

**THE CONSTITUTION AND BY-LAWS OF
CHAPEL HILL POST NO.6, AMERICAN LEGION,
INCORPORATED
DEPARTMENT OF NORTH CAROLINA**

Be it known that any previous Constitution and By-Laws of the Chapel Hill Post No.6, American Legion, Incorporated, Department of North Carolina, are hereby rescinded and are null and void.

**CONSTITUTION OF CHAPEL HILL POST NO.6,
AMERICAN LEGION, INCORPORATED**

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 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 shall be Chapel Hill Post No.6, American Legion, Incorporated, The American Legion, Department of North Carolina.

ARTICLE II

OBJECTS

Section 1. The objects and purpose of this American Legion Post shall be to promote the principles and policies as set for in the foregoing preamble, and the National and Departmental Constitutions of The American Legion.

ARTICLE III

NATURE

Section 1. This American Legion 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 or for the promotion of the candidacy of any person seeking political office or preferment.

Section 3. Rank does not exist in the American Legion; no member shall be addressed by his military or naval title in any meeting of this American Legion Post.

ARTICLE IV

MEMBERSHIP

Section 1. Eligibility for membership in this American Legion Post shall be 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 American Legion Post Executive Committee.

Section 3. All applications for membership shall be acted upon at the next American Legion Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If one-third or more members present cast their vote against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six months from the date of such rejection.

Section 4. Any member of this Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath (in writing) and a fair trial had upon the same per the Constitution and Bylaws of the American Legion Department of North Carolina, Inc.

Section 5. A member who has been expelled or suspended from this American Legion Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in any regularly scheduled 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 an American Legion Post shall be admitted to membership in this American Legion Post, without the consent of the expelling American Legion Post, except that where such consent has been asked for and denied by such American Legion Post, he may then appeal to the State Executive Committee of the American Legion Department of North Carolina, Inc. of the expelling American Legion Post for permission to apply for membership in this American Legion Post, and shall be ineligible for membership until such permission is granted.

ARTICLE V

OFFICERS

Section 1. The administrative affairs of this American Legion 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 the newly elected officers as members in addition to the outgoing Commander of the American Legion Post. The term of office of members of the Executive Committee shall be for one year. This American Legion 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 the this American Legion Post 6 shall consist of the following: Post Commander; Vice Commander(s) (as many as the Post may deem necessary in the Post By-Laws); Adjutant; Judge Advocate; Finance Officer; Post Service Officer; Post Historian; Post Chaplain; and Sergeant-at-Arms (number stipulated in By-Laws). Nominations may come from the Officer Nominating Committee or they 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 committeemen may be removed for inefficiency by the Executive Committee, a two-thirds vote of said Executive Committee being necessary to affect such removal.

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

Section 5. The duties of officers and the Executive Committeemen shall be those usually appertaining to such officers or committeemen and as further provided in the By-Laws.

ARTICLE VI

FINANCE

Section 1. The revenue of this American Legion Post shall be derived from annual membership or initiation fees, from annual membership dues and from such other sources as may be approved by the American Legion Post Executive Committee.

Section 2. The amount of such membership or initiation fees and the amount of such annual Post dues shall be fixed and determined by the Post Executive Committee and voted on at the annual membership meeting.

Section 3. The American Legion Post shall pay to Departmental Headquarters the National and Departmental annual membership dues for every member of the American Legion Post within thirty day of the receipt of said dues.

(New) Section 4. There will be an annual audit of the American Legion Post Finance Officers accounts and all committees having bank accounts. The audit will be conducted in January (or at a change of Finance Officer) by one member the Executive Committee, one member from the general membership and custodian of said account (Finance Officer or Committee Chair). The American Legion Post Commander may assign a member in good standing to assist who may have prior auditing experience. These audits include the Legion Riders, Legion Baseball, Legion Softball, Sons of the American Legion, Membership and any other committee.

(New) Section 5. All committees having a bank account will provide a monthly reconciliation of income and expenses reports to the Finance Officer. The Finance Officer will report these reconciliations to the general membership, along with a report of the general fund, at the monthly general meeting. The Finance Officer will provide a format for the report. The Finance Officer shall have access as a signature on such account and all banking accounts will be mailed to the Post address to the attention of the Finance Officer. All members who have access to the Post banking account, cash or any security or funds shall be bonded in the amount determined by the American Legion Post Executive Committee.

ARTICLE VII

AMERICAN LEGION AUXILIARY

Section 1. This American Legion Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Chapel Hill Post No.6, The American Legion.

Section 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

ARTICLE VIII

AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of the American Legion and the Departmental Constitution of the American Legion Department of North Carolina. Any amendment to said National Constitution or Departmental Constitution, which is in conflict with any provision herein, shall be regarded as automatically repealing or modifying the provision of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any regular American Legion Post meeting by a vote of two-thirds of the members of said American Legion Post attending such regular meeting, providing that the proposed amendment shall have been submitted in writing and read at the next proceeding regular meeting of said American Legion Post, and providing further, that written notice (mail or electronic) shall have been given to all members, the Department Commander, Departmental Adjutant, the Department Judge Advocate, the Division Commander and District Commander at least 60 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.

This Constitution was amended by the Executive Committee on February 4, 2021. The proposed amendments to the Constitution were approved by the Post Executive Committee as they now read. Those present at the meeting were: Bill Munsee (Post Commander); Lewis Atwater (3rd Vice Commander); Jim Parise, Tony Garcia, Art Prack, Matt Attaway (Sergeant-at- Arms); Jane Lyonnais (Judge Advocate); John Cocowitch (VSO); Lee Heavlin (Adjutant); Jim Mackorell (Chaplain); Frank Horner (Past Commander).

(Date Constitution was amended by the membership). The Amendments to the Chapel Hill American Legion Post 6 Constitution (dated May 13, 2003) were unanimously (?) passed in accordance with the provisions of Article VIII, Section 2 of the American Legion Post No.6 Constitution dated May 13, 2003 at the regular Chapel Hill, Post No.6, American Legion, Incorporated monthly meeting held on (date). The motion to accept the new Constitution as written was made by _____ and seconded by _____.