removed from a committee or program for justifiable cause. If a liaison is removed, the Commander may, upon the Executive Board’s approval, appoint a new liaison. (ii) The Commander may identify additional committees or programs to initiate

within the Post. Pending the Executive Board's approval, the Commander shall appoint a liaison for the new program. (iii) All changes must be submitted in writing to the Adjutant for inclusion in the Minutes and Post Records.

**b. Post Membership and Post Home Centric.** Approval of Post committees and programs shall focus on, firstly, prioritizing the morale, welfare, and recreation of its own membership and the Post Home's vitality. Secondly, post committees and programs shall address the children and youth of our local community. Third, post committees and programs will support our local residential community. It is only after these three initiatives are met that the Post shall engage in programs external to our locale.

#### **Section 4. STANDARD OPERATING PROCEDURES (SOP)**

**a.** Specific management of ongoing day-to-day operations and programs shall be structured and operated in accordance with Standard Operating Procedures approved by the Executive Board. These procedures shall be considered an extension of these by-laws and carry the same authority. SOPs may supplement but not violate the Post constitution and by-laws.

**b.** Each program or committee liaison shall collaborate with its respective officer in charge (OIC) to promulgate its own SOP for submission to the Executive Board for review. (i) In the event an operation or program is discovered to be without an SOP, the Executive Board shall act, immediately appointing a liaison to ensure an SOP is developed, or elect to terminate the operation. (ii) A committee may operate under an interim SOP while a review is in progress.

**c.** All changes to approved SOPs must be submitted to the Executive Board, accompanied by a justification for approval.

**d.** OICs of Committees and Programs are charged with oversight of SOPs and their submissions for approval. OICs shall perform an administrative audit of all correlating SOPs at a minimum of once per year.

#### **Section 5. CHARGES, TRIAL, AND REMOVAL OF A POST OFFICER, TRUSTEE, OR LIAISON.**

**a.** Any Post Officer, Trustee, or Liason may be subject to charges for neglect of duty, misconduct, conduct unbecoming of a member of the Post, violation of the Post Constitution or By-Laws, or actions detrimental to the welfare of the Post or the principles of The American Legion.

**b.** Charges against an Officer, Trustee, or Liason must be submitted in writing and signed by at least two (2) members in good standing of the Post. The written charges shall clearly state the alleged misconduct and be submitted to the Post Commander or the next highest ranking officer if the Commander is the subject of the charges.

**c.** The Officer, Trustee, or Liason against whom charges are filed shall be provided a written copy of the charges within seven (7) days of receipt by the Post and shall be given reasonable notice of the date, time, and location of the hearing or trial. Notification of such trial shall follow the same requirements as a special meeting.

- d.** Upon receipt of valid charges, the Commander (or next highest ranking officer not involved in the charges) shall appoint a Trial Judge consisting of a member in good standing who is not a party to the charges. The Trial Judge shall oversee the trial.
- e.** The accused Officer, Trustee, or Liason shall have the right to appear before the trial, present evidence and witnesses, question witnesses presented against them, and be accompanied by other members in good standing for assistance
- f.** After the hearing, the membership shall take a written ballot vote to remove said Officer, Trustee, or Liason. Removal from office shall require a two-thirds (2/3) vote of members present and voting.
- g.** If removed from office, officer vacancy procedures shall be followed for replacement.
- h.** An Officer, Trustee, or Liason removed from office shall have the right to appeal to District 22 of Illinois.

**Section 6. OFFICER VACANCY.**

- a.** A vacancy shall exist when an officer resigns, is removed from office, fails to attend three (3) consecutive executive board meetings, or otherwise is certain to fail to attend future meetings (i.e. death or relocation).
- b.** Any Post Officer Vacancy created by removal, resignation, or death may be filled by appointment of the Post Commander, and approved of the Executive Board if no alternate or understudy to the position was previously assigned. If an alternate is assigned the alternate shall fill the vacancy unless refused by the alternate.
- c.** In an event in which the Commander position becomes vacant, the First Vice Commander may serve the remaining term concurrently as well as FVC until the next Post Election season. It is highly recommended that the FVC create a special committee to ensure all duties of both positions are covered.
- d.** If the FVC is unable to assume both Officer Positions, the FVC, as acting Commander, may initiate a special election cycle to fill the vacancy.

