

**By-Laws of Stallings-Williams Post No. 206 Inc.  
Department of Maryland**

**ARTICLE – I**

- Section 1. The post existing under these By-Laws is to be known as Stallings-Williams Post No. 206 Inc., The American Legion Department of Maryland.
- Section 2. The objects 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 a committee of the post officers to be known as the “Executive Committee.”
- Section 2. The Executive Committee, as defined in the Constitution, shall consist of the officers of the post. The officers of the post shall be elected annually and take office at the meeting following their installation. All elections of officers except the Adjutant, and Judge Advocate, shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates. The Adjutant, and Judge Advocate, while officers of the post are not elected, but are appointed by the Post Commander. For Continuity the immediate Past Post Commander shall be appointed to the Executive Committee for one year and shall have no vote.
- 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 two-thirds majority vote of the total members of the Executive Committee and ratified by a majority vote of the general membership at the next regularly scheduled general membership meeting. Any officer who fails to attend three successive meetings, without reasonable excuse, shall be considered detrimental to the interest of the post and a vacancy shall exist; such vacancy to be filled and ratified as prescribed within these By-Laws.

**ARTICLE III- POST EXECUTIVE COMMITTEE**

- Section 1. The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten days after the installation of the new officers. Thereafter, the post Executive Committee shall meet at the call of the Commander at least every month and as often as said Commander may deem necessary. The Commander shall call a meeting of the post Executive Committee upon the joint written request of three or more members of said post Executive Committee; two-thirds members of the committee shall constitute a quorum thereof.

**Section 2.** The post Executive Committee shall hire or remove such employees as may be necessary; shall require adequate bonds from all persons having the custody of post funds; shall hear the reports of post committee chairmen; generally, shall have charge of and be responsible for the management of the affairs of this post; shall provide policy and guidelines for post operations, except as provided elsewhere in these By-Laws.

## **ARTICLE IV-POST FINANCES**

**Section 1.** The post shall set aside each month twenty-five percent of its net financial gains for emergency purposes. These funds shall be deposited in an interest bearing account of a financial establishment selected by the post Finance Officer and approved by the post Executive Committee. The name of the account shall be the Reserve Account. Any withdrawal of the funds from the Reserve Account shall be made only for emergency purposes and shall be approved by a majority vote of the post Executive Committee. The post Executive Committee shall be authorized to approve only those amounts equaling ten percent of the Reserve Account between regularly scheduled general membership meetings. Amounts over ten percent of the Reserve Account shall be approved by a two-thirds vote of the general membership attending a regularly scheduled general membership meeting. Any and all transactions into and out of the Reserve Account, shall be reported by the post's Executive Committee in detail, with full explanations for any emergency withdrawals to the membership at the next regularly scheduled membership meeting.

**Section 2.** The financial records of this organization shall be audited by a reputable accounting firm each year. A report of the audit shall be presented to the general membership at the regularly scheduled general membership meeting immediately prior to the installation of the post officers. Approval of said audit shall be by majority vote of the general membership attending said meeting.

**Section 3.** The Executive Committee shall adopt a 12 month budget for the post within 90 days of being installed. This time frame also includes the approval at a regular meeting of the general membership.

**Section 4.** The Building Enhancement Fund, also known as the "Post Improvement Fund" is a separate fund for individuals who make private donations to Post 206 to enhance the building facilities. In addition, any money raised during 50/50's will be placed in this fund. Funds placed in this account may be used for any building enhancement project exceeding \$5,000.00. Expenditures from this account must be approved at a regular membership meeting.

## **ARTICLE V-ELECTION OF OFFICERS**

**Section 1.** The election of officers of this post shall be conducted by an election committee. Such committee, appointed by the post Executive Committee, shall consist of 6 post members who are not candidates for a post office and

approved by a majority vote of the membership attending the first general membership meeting in April.

