

# CONSTITUTION OF AMERICAN LEGION MANDARIN FALLEN HEROES POST #372

## 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 per cent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and goodwill on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

## ARTICLE I – NAME

**Section 1.** The name of this organization is Fallen Heroes Mandarin Post #372 American Legion, Department of Florida.

## ARTICLE II – OBJECTS

**Section 1.** The objectives and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of The American Legion.

**Section 2.** The headquarters and principal office of this Post shall be in Mandarin the City of Jacksonville, County of Duval, in the State of Florida.

## ARTICLE III – NATURE

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

**Section 2.** This organization shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

**Section 3.** Military rank/title does not exist in The American Legion.

**Section 4.** Fallen Heroes Mandarin Post #372 will be incorporated and registered annually with the State of Florida and the Internal Revenue Service.

## ARTICLE IV – MEMBERSHIP

**Section 1.** Eligibility for membership in this Post shall be as prescribed by the National Constitution of The American Legion.

**Section 2.** Candidates for membership in this Post shall submit their applications, along with dues for the current Legion year and proof of eligibility for the American Legion. Membership applications can be submitted to any Post member, who will forward them to the First Vice Commander for review.

**Section 3. :** All applications for membership shall be acted upon at the next General Assembly Meeting following the making of such application and shall at such meeting, be accepted,

rejected or referred for further investigation and consideration. If a majority of the members cast their vote against the acceptance of said application, then such application shall be recorded as rejected. All candidates, whether new, transferring, or returning, must be read in and accepted by the Post membership. Candidates can be voted in as a group or as individuals.

**Section 4.** No person shall be a member of Post 372 who is, at the same time, a member of any other Post of The American Legion.

**Section 5.** Non-residents of this City or State, otherwise eligible, may be admitted to membership on the same basis as residents.

**Section 6.** Members who joined the Post prior to the **17th Day of November 2008** inclusive, shall be known as **CHARTER MEMBERS**.

**Section 7.** Any member of this Post may be reprimanded, suspended, or expelled from the American Legion only upon the proper showing of cause in accordance with Article X, Section 14 of the Department of Florida Constitution. Charges shall be based upon disloyalty, neglect of duty, dishonesty, and conduct unbecoming a Legionnaire. Any, and all discipline must be in accordance with Article X Section 14 of the Department of Florida Constitution.

Reinstatement of suspended or expelled members shall be in the manner as prescribed and required by The Department and National Constitution and By-Laws.

**Section 8.** No person who has been expelled by any other Post shall be admitted to membership in this Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post. They may then appeal to the State Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post and shall be ineligible for membership until such permission is granted.

**Section 9.** Former members of other Posts will be approved in the same way as other candidates upon showing proper credentials. Members in good standing transferring from other Posts will require certification of that status by the transferring Post's Adjutant or through National.

**Section 10.** Any member in good standing transferring from this Post shall be entitled to a certificate stating his/her membership standing and the duration thereof. All members transferring out of this Post must wait a minimum of six months before being able to transfer back to this Post.

## **ARTICLE V – ELECTIONS**

**Section 1.** The election shall be by secret ballot and will be conducted on the second Thursday of May from 6:30 – 7:00 pm. The names of the candidates will be printed on the ballots. The identity of the voter shall not appear on the ballot in any way.

A ballot box will be located in the Post (Lodge) and will be emptied and then locked by the Chairman of the Election Committee. The Chairman of the Election Committee will maintain control of the key to the ballot box. Voting members shall be identified and checked off of the membership roster prior to casting their ballot. Members may only vote once. Only members in good standing as indicated by the appropriate entries in the roster will be permitted to vote.

An absentee ballot will be available after nominations have closed. A member must request in writing an absentee ballot and the absentee ballot must be received, via USPS, at least one day prior to the election.

The absentee ballot will be mailed to the Post 372 Judge Advocate at the Post's published mailing address.

## ARTICLE VI – OFFICERS

**Section 1.** The elected Officers of this Post shall consist of a Commander, four Vice Commanders, a Finance Officer, a Chaplain, Historian, a Sergeant-at-Arms, and four Executive Committee members, not including the immediate past Post Commander. The incoming Post Commander will appoint these Officers: Adjutant, Judge Advocate, Public Information Officer, and Service Officer; subject to the approval of the Executive Committee and the Post Membership.

**Section 2.** The election of these Officers will be held on the second Thursday in May.

**Section 3.** Every member of this Post in good standing shall be eligible to hold office in this Post. Only members of this Post can hold offices at this Post.

**Section 4.** All Officers shall hold office until their successors are duly installed.

**Section 5.** Installation of new Post Officers shall be held within thirty (30) days after the Annual Department of Florida Convention. Post Officers shall be installed into their prospective offices by the District Commander or his/her representative.

**Section 6.** Nominations for Post Officers and Executive Committee members will be taken from the floor during the April and May General Assemblies. Nominations may be made by any member in good standing. Nominations require no second. The nominee's consent shall be secured before becoming a candidate.

**Section 7.** The Commander, if needed, shall appoint the Judge Advocate to oversee the election. The Judge Advocate will, if an election will be held, appoint an Election Committee to conduct the election, count the votes and to report the results to the Post Commander. The Election Committee shall be appointed after the nominations have been closed at the last General Assembly prior to the election. It shall consist of the Judge Advocate and at least two other members as approved by a majority vote of the General Assembly. No nominee may serve on the Committee.

**Section 8.** In case of a Tie vote, the candidates will be afforded the opportunity to speak to the General Assembly for not more than three minutes each. At the conclusion of the General Assembly, the Judge Advocate will conduct secret ballot voting to determine the winner.

**Section 9.** If the need arises for a special election due to an officer resigning, dying or being removed from office, a special election will be held after the next General Assembly. The Post Membership must be notified of any special election ten (10) days prior to the election.

The Post membership will be notified by mail or email of the upcoming special election.

Nominations will be taken from the floor during the General Assembly. Each candidate will be afforded the opportunity to speak to the General Assembly for not more than three minutes.

At the conclusion of the General Assembly, the Judge Advocate will conduct secret ballot voting to determine the winner.

## ARTICLE VII – FINANCE/REVENUE

**Section 1.** The dues of members shall be established by the Executive Committee and approved by two-thirds vote of the General Assembly in accordance with the Department of Florida and National requirements.

**Section 2.** From such dues collected, the Post shall pay to the Department Finance Officer such per capita proportion as required by the regulations of the National and Department Organization.

**Section 3.** If dues are not paid by January 1 of each calendar year, the member becomes delinquent and all Legion privileges suspended, until current dues are paid.

**Section 4.** The revenue of this Post shall be derived from annual membership dues, donations and from such other sources as may be approved by the post executive committee.

**ARTICLE VIII – AMENDMENTS**

The Constitution may be amended at any General Assembly by a vote of two-thirds of the members attending the Assembly, provided: the proposed amendment shall have been submitted in writing and read at the preceding General Assembly, **AND** that written notice shall have been given to all members by announcement through mail or email at least thirty (30) days in advance of the date when such amendment is to be voted upon, notifying said members that at the General Assembly a proposal to amend the Constitution is to be voted upon.

Attest:

The Constitution printed on these four (4) pages have been approved unanimously by the general membership of Mandarin Fallen Heroes Post 372 at a meeting held on December 13, 2018.

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Commander

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Adjutant