## **ARTICLE V - ELECTIONS**

**Section 1. ELECTION PROCEDURES.** Post elections shall be held in accordance with the American Legion National and Departmental Conventions, General Not for Profit Corporation Act of the state of Illinois, and provisions outlined hereinafter.

- a.** No candidate for, or incumbent of, a paid elective public office shall hold any office in this Post. The declaration of candidacy for a public office by any person who is a Post Officer shall operate autonomously to vacate any official position in this Post by submission of resignation to the Executive Board, effective immediately.
- b.** Following the election results, the post adjutant should report the new officers to the department adjutant to ensure timely communication.
- c.** All elections of officers and Executive Board members shall be held by ballot. No specific quorum is required for elections. The candidates receiving the highest number of votes shall

be elected to the respective office or offices for which they are candidates. The incumbent Commander's vote shall be reserved for resolving a tie vote.

**Section 2. ELECTION OFFICIANT.**

**a.** The Commander shall appoint a Legion member in good standing, not running for an elected position, as a liaison to oversee the election notifications, nomination, voting, and installation process. When applicable, the Judge Advocate shall be the Post Elections Officiant.

**Section 3. NOMINATIONS.**

**a.** Post Officers and trustees shall be nominated at the first meeting in April (Nomination Meeting)

**b.** All nominations shall be made orally and do not require a second.

**c.** Any suggested nominee can reject a nomination. It is encouraged that a nominee accept a nomination only with enthusiastic consent, and not out of guilt or to fill a post requirement.

**Section 4. ANNUAL ELECTIONS AND APPOINTMENTS.**

**a.** Post-elections shall be held at the May general membership meeting.

**b.** At this time, the onboarding Commander may request that members be appointed to positions. An elected Officer may also hold an appointive office, but may not concurrently hold more than one elected office. Any requested appointee may respectfully decline the Commander's request and should not accept any Officer Position for reasons other than the desire to perform in the selected position.

**Section 5. INSTALLATION OF POST OFFICERS AND TRUSTEES.**

**a.** Newly elected Post Officers and Trustees should be installed at the June general membership meeting. Post Officers and Trustees will not be installed until a proper turnover is complete.

**b.** Officers and Trustees who have not completed a turnover prior to the July meeting will constitute an unwillingness to accept the position.

**Section 6. ELECTION INTERFERENCE.** Any action intended to disrupt, manipulate, or invalidate the election process is strictly prohibited. At no time shall a member or group attempt to unilaterally seize authority by bypassing established election procedures, undermine the lawful continuity of office, stage a coup d'etat, or utilize intimidation, coercion, or pressure on nominees, officers, or members. It is the duty of all members to report this to the election officer, who shall investigate and attempt to correct it. If the election officer is unable to resolve the interference, the matter shall be referred to the current executive board for immediate action. Any member or group of members participating in Election Interference, as determined by a three-fourths vote of the current executive board, shall be subject to immediate disciplinary action. At a minimum, participants will lose electoral voting privileges for a period of three (3) years, with the option of expulsion from membership.

**Section 7. APPOINTMENTS.** Appointments shall be in accordance with Articles of the Post Constitution, The American Legion National and Departmental Conventions, General Not for Profit Corporation Act of the state of Illinois, and provisions as stated herein.

**Section 8. INSTALLATION CEREMONY.** The Post Officers should be installed in a ceremony as described in The Post Officers Guide, Section 3, Manual of Ceremonies, when feasible.

## **ARTICLE VI - FINANCE**

**Section 1. FISCAL YEAR.** The Post shall run its fiscal year from July 1 to June 30.

**Section 2. SOURCES OF REVENUE.** The Post shall primarily raise funds as normally done for nonprofits, including, but not limited to, donations, charitable games, raffles, and fundraisers. The Post may, from time to time, raise funds through unrelated means, such as the operation of a canteen.

**a.** Each source of revenue must be evaluated by the retained tax advisor to determine whether it is nonprofit-related or unrelated.

**b.** Unrelated business profits shall be reviewed to determine potential tax consequences. The finance officer should contact the Post's tax advisor for advice if required.