- Section 2.** Nominations for office shall be processed by the election committee; such committee shall assure that 1) all members nominated are members in good standing, and 2) all members names submitted to the committee are placed on the ballot for the office they are seeking. Nominations for election to the various offices shall be announced at the two regular membership meetings before the date of the election of officers.
- Section 3.** The post Adjutant shall furnish the election committee a complete listing of post members eligible to vote. All members, except the Commander, in good standing are defined as those members having a current paid up membership card who are not suspended or expelled from the American Legion. The Commander shall be eligible to vote only in the case of tie votes for any office. In such case, the Commander shall cast the deciding vote at the general membership meeting at the time voting results are announced to the general membership.
- Section 4.** The election shall be conducted in the main hall of the post home under the supervision of the Election Committee. No solicitation of votes by candidates for office or their representative shall be permitted in the main hall during the election hours.
- Section 5.** The election shall be held on the last regularly scheduled meeting date in May from 2:00 p.m. until one hour prior to the meeting.
- Section 6.** Voting shall be by secret ballot or voting machine. Each completed ballot shall be placed in a sealed ballot box. Such ballots shall not leave the main hall until after announcement of the results at the meeting and shall be under the continual supervision of two members of the Election Committee at all times. At the end of the meeting, the ballots will be placed in a sealed envelope, signed across the seal by all members of the election committee, and placed in the post safe for (7) days. There will be no voting by proxy.
- Section 7.** The ballots for each office shall be counted at the regularly scheduled meeting on the day of the election.
- Section 8.** Miss-marked and illegible portions of votes on ballots shall be discarded. The remaining part of the ballot shall be accepted.
- Section 9.** To fulfill the requirements of **Article V-Election of Officers**, Sections 1, 2, 5, and 7, there shall be a minimum, of two general membership meetings during the months of April and May.

## **ARTICLE VI-DUTIES OF OFFICERS**

- Section 1. POST COMMANDER:** It shall be the duty of the post commander to preside at all meetings of the post and to have general supervision over the business and affairs of the post, and such officer shall be the Chief Executive Officer of the post. The Commander shall cause to be made an annual report covering the business of the post for the year, and recommendation for the ensuing year, which shall be read at the last regularly scheduled general membership meeting of the Commanders current term of office. The Post Commander is responsible for forwarding to the department adjutant all reports required in a timely manner. The Post Commander shall cause to be made a report to the general membership of each regularly scheduled general membership meeting a detailed individual report of all fund raising activities of the post since the last general membership meeting.
- Section 2. SENIOR VICE-COMMANDER:** The Senior Vice-Commander shall assume and discharge the duties of the office of the Commander, in the absence or disability of, or when called upon by, the Post Commander. In the event of the death, resignation, or removal of the Post Commander, the Senior Vice-Commander shall immediately assume the position of Post Commander with full power to act and for the period as if elected at the preceding post election. The Senior Vice-Commander shall normally be responsible for the filing, maintenance and safeguarding of all post records and papers.
- Section 3. JUNIOR VICE COMMANDER:** In the event of death, resignation, removal, or elevation of the Senior-Commander as provided in Section 2 above, the Junior Vice-Commander as ratified by the post election shall succeed to the position of Senior Vice-Commander. The Junior Vice-Commander shall normally be responsible for the day-to-day operation of the post lounge.
- Section 4. FINANCE OFFICER:** The Finance Officer of the post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Executive Committee and the general membership at a regularly scheduled general membership meeting the condition of the finances of the post, with such recommendations as he may deem expedient or necessary for raising funds with which to carry on the activities of the post. He shall countersign all checks disbursing the monies of the post. He shall furnish such surety bond in such sum as may be fixed by the post Executive Committee.
- Section 5. 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 Executive Committee.
- Section 6. POST CHAPLIN:** The Post Chaplin shall be charged with the spiritual welfare of the post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, and the like. Adhere to such

ceremonial rituals as are recommended by the national or department headquarters from time-to-time.

- Section 7. **POST SERVICE OFFICER:** The Post Service Officer is responsible for bringing to the attention of the members of the post and veterans of the community all of the rights and benefits granted to them through laws enacted by the Congress of the United States and shall perform such other duties as may be from time-to-time assigned to him/her by the post Executive committee.
- Section 8. **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 by the post Executive Committee.
- Section 9. **POST EXECUTIVE COMMITTEE MEMBERS:** The elected Post Executive Committee members shall represent the general membership and provide the views and opinions of the general membership to the other post officers during post Executive Committee meetings.
- Section 10. **JUDGE ADVOCATE:** The Judge Advocate shall be charged with the legal supervision of Post affairs. Coordinate outside legal representation for the Post as directed by the Executive Committee. Make recommendations pertaining to Post legal matters.
- Section 11. **ADJUTANT:** The Adjutant handles all matters pertaining to membership, dues, and so forth, for the Post. Corresponds with the Department of Maryland in regard to membership, and records matters.

