FOR GOD AND COUNTRY

CONSTITUTION

of

Ron Asby North Cobb American Legion Post 304, Inc.
4220 South Main Street
Acworth, Georgia 30101

Adopted: February 20, 2020

CONSTITUTION

Of

RON ASBY NORTH COBB AMERICAN LEGION POST 304, INC.

CONSTITUTION and BY-LAWS
By Board and Committee

These Constitution and By-Laws were approved at the General Membership meeting of February 20, 2020, attested to by:

John Dowdy, Commander

Jack Kimmich, Adjutant

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Constitution

CONSTITUTION OF THE RON ASBY NORTH COBB AMERICAN LEGION POST 304, INC. KENNESAW, GEORGIA

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 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

1.1 The name of this organization may be: Ron Asby North Cobb American Legion Post 304, Inc.

1.2 Incorporated: 15 April 1992. The government and management of this corporation is entrusted to the Post Commander, and the Executive Committee, and may operate on a fiscal American Legion year beginning annually on 1 August through 31 July.

1.3 The address of the registered office of this corporation is: 4220 South Main St., Acworth, GA 30101. The Post Commander and the Executive Committee are the registered agent(s), with the same address.

ARTICLE II, Objects

2.1 The objects and purpose of this Post may be to promote the principles of the National and Department of Georgia Constitution of the American Legion.

2.2 Any reference in the Constitution and By-Laws to the male gender may be deemed to include the female gender.

ARTICLE III, Nature

3.1 This Post is a civilian organization and membership herein does not affect or increase liability for military or police service.

3.2 This organization may be absolutely non-political and may not be used for the dissemination of partisan principles, or for the promotion of the candidacy of any person seeking public office or endorsement.

3.3 Rank does not exist in the American Legion; no member may be addressed by their military or naval title in any meeting of this Post.

ARTICLE IV, Membership

4.1 Eligibility for membership in this Post may be as prescribed by the National Constitution of the American Legion.

4.2 All applications for membership may be acted upon at the next regular general membership, and may be accepted, rejected, or referred for further investigation and consideration. It may take a simple majority of nay votes to reject an application; a rejected applicant must wait six (6) months before reapplying.

4.3 A receipt may be issued to any member, prospective member, or transferee, upon payment of any dues received; every member may furnish the Post Adjutant with their address for mailing purposes and, if requested by the Post Adjutant, a copy of their Service Form DD-214.

4.4 Any member of this Post may be expelled for cause by a two-thirds (2/3) vote of the members present and voting at a regular meeting, after charges are preferred under oath and in writing, and a fair trial had upon the same in accordance with procedures prescribed by National and adopted by the Department Executive Committee.

4.5 A member who has been expelled from this Post for cause may be reinstated to membership by a two-thirds (2/3) majority vote of the membership present and voting at a regularly scheduled meeting, provided payment of any arrears in dues during the interval between expulsion and reinstatement, are paid.

4.6 No member, who has been expelled by this Post, may be admitted to membership in another Post without the consent of this Post; members expelled may appeal to the Executive Committee of the Department of Georgia for reinstatement to the expelling Post. During any appeal process the member so expelled may be ineligible for membership.

4.7 A member in good standing is defined as a person who has a valid membership card for the current Legion year.

ARTICLE V, Officers

5.1 The administrative affairs of this Post may, except as otherwise provided in the By-Laws, be under the supervision of the elected Executive Committee, consisting of the Post Commander, Senior Vice Commander, the four Junior Vice Commanders, the American Legion Riders (ALR) Director, the Sons of the American Legion (SAL) Commander, and the most recent Past Commander not holding an Elective Office who may retain voting privileges for one (1) year after being replaced. The Director of the American Legion Riders (ALR) and the Commander of the Sons of the American Legion (SAL) must be American Legion members to have voting rights on the Executive Board. If not a member of the American Legion, they would serve on the

Executive Committee with voice only and no voting rights. The Adjutant, Chaplain, Service Officer, Judge Advocate, Sergeant-at-Arms, Historian, and Post Information Officer, appointed by the Post Commander, may sit in session with the Executive Committee with voice, but no vote.

5.2 All Officers, including the Executive Committee members, must present eligibility documents (Service Form DD-214) to the Post Adjutant, prior to their installation in Office.

5.3 All Officers and Executive Committee members will serve for one (1) year, or until a successor is installed or as otherwise herein provided; An Officer or Executive Committee member may be removed from office for cause, provided the affected person is afforded charges under oath, and in writing, one (1) month prior to the contemplated action; Such removal requires a two-thirds (2/3) majority vote of the Executive Committee and the action must be approved at the next scheduled membership meeting by majority vote of the membership.

ARTICLE VI, Nominations – Elections - Vacancies

6.1 ELECTION DATE: All Officers and Executive Committee members of this Post may be elected annually, not earlier than sixty (60) days, and not later than fifteen (15) days, before the ensuing Convention of the American Legion Department of Georgia.