**c.** Nonprofit income should not normally be used to supplement unrelated business losses, and action should be taken to either end the unrelated business or make a change to earn a profit.

**d.** At no time shall the Post intentionally result in unrelated net revenue exceeding 10% of the overall net revenue. If this is exceeded accidentally, the finance officer shall consult the Post's tax advisor for further clarification of the necessary actions.

**Section 3. BANKING AND DIGITAL CURRENCY.** All funds not kept on hand, in receivables status, or in investments shall be kept in an FDIC-insured checking or savings account. At no point shall the Post enter into startups or other unsecured accounts, nor shall they hold funds in digital currency.

**a.** The finance committee shall restrict an amount approximately equal to each checking account's monthly expenditures as the operational base to ensure funds are available for the next month's expenses. At the end of each month, the finance officer shall transfer funds or direct transfer of funds accordingly to meet the operational base of each account, except that investments shall not be pulled to meet this requirement. If an operational base cannot be met, the Executive Board shall weigh the option of unrestricting funds restricted for other purposes to meet this requirement.

**Section 4. INVESTMENTS.** The Post shall invest money to work towards three goals as described by the National Council of Nonprofits:

**a.** An Operating Reserve Fund. This fund shall contain funds to pay all Post expenses in the event the Post is required to close for one year. The Finance Committee shall review the Post's income and expenses to determine the exact monetary goal for this account. Any amounts over this amount shall be considered general usable funds of the Post.

**b.** A Capital Improvements Fund. This fund shall contain funds for the repair and improvement of the Post. Its monetary goal shall be tied to the Post's current replacement cost value. Any amounts over this amount shall be considered general usable funds of the Post.

- c. A Programs Fund. This fund shall provide for the legion programs to continue in perpetuity. The monetary goal of this fund shall be the amount required to earn such distributions that will cover the costs of said programs. Any amounts over this amount shall be considered general usable funds of the Post.
- d. Types of funds. The Post shall invest in stock profiles that minimize risk while capitalizing on returns. At no point shall the Post enter into extreme risk stocks, such as penny stocks or startup IPOs.
- e. Authorization for release of funds. All investment accounts shall be two-party signers and shall not authorize disbursements of investments without a general membership approving vote.

**Section 5.** PROFESSIONAL ADVICE. At all times, the Post shall retain professional advisers on Investments and Taxes. The finance committee shall meet with external advisors at least annually to discuss changes in laws, practices, and operations to align the Post with legal requirements and ensure the best way forward for the Post.

**Section 6.** APPROVAL AND RECORD KEEPING.

- a. All disbursements from the Post shall be made either from an approved Executive Board vote or, for recurring disbursements, via an approved SOP, as restricted below. In either case, the finance officer, along with the finance committee, shall review the disbursement and determine whether funds are available before the disbursement is voted on. If funds are unavailable, the disbursement shall not be put to a vote.
- b. Funds to be transferred into investments require the same approval as any disbursement.
- c. Financial records shall be kept in a manner consistent with generally accepted accounting principles and in a form understandable to both members and professional advisors, as further outlined in the Finance SOP.
- d. Finance records shall be reconciled monthly and audited at least quarterly by an Executive Board member who is not the primary bookkeeper. In the event a bookkeeper is hired, the finance officer shall perform this audit.
- e. All finance records with applicable source documents for disbursements and earnings shall be retained in accordance with the Finance SOP for at least seven years past the closeout of the fiscal year.

**Section 7.** HIGH-VALUE TRANSACTIONS. Any real estate, property, or transaction exceeding \$10,000 shall be referred to the general membership for a vote.

## **ARTICLE VII - VOLUNTEERISM**

**Section 1.** Volunteer Hour Record Keeping. Volunteers are at the core of how the Post performs its duties and actions. As such, all volunteer hours records shall include at a minimum:

- a. The date and time of signing in.
- b. The date and time of signing out.
- c. The volunteer's name.
- d. The activity the volunteer is performing is as directed by the applicable SOP.

**Section 2.** The volunteer hours shall be kept in a manner that is easily transferred to the Consolidated Post Report and the Yearly Tax Return.

**Section 3.** All gaming activities, such as raffles or bingo, shall be conducted entirely by volunteers. Except that bookkeeping, replenishment of supplies or funds, and other administrative tasks may be performed by employees.