#### **ARTICLE VII-DELEGATES**

- Section 1. The post shall, at least fifteen days prior to the opening of the annual Department Convention elect delegates and alternates to such convention and shall certify such election to the Department Adjutant at least ten days prior to the opening of the Department Convention. A certification sheet to be sent to the Department Adjutant must be authenticated by the post Commander and Post Adjutant. In case of failure to comply with these requirements, the Department Convention Committee on Credentials shall have the authority to seat such delegates and alternates only as can establish their election.

#### **ARTICLE VIII-APPOINTMENTS**

- Section 1. The Post Commander, immediately upon taking office each year, may appoint the following standing committees: Membership, House, Finance, Publicity Rehabilitation, Visiting Americanism, Children and Youth, National Security, Sons of the American Legion, and Athletic. These standing committees shall consist of such members, and Committee Chairman, as designated by the Post Commander.

- Section 2. AMERICANISM COMMITTEE:** The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for the proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propaganda and activities for community and civic betterment.
- Section 3. CHILDREN AND YOUTH COMMITTEE:** The Children and Youth Committee shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community, laboring for the betterment of child conditions, and in coordinating services agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledges "no child of a World War Veteran shall be in need of necessities of life" and "a square deal for every child."
- Section 4. REHABILITATION COMMITTEE:** The Rehabilitation Committee shall supervise all matters pertaining to service to comrades in the prosecuting of all just claims against the United States or state governments, employment, relief, and the like.
- Section 5. VISITING COMMITTEE:** The Visiting Committee is charged with the visiting and comforting of members and their families when sick or bereaved and with visiting ex-servicemen in nearby hospitals.
- Section 6. NATIONAL SECURITY COMMITTEE:** The National Security Committee shall work with and coordinate Legion efforts with the local Defense Council on matters pertaining to national, civilian, and home defenses. To assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.
- Section 7. 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.
- Section 8. HOUSE AND ENTERTAINMENT COMMITTEE:** The House and Entertainment Committee shall have charge of all matters pertaining to the care of the post quarters, promotion of club advantages and arrangements for social activities.
- 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. PUBLICITY COMMITTEE:** The Publicity Committee shall be charged with the promotion of public support of the Legion's program by the establishment of proper contact with the American Legion Magazine, department and

national legion news service and by local publicity of post programs and activities. The Committee will insure a timely mailing of the Post Newsletter to the Legion, Auxiliary, and SAL membership.

Section 11. **ATHLETIC COMMITTEE:** The Athletic Committee shall be charged with the promotion of physical development and clean sports by the organization of post athletic teams, recreation, and the like. By cooperation and support in the general recreational and athletic program of the community.

Section 12. **SONS OF THE AMERICAN LEGION COMMITTEE:** The Sons of the American Legion Committee shall have overseer-ship of the operations of the Post's squadron of the Sons of the American Legion.

### **ARTICLE IX-RESOLUTIONS**

Section 1. All resolutions of state or national scope presented to this post by a member or reported to this post by a committee shall merely embody the opinion of this post on the subject and copy of same shall be forwarded to the department headquarters for its approval before any publicity is given or action other than mere passage by this post is taken.

### **ARTICLE X-MEETINGS**

Section 1. The regular meetings of the post shall be held at the post home, as directed by the Executive Committee each month, at which may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the post.

Section 2. The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the post at any time.

Section 3. Upon the written request of ten percent of the general membership, the Executive Committee shall call a special meeting of the post.

Section 4. Nine post members attending a general membership meeting shall constitute a quorum.

### **ARTICLE XI-NOTICES**

Section 1. Every member shall furnish the Post Adjutant with their address for mailing purposes.

Section 2. The Post Adjutant shall cause notice of the nomination of officers for the annual election to be given at least two weeks prior thereto.

- Section 3. Every member should provide the post with a copy of their discharge and DD-214, or other acceptable records of military service to assist the post service officer.

## **ARTICLE XII-RULES OF ORDER**

- Section 1. All proceedings of this post shall be conducted under and pursuant to Robert's Rules of order, except as herein otherwise provided.

## **ARTICLE XIII-PROCEDURE TO BE FOLLOWED FOR POST DISCIPLINARY HEARINGS UNDER THE CONSTITUTION AND BYLAWS OF THE DEPARTMENT OF MARYLAND**

- A. Membership in the American Legion can be affected by: (1) failure to pay renewal dues by January 1 of the succeeding year; (2) resignation; (3) death; (4) loss of membership due to disciplinary actions under Article XIII of the Bylaws by Post action or Article X, Section 4 of the Department Constitution.

In reference to Article XIII of the Bylaws for discipline of members of their Post; the following requirements are mandatory conduct for the basis of charges: (1) disloyalty; (2) neglect of duty; (3) dishonesty; (4) conduct unbecoming a member of The American Legion.

B. Method of charges:

1. Charges must be made under oath by the accuser(s).
2. Must be in writing.
3. No member shall lose membership until given a fair trial by the Post in the manner and form as provided in Article XIII.
4. Charges shall be filed with the Post Commander or Post Adjutant.
5. Copy of the charges shall be served upon the accused (a) either by an officer of the Post who shall certify as to the delivery of said charges into the presence of the accused, or (b) by registered mail directed to the address of the accused shown on the CURRENT YEAR'S MEMBERSHIP RECORD OF THE POST; (c) copy of charges served shall contain a notice to the accused of the date, time and place of hearing of such charges but no such hearing shall be sooner than fifteen (15) days from the date service has been obtained.
6. Copies of all papers served upon the accused and the certification of the officer who made the service or the return receipt SIGNED BY THE ACCUSED reflecting the registered mail service shall be preserved in the Post records for reference and in the event of an appeal.



7. The accused shall be entitled to obtain representation at said Post hearing and to cross-examine all witnesses against them.
8. Reasonable postponements shall be accorded to permit the hearing to be held at such time as will best insure the production on the charges except/provided that the accused may INSIST UPON the hearing within thirty (30) days of the service of charges upon them.

(Note: The Trial Committee must not contain any members of the Post who are due to testify against the accused or accusers, or who are the accusers).

**Personal Knowledge.** "I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true."

If these rules are not complied with, then the department must send the appeal back to the Post for a further hearing and compliance with the rules and regulations as set out in this notice.

If any tapes are made of the trial, these tapes must be considered as evidence and preserved, and a transcript of same shall be the responsibility of the Post and not the responsibility of the department of Maryland. For clarity purposes, such tapes should be transcribed by someone present at the hearing and who is familiar with the proceedings. The costs associated with the transcription of such tapes shall be born by the Post and not the Department of Maryland.

1. Nothing in this section shall prohibit a Post from taking any reasonable and lawful action against a member in order to maintain order and decorum regarding the use of post facilities and thereby deny its use for a period not to exceed two years.
2. A Post Officer, after receiving thirty (30) days notice of the intended action, may be removed from office for: (1) neglected duty; (2) conduct unbecoming the office they hold; by action of two-thirds of the membership of the Post present and voting at a regular meeting and no formal charges shall be necessary to initiate said removal.

However, the Post Officer shall be entitled to know the reason for such action and upon request, they may be heard at a regular meeting in their own defense either before or after the action SHALL have been taken, and if this defense is heard for the first time after the action has been taken the membership of the Post shall reconsider their removal from office.

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

Section 1. This post shall not incur, or cause to be incurred, any liability, or obligations, or subject to liability any other post, subdivision, group of people, members of the American Legion, or other individuals, corporation or organizations.

Section 2. Unless approved by the Executive Committee, no individual or group of members is authorized to contract any bills or obligations in the name of Stallings-Williams Post No. 206, Inc., The American Legion, Department of Maryland.

### **ARTICLE XV-AMENDMENTS**

Section 1. These By-Laws may be amended at any regular post meeting by a vote of two-thirds of the members of said post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing and read at the past preceding regular meeting of said post, and provided, further, that written notice shall have been given to all members at least 14 days in advance of the date when such amendments are to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

The By-Laws of Stallings-Williams Post 206, Inc., The American Legion, The Department of Maryland, dated October 17, 2001, hereby supersedes all prior versions.