6.2 NOMINATING COMMITTEE: A Nominating Committee Chairperson, not seeking office, may be appointed by the Post Commander at least sixty (60) days prior to the annual

scheduled elections; the Chairperson may further appoint a minimum of two (2) additional Members, also not seeking office; The Committee may submit a slate of Officers for membership consideration, and will ensure that all candidates are qualified and in good standing. The Committee may cause the Post Adjutant to notify the general membership, via the newsletter, the time and date of upcoming elections.

6.3 NOMINATIONS: The Nomination Chairperson may also cause the Post Adjutant to post a Declaration Board, at least forty five (45) days prior to the Election, as provided by Section 6.1 of this Article, listing all Elective Offices, and may, at the last scheduled meeting prior to the annual scheduled election, as provided by Section 6.2 of this Article, announce those nominees who have made their intention to run for an Office be known. The Chairperson will take additional nominations from the floor, provided those nominated are present to accept, or have a letter of intent to accept on file with the Adjutant, and will add those names to the Declaration Board and close nominations. The Post Adjutant will re-post the Declaration Board for informational purposes.

6.4 ELECTION COMMITTEE: A Chairperson, not seeking office, may be appointed by the Post Commander prior to the Election meeting, as provided by Section 6.1 of this Article; The Chairperson may further appoint at least two (2) additional Committee members, also not seeking office. After the general membership meeting, as provided above, the Chairperson may cause the Adjutant to print the necessary paper ballots listing those nominees who have made their intention to run for an Office be known and at the next general membership meeting, as provided by Section 6.1 of this Article, conduct Post Elections in a fair and equitable manner.

The Committee will tally the votes, advise the membership, and post the results on the Bulletin Board. A candidate may not run for more than one Elective Office.

6.5 ELECTIONS: Those candidates nominated for an office listed on the ballot, including any write-in candidates, who receive fifty per-cent (50%) plus one (1) or more majority votes on the first (1st) ballot, will be declared the winner.

6.6 RUN-OFF PROCEDURES: In the interest of time and full voter participation, the Election Chairperson may immediately conduct a pre run-off election, prior to the general election, for those offices with (3) three or more candidates. After tallying the votes, the top two (2) candidates receiving the most votes will be added to the general election ballot.

6.7 INSTALLATION: Officers and Executive Committee members will be installed at the July General Meeting, which may be immediately after the Department Convention, as determined by Section 6.1 of this Article, so as to closely coincide with the American Legion Year, 1 August through 31 July.

6.8 VACANCIES: In the event of a vacancy of the Post Commander, the Senior Vice Commander will automatically ascend to that position. If, after the Senior Vice Commander ascends to Post Commander, that person should die, resign, or otherwise be removed from office, the Post Executive Committee may, by a majority vote, elect a successor and said successor must be approved at the next scheduled membership meeting by majority vote of the membership.

6.9 OTHER VACANCIES: For other vacancies occurring on the Executive Committee, notification may be made to the general membership advising them of said vacancy and allowing a sufficient opportunity to submit a request for consideration of the vacant position by the Executive Committee. Any appointment may be determined by a majority vote of the Executive Committee and must be approved at the next scheduled membership meeting by majority vote of the membership.

6.10 UNEXCUSED ABSENCES: If determined by a majority vote of the Post Executive Committee, a vacancy may occur on the Executive Committee when a member has three (3) or more unexcused absences from mandatory meetings, or American Legion functions.

ARTICLE VII, Finance

7.1 The revenue of this Post may be derived from membership annual dues or initiation fees, and from other sources as may be provided and approved by the Executive Committee.

7.2 The amount of Annual membership dues or initiation fees may be fixed and determined by a majority vote of the members present and voting at a General Membership meeting.

7.3 The Post may pay to Department Headquarters, the National and Department annual membership dues in the amount prescribed for every Legionnaire of this Post.

ARTICLE VIII, American Legion Auxiliary

8.1 This Post recognizes an Auxiliary Organization known as the Auxiliary Unit 304, of Ron Asby North Cobb American Legion Post 304.

8.2 Membership in the Auxiliary Unit may be as prescribed by the National Constitution of the American Legion Auxiliary.

ARTICLE IX, Amendments

9.1 This Constitution is adopted subject to the provisions of the National Constitution of the American

Legion, and the Constitution of the Department of Georgia, American Legion. Any amendment to said National or Department Constitution which is in conflict with any provision hereof, may be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

9.2 This Constitution may be amended at any regular General membership meeting by a two-thirds (2/3) majority vote of the members present and voting, provided that any such amendment(s) may have been recommended by the Constitution & By-Laws Committee, or have been submitted and signed by fifteen (15) or more members in good standing, and read at the next preceding membership meeting, and further provided that the membership be given written notice, either by the Post Newsletter or other type of mailing at least thirty (30) days in advance,

announcing the time and date when such amendment(s) may be voted upon, and provided further that a Legionnaire voting on any such amendment(s) must be a member in good standing.

END OF CONSTITUTION