**Section 4.** Incentive programs are to be conducted via an SOP to ensure fair and consistent recognition of volunteers, with the following guidelines:

- a.** No volunteer may be compensated, directly or indirectly, based on the number of volunteer hours by any means. For example, 20 hours of volunteer service may not be redeemed by a volunteer for \$50 cash or a \$50 gift card.
- b.** The Post may organize volunteer outings or parties, in which the Post pays for the outing based on an established minimum-hour requirement. For example, the Post may arrange a trip to a local baseball game as a social outing and offer to pay for each volunteer's ticket who is in the top 30% of volunteer hours.
- c.** The Post may and is encouraged to award exceptional volunteers with an award or gift, provided that the cost is not tied directly to hours worked and does not exceed \$0.25 per hour volunteered over the time the award recognizes.

## **ARTICLE VIII - MEETINGS**

**Section 1. RULES.** All proceedings of this Post shall be conducted under and pursuant to Roberts' Rules of Order, except as herein otherwise provided. The Post Adjutant shall attend all meetings when possible. The Adjutant shall have the proceedings recorded, transcribed into proper minutes format, and submitted to the official post records.

**Section 2. ROSTER.** A locally generated membership roster shall be used to count attendance, conduct officer roll call, and confirm a quorum. This roster shall detail the member's name as well as other requested information and is to be signed or initialed by their own hand confirming presence and accuracy of information.

**Section 3. ELECTRONIC ATTENDANCE.** Attendance and voting by electronic means is authorized for all meetings of this Post with the exception of By-Law revisions, Constitution revisions, and Elections. Members shall be able to attend virtually by telephone or via electronic or media platforms approved by the Executive Board, in lieu of physical attendance.

**Section 4. EMERGENT APPROVAL.** Emergent executive approval may be granted via conference calls or group emails, to approve a specific item, provided a record of the approval (phone recording or email chain) is retained and submitted to the Post Adjutant until the minutes are approved. In which case, a record of approval, including the method of approval, shall be given to the Adjutant, transcribed into proper minutes format, and submitted to the official post records.

**Section 5. REGULARLY SCHEDULED MEETINGS.**

- a. The Post Executive Board shall meet within 10 days after the installation of the new Post Officers. Thereafter, the Post Executive Board shall meet at a minimum interval of once per month on the First Tuesday of each calendar month at 7:00 p.m.
- b. The post commander shall have the power to call a special meeting of the executive board and shall call such a meeting upon a joint written request of three (3) Executive Board Members. Notice of this meeting shall be sent no less than two (2) days before such meeting and shall state the place, day, and time of such meeting.
- c. Four (4) Executive Board members shall constitute a quorum for a Post Executive Board Meeting.
- d. The Post General Membership Meeting shall be held at the Post home on the second Tuesday of each month at 7:00 p.m., at which business may properly be brought up for action.
- e. The attendance of two (2) Post Executive Board Members, and a minimum of ten (10) members in good standing, shall constitute a quorum during a Post General Membership meeting.
- f. Additional Post Committee and Program meetings shall be held in accordance with their individual Standard Operating Procedures.

**Section 6. EXCEPTIONS.**

- a. The Post commander shall have the power to call a special meeting of the post at any time and shall call such a meeting upon the written request of ten (10) percent of the members of the post. Notice of such meeting shall be sent no less than 5 days nor more than 30 days before the meeting and shall state the place, day, time, and specific agenda items to be discussed for such meeting.
- b. Any meeting may be converted into an entertainment meeting, as allowed by the Post Executive Board when advisable. In such a case, minutes will be generated to state the planned date and time of the meeting, with the statement: "Meeting converted to an entertainment meeting upon approval of the Post Executive Board dated (Insert date of Post Executive Board meeting). No business to be conducted."
- c. If a meeting falls on a national, state, or local holiday, the meeting shall be rescheduled before or after the holiday, as voted on by a majority of attendees at the preceding meeting.

