

**The American Legion  
Department of Colorado  
ERIC V. DICKSON POST 1980  
BY-LAWS**

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## Article I—Name and Authority

**Section 1. Name.** The name of this organization shall be Eric V. Dickson Post 1980, The American Legion, Department of Colorado (hereinafter called “Post”), having received its charter from the National Organization of the American Legion. Nothing in these By-laws may conflict with the National or Department of Colorado Constitution and By-laws.

**Section 2. Objects.** The objects of this Post are as set forth in the Post Constitution.

## Article II—Management/Executive Committee

**Section 1. Post Management.** The government and management of the Post are entrusted to an Executive Committee (hereinafter called “Executive Committee”).

**Section 2. Membership.** The Executive Committee shall consist of the elected officers of the Post.

**Section 3. Meetings.** The Post Executive Committee shall meet:

- a. For organization and such other business as may come before it at the call of the Post Commander within 10 days after the installation of the new officers.
- b. Thereafter, the Post Executive committee shall meet at the call of the Commander at least monthly, 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 (3) or more members of said Post Executive Committee; if proper notification of the meeting has been given, then a quorum shall consist of four (4) of the current officers.
- c. Due notification of the meeting date, time, and place will be provided by the Commander or the Adjutant to each member of the Executive Committee.
- d. The minutes of each Executive Committee meeting shall be read at the next regular Post meeting for approval by the membership. Any exception taken by a member to any action of the Executive Committee shall be considered by the Post membership in attendance.

**Section 4. Vacancies.** All vacancies shall be handled in accordance with Article IV of these By-laws.

**Section 5. Duties.** The Executive Committee shall:

- a. Act as the general advisory board to the Commander.
- b. Approve the accounts of the Finance Officer.
- c. Act in emergency when the Post is not in session, except that such action shall be ratified at the next regular Post meeting.

- d. Perform those duties specified in these By-laws and as are usually performed by such a body.

## **Article III—Officers**

**Section 1. Elected Officers.** The elected officers of this Post shall be: Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Service Officer, and Sergeant-at-arms, and such other officers as may be deemed necessary by this organization. These elected officers shall make-up the Executive Committee.

**Section 2. Appointed officers.** The Commander may appoint, with consent of the membership, assistant officers as necessary to accomplish the work of the Post.

### **Section 3. Elections:**

- a. Elections shall be held at the regular Post meeting in May. Newly-elected officers will assume their duties immediately after the election. Former officers will assist newly-elected officers to assure a smooth transition.
- b. Not later than the regular meeting in March, the Commander shall appoint a Nominating Committee consisting of a Chairman and two members, all of whom shall be post members in good standing.
- c. The Nominating Committee shall engage Post officers and members to determine a slate of candidates for each elected position. Each candidate shall have agreed to serve if elected.
- d. The Nominating Committee shall provide an update on nominations at the regular meeting in April, and then present its recommendations for each Post elective office at the regular Post meeting in May. Nominations from the floor shall also be opened at this May meeting.
- e. After all nominations have been made, elections will be conducted by secret ballot, except that for any office for which there is only one nominee election will be by acclamation. Election requires a majority of votes cast.
- f. Prior to the deadline established by Department Headquarters, the Post Adjutant will forward to Headquarters the required report of elected officers' names, addresses (including e-mail), phone numbers, specifying the date of election and scheduled date of installation. The Adjutant shall certify the eligibility of each elected officer after inspecting each officer's evidence of qualifying service.
- g. Installation of Post Officers shall be conducted after election and must be conducted prior to the annual Department Convention.

## Article IV—Vacancy in Office

**Section 1. Commander:** In the event of a vacancy in the office of Post Commander, for any reason, the Senior Vice Commander shall assume the office, thus creating a vacