



**Constitution of Boyce-Carpenter-Bunce Post 195,  
Jonesville, MI  
Department of Michigan**

**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.

**Article I—Name**

**Section 1:** The name of this organization shall be **Boyce-Carpenter-Bunce Post 195**, The American Legion, Department of Michigan.

**Article II—Objects**

**Section 1:** The objects 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.

**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 nonpolitical 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:** Rank does not exist in The American Legion; no member shall be addressed by his/her military or naval title in any meeting of this Post.

**Article IV—Membership**

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

**Section 2:** Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

**Section 3:** All applications for membership shall be acted upon at the next Post 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.

**Section 4:** This Post shall be the judge of its own membership, subject to the restrictions of the National and Department Constitution and By-Laws. Any member of this Post may be expelled for cause by a two-thirds vote of the Post Membership present at the next regular meeting after charges are preferred

under oath in writing, and a fair trial had upon the same. This Post shall refer to and comply with the Rules of Procedure for the Trial of Post Members and/or Post Officers as approved by the Michigan Department Executive Committee.

**Section 5:** A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

**Section 6:** No person who has been expelled by a Post shall be admitted to membership in this Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, 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.

### **Article V—Officers**

**Section 1:** The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of three (3) members at large in addition to the officers of the Post. The term of office of members of the Executive Committee shall be for one year. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

**Section 2:** The officers of this Post shall be a commander, a first vice-commander, a second vice-commander, an adjutant, a finance officer, a Post historian, a Post chaplain, Post service officer, Post Judge Advocate and a Sergeant-at-Arms, and such other officers as may be deemed necessary by this organization, who may be nominated from the floor at the meeting preceding the annual election.

**Section 3:** All officers and executive committeemen shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committeeman may be removed for inefficiency by the membership present at a regular meeting, a two-thirds vote of said membership being necessary to affect such removal.

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

**Section 5:** The duties of officers and the executive committee shall be those usually appertaining to such officers or committee and as further provided in the By-Laws.

**Section 6:** This Post shall hold the annual election of Post Officers not less 30 (thirty) days nor more than 120 (one hundred twenty) days prior to the annual Department Convention. The newly elected or appointed Post Officers shall be installed not later than 45 (forty-five) days after the close of the annual Department Convention, and all Post Officers shall have paid their dues for the year of their term of office by the time of their installation.

### **Article VI—Finance**

**Section 1:** The revenue of this Post shall be derived from annual membership dues and from such other sources as may be approved by the Post Executive Committee.

**Section 2:** The amount of such membership dues shall be fixed and determined by this Post.

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

**Section 4:** The Post may pay to the district such annual per capita dues as may be properly assessed.

### **Article VII—Charter Members**

**Section 1:** Members who joined this Post prior to November 11, 1919, or members who joined this Post prior to the issuance of charter shall be known as charter members.

### **Article VIII—Amendments**

**Section 1:** This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Department Constitution of the Department of Michigan, The American Legion. Any amendment to said National Constitution or Department Constitution which conflicts with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

**Section 2:** This Constitution may be amended at any regular Post meeting by vote of two-thirds of the members of said Post attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and providing, further, written notice shall have been given to all members at least 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 Constitution is to be voted upon.



**By-Laws of Boyce-Carpenter-Bunce Post 195,  
Jonesville, MI  
Department of Michigan**

**Article I**

**Section 1:** The Post existing under these By-Laws is to be known as Boyce-Carpenter-Bunce Post 195, The American Legion, Department of Michigan.

**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 shall be entrusted to an executive committee of its Post Officers and 3 at-large members, to be known as the “Executive Committee.”

**Section 2:** The Executive Committee shall consist of three (3) members-at-large in addition to the officers of the Post and together with such other officers of this Post shall be elected annually at the 1<sup>st</sup> Thursday meeting in May and take office at the meeting next following that of the election. All elections of officers and executive committeemen 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.

**Section 3:** All vacancies existing in the Executive Committee or in any office of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who succeeded. A vacancy shall exist when a member or officer is absent from the Post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

**Article III—Post Executive Committee**

**Section 1:** The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post commander within 30 days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the commander, 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; seven members of the committee shall constitute a quorum thereof.

**Section 2:** The Post Executive Committee shall oversee all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this Post.

**Article IV—Duties of Officers**

**Section 1: *Duties of Post Commander.*** It shall be the duty of the Post commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such officer shall be the chief executive officer of the Post. The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy

thereof immediately forwarded to the Department adjutant. The Commander shall perform such other duties as directed by the Post.

**Section 2: Duties of First Vice-Commander.** The first vice-commander shall assume and discharge the duties of the office of commander in the absence or disability of, or when called upon by the Post commander. He/she shall be in charge of membership in the Post and shall perform such other duties as are customary of the office.

**Section 3: Duties of the Second Vice-Commander.** The second vice-commander shall supervise the activities of the Post and shall perform such other duties as are customary of the office.

**Section 4: Duties of Post Adjutant.** The adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National Organizations may require, render reports of membership annually or when called upon at a meeting, and under direction of the commander handle all correspondence of the Post. The adjutant shall perform such other duties as may be directed by the Post.

**Section 5: Duties of the Finance Officer/Treasurer.** The finance officer/treasurer 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 membership the condition of the finances of the Post, with such recommendations as may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer/Treasurer shall sign all checks disbursing the monies of the Post and shall be furnished such surety bonds in such sum as shall be fixed by the Post Executive Committee and shall perform such other duties as may be determined by the Post.

**Section 6: Duties of Post Historian.** The Post historian shall be charged with the individual records and incidents of the Post and Post members and shall perform such other duties as may properly pertain to the office as may be determined by the Post or the Executive Committee.

**Section 7: Duties of Post Chaplain.** The Post chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time and shall perform such other duties as directed by the Post.

**Section 8: Duties of Post Service Officer.** The Post Service Officer (PSO) is charged with the responsibility of being the initial point of contact regarding Veteran benefits and issues by providing basic information and assistance. It is critically important for the PSO to work with a professional Department Service Officer (DSO) and ensure any paperwork submitted by the Veteran is forwarded to the DSO in a timely manner, to ensure proper benefit service. While familiarity with VA laws and regulations pertaining to filing claims, as well as the policies and guidelines established by the National VA&R Commission are helpful, what is most important of a PSO is to coordinate efforts and assist the Veteran or dependent to work with an accredited American Legion DSO.

**Section 9: Duties of the Post Judge Advocate.** The Post Judge Advocate shall advise on the interpretation of the National, Department or Post Constitution and By-Laws when called upon. He/she may also serve as the *ex officio* parliamentarian at all meetings and shall perform such other duties as are customary of the office.

**Section 10: Duties of Sergeant-at-Arms.** The sergeant-at-arms shall be in charge of the colors and setup of the meeting room, preserve order at meetings and shall perform such other duties as are customary of the office and as may, from time to time, be assigned by the Commander or Executive Committee.

## Article V—Delegates

**Section 1:** Delegates and alternates to a Department convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at least twenty (20) days prior to the date of such convention.

## **Article VI—Appointments**

**Section 1:** The Post commander, immediately upon taking office each year, may appoint committees as to the needs of the Post. To include the below committees and any other committee deemed necessary by the Post commander. Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the Post commander.

**Section 2: *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 3: *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 4: *Public Relations Committee.*** The Public Relations 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.

**Section 5: *Veterans Affairs and Rehabilitation Committee.*** The Veterans Affairs and Rehabilitation committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state government, employment, relief, etc.

**Section 6: *Visiting or VAVS Committee.*** This committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.

## **Article VII—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 the Post is taken.

## **Article VIII—Meetings**

**Section 1:** The regular meetings of the Post shall be held on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of every month or to be determined by the Post membership, 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 3 Post members, the Executive Committee shall call a special meeting of the Post.

**Section 4:** Seven members, including a qualified presiding officer, at a meeting shall constitute a quorum.

**Section 5:** This Post shall conduct, open, and close its local meetings as per the national "Officer's Guide and Manual of Ceremonies" or its succeeding publication.

### **Article IX—Notices**

**Section 1:** Every member shall furnish the Post adjutant with a mailing and/or email address for notices.

**Section 2:** The Post adjutant shall cause notice of the annual election to be given at least two (2) weeks prior thereto.

**Section 3:** All special notices, special elections, and any other notices, brought to the attention of the membership at a regular meeting. Shall be posted on the Post Website and serve as official notice to the Post membership.

### **Article X—Rules of Order**

**Section 1:** All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, Newly Revised; except, as herein otherwise provided.

### **Article XI—Limitations of Liabilities**

**Section 1:** The Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other Post, subdivision, members of The American Legion, or other individuals, corporations, or organizations.

### **Article XII—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 next preceding regular meeting of said Post: and, Provided, Further, That written notice shall have been given to all members at least 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.