## **ARTICLE IX - POST COMMITTEES**

**Section 1. FINANCE COMMITTEE.** The Finance Officer shall be the chairperson of this committee. The Finance Committee shall be charged with the administration of the financial policy, the preparation of budget recommendations, and the supervision of the receipt, disbursement, and accounting of all Post funds. Details of the duties, responsibilities, and authorities for this committee will be outlined in the Finance SOP.

**Section 2. OPERATIONS COMMITTEE.** The First Vice Commander, unless otherwise appointed by the Post Executive Board, shall be the chairperson of this committee. The operations committee is composed of liaisons for the building's operations, including but not

limited to building, events, canteen, gaming, and kitchen. Details of duties, responsibilities, and authorities for this committee will be outlined in the “Operations” SOP.

**Section 3. POST PROGRAMS COMMITTEE.** The Second Vice Commander, unless otherwise appointed by the Post Executive Board, shall be the chairperson of this committee. The Post Programs committee shall be composed of the liaisons for all active programs. Details of duties, responsibilities, and authorities for this committee will be outlined in the Programs SOP. Each program will be recorded as an appendix to the Post Programs SOP.

## **ARTICLE X - POST OFFICERS**

**Section 1. OFFICER CONDUCT.** All officers will conform to and abide by the duties prescribed by the National and Departmental Convention, applicable Federal and Illinois State Law, all directives in this Post’s CBL, and additional directives herein. Any changes to the constitution and by-laws of the State or National will automatically be incorporated into these constitutions and by-laws.

**a.** It shall be the duties of each Post Officer to guide the Post’s path into the future, to work with community leaders, other Veteran Organizations, and American Legion representatives to ensure the Post’s survivability for years to come.

**b.** Every Post Officer shall prioritize its active membership and our Post Home to promote a culture of inclusivity, welcoming new members and involvement that are imperative to carrying our organization into the next generations.

**Section 2. DUTIES OF THE POST COMMANDER.**

**a.** 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.

**b.** Such officer shall be the Chief Executive Officer of the Post.

**c.** The Commander shall approve all emergent disbursement of funds up to one-thousand (1,000) dollars.

**d.** The Commander shall perform such other duties as directed by the Post.

**e.** The Commander is an ex officio member of all committees.

**f.** The Commander shall be the only person to sign any document that requires the President’s signature.

**Section 3. DUTIES OF THE POST VICE-COMMANDERS.**

**a.** The vice-commanders 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. Specific responsibilities of each Vice Commander will be further detailed under Post Standard Operating Procedures.

**b.** Either Vice Commander may sign as the Organization’s Vice President.

**c.** Unless otherwise directed by the Commander, the First Vice Commander shall normally preside over the Operations Committee and act as the Chief Operating Officer. In all cases, the Operations Committee OIC shall be an Executive Board member and may occupy one of the “Trustee” positions to accommodate this requirement.

**d.** The First Vice Commander shall normally preside over membership and will render progress reports during renewal season or when called upon at a meeting. FVC is the Buddy Check Program Liaison.

**e.** Unless otherwise directed by the Commander, the Second Vice Commander shall normally preside over the Post Programs Committee and act as the Chief Public Relations Officer. In all cases, the Post Programs Committee OIC shall be an Executive Board member and may occupy one of the “Trustee” positions to accommodate this requirement.

**f.** The Second Vice Commander shall generally be responsible for all social media marketing and shall maintain the associated SOPs. SVC will work with the Operations Committee OIC to formulate the annual social calendar.

**g.** The Second Vice Commander shall oversee all SOPs and the conduct of programs that expend funds from the Post.

**Section 4. DUTIES OF THE POST ADJUTANT.**

**a.** Shall serve as the organization’s secretary, record keeper, and official Correspondent.

**b.** Shall attend all official meetings of the Post and maintain a complete record of all proceedings.

**c.** Shall prepare and submit to the membership and to legion headquarters the annual consolidated post report.

**d.** Shall be a non-voting attendant of the executive board.

**e.** Shall, at every meeting of the Post, call the roll of the Officers of the Post and members of the Executive Board at its meetings, and keep a record thereof.

**f.** Shall maintain a copy of all minutes from the previous 12 months within the Post Home, in accordance with Personal Identifiable Information policy, for review by the membership or upon request by an auditing authority.

**g.** Shall handle all official Post correspondence to post membership, programs, and external American Legion Organizations.

**Section 5. DUTIES OF THE POST FINANCE OFFICER.**

**a.** Shall have unilateral authority to deny all financial transactions in the event no available funds are available

**b.** Shall ensure the safekeeping of all funds in FDIC-insured institutions.

**c.** Unless otherwise specified will normally preside over the Finance Committee, and act as the Chief Financial Officer/agent.

**d.** Shall maintain all Financial-related SOPs, including, but not limited to, monetary receipts, disbursements, and recordkeeping.

**e.** Shall have the authority to authorize and revoke account signatories for checks and other fund disbursements.

**f.** Ensure that restricted funds approved by the Executive Board are recorded and accurately reported.

**g.** Report on the condition of the Post finances to the Executive Board and membership at their respective Post meetings.

- h.** Shall audit the financial records and reconciliations of all accounts under the Post's EIN.
- i.** Shall have the authority to hire and pay a bookkeeper to provide bookkeeping services to the Post. If the finance officer also provides bookkeeping services, the finance officer may be paid for those services, and another Executive Board member will be directed to audit the monthly financial records and reconciliations.
- j.** Shall designate a person to perform duties and responsibilities in their absence. This person shall be reported to the Executive Board prior to their absence.
- k.** Shall validate and endorse the Post's annual tax return.
- l.** Shall verify that all tax returns and state reports have been filed.
- m.** Shall attend the annual meeting with investment brokers and report on the longevity and stability of investments.

**Section 6. DUTIES OF THE POST HISTORIAN.**

- a.** Shall be charged with the individual records and incidents of the Post Home and Post members, as well as such other duties that may properly pertain to the office, determined by the Post or the Executive Board.
- b.** Shall provide a quarterly report to the Post Executive Board for presentation at the General Membership meeting. This report includes, but is not limited to, items such as members transferred to post everlasting, large donations, new members, and programs either started or ended. Further guidance is provided in the "Post Reports" SOP.
- c.** Shall be actively involved in the Post, recognizing individuals who have gone above and beyond in their duties and submitting award recommendations to the Post Executive Board.
- d.** The Post Historian shall submit a record of all happenings to the Post Adjutant for filing in the official post records.

**Section 7. DUTIES OF THE POST CHAPLAIN.**

- a.** Shall be charged with the spiritual welfare of the Post members and will offer divine, but nonsectarian, service in the event of dedications, funerals, public functions, etc.
- b.** Adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time.
- c.** Shall serve as an advisor to the Executive Board as a non-voting member to ensure the Executive Board is operating ethically.
- d.** The Chaplain shall serve as the liaison between funeral homes and Post Ceremonial Services.

**Section 8. DUTIES OF THE POST SERVICE OFFICER.**

- a.** The Post Service Officer is responsible for bringing awareness to all veterans and their dependents of their rights and benefits.
- b.** The goal of the Post Service Officer is to present options to all veterans, with particular emphasis on those who are recently discharged from military service and disabled veterans.
- c.** At no time shall the Post Service Officer collect or ascertain PII or act as a "Health Care Agent" without a notarized DPOA-HC on file as required by Illinois State Law 755 ILCS 5.

**Section 9. DUTIES OF THE POST SERGEANT-AT-ARMS.**

- a. The sergeant-at-arms shall preserve order at meetings and shall perform such other duties as may be from time to time assigned by the Post Executive Board and/or specified in the Post Standard Operating Procedures.
- b. Shall be well-versed in Robert's Rules of Order, The Post Officers Guide and Manual of Ceremonies, and the Post's constitution and by-laws.

## **ARTICLE XI - PROGRAMS**

**Section 1.** PROGRAM SOPS. All Post Programs and Committees shall be listed in the "Post Programs" SOP upon approval of the Post Executive Board. Each program SOP shall be included as an appendix to the Post Programs SOP and shall consist of the following at a minimum:

- a. Details of program operations.
- b. How the program advances one of our pillars.
- c. How to record volunteer hours for the Consolidated Post Report
- d. How to record money spent on the Consolidated Post Report.
- e. Amount of funding requested for the program, including respective purpose.
- f. Amount of money restricted for the program, including respective purpose.
- g. How to report the expenditure on the Finance Statement.

**Section 2.** PROGRAM MANDATE. IAW "National Exec. Comm. May 9-10,2012, Resolution No. 12: Background Screening Procedures and Policies for American Legion Youth Program Volunteers" all Post Officers, Trustees, Liaisons, Members, Patrons, Volunteers, and all other non-affiliated persons wishing to participate in Children and Youth Programs in any capacity will mandatorily consent to a background screening, and provide any additional information requested, within legal allowances, such as personal references. Any person failing to comply with this requirement will not be allowed to participate until such information is received.

## **ARTICLE XII - DELEGATES**

**Section 1.** VOTING. Delegates for District, Division, and Department Conventions shall be elected by a majority of the votes of the members in good standing at a regular meeting of the Post, to be held at least twenty (20) days prior to the date of such convention.

**Section 2.** REIMBURSEMENT. The Post shall reimburse any delegate who attends a convention covered in Section 1 of this article, at a rate deemed appropriate by the Executive Board.

## **ARTICLE XIII - NOTICES**

**Section 1.** CONTACT INFORMATION. Every member shall provide accurate contact information for official correspondence to the Post membership roster. Electronic mail addresses are preferred and should be submitted, if available, to expedite the notification process.

**Section 2.** OPT-OUT ELECTRONIC COMMUNICATIONS. Members who no longer wish to receive notification via email, or who wish to change their email address, may submit a written statement to the Post Adjutant. The Post Adjutant will update the Post membership roster accordingly.

**Section 3.** EXECUTIVE BOARD AGREEMENT. All Post Executive Board members, by acceptance of nomination, agree to use email correspondence.

## **ARTICLE XIV - LIMITATIONS OF LIABILITIES**

**Section 1.** LIMITATION OF LIABILITY. This Post shall neither incur, nor cause to be incurred, any liability or obligation whatsoever, which shall subject to liability any other Post, subdivision, group of people, members of the American Legion, or other individuals' corporations, or organizations.

**Section 2.** HOLD HARMLESS. Any Officer, Executive Board Member, Member, or Post Employee who is involved in litigation by reason of his or her position as an Officer, Executive Board Member, Member, or Employee of this Post shall be indemnified and held harmless by the Post to the fullest extent authorized by law as it now exists or may subsequently be amended (but, in the case of any such amendment, only to the extent that such amendment permits the Post to provide broader indemnification rights).

**Section 3.** EXCEPTION. Section 2 of this section does not apply to those acting in violation of the by-laws, specifically in breach of Assets and Liabilities.

## **ARTICLE XV - ASSETS AND LIABILITIES**

**Section 1.** APPROVAL OF SINGLE LIABILITY. No member of this Post, individually, as an Officer or otherwise, will at any time create, incur, or authorize any one-time indebtedness or liability against this Post without the prior written consent of the Post Executive Board. Written permission is given by SOP, approval documented on approved Post Executive Board Minutes, or Approval granted on Post Letterhead signed by the Finance Officer.

**Section 2.** APPROVAL OF RECURRING LIABILITY. No employee, member, or representative will enter into any recurring contract or financial obligation. Only members of the Post Executive Board may enter into a recurring contract, with a majority vote to approve the agreement and written approval on the Post official letterhead.

**Section 3.** LIMITATIONS OF LIABILITY. Failure to follow this article removes the Limitations of Liabilities.

## **ARTICLE XVI - AMENDMENTS**

**Section 1.** REGULAR AMENDMENT. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; Provided that the proposed amendment shall have been submitted in writing and provided for review at the next preceding regular meeting of said Post; and, provided, further, that written notice shall have been given to all members at least thirty (30) days in advance of

such meeting, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

**Section 2.** DIRECTED AMENDMENTS. Any resolution or amendments to National or Departmental governing documentations in which a conflict with any of the Post provisions hereof shall be automatically and immediately remedied and implemented by the Post Executive Board to comply with updated directives.

## **ARTICLE XVII - ENACTING CLAUSE**

**Section 1.** ENACTING CLAUSE. These By-Laws of Columbia American Legion Post No. 581, The American Legion, Department of Illinois, approved and adopted by two-thirds affirmative vote of Post members present at a meeting held this 7th day of April 2026, supersedes all previously enacted similar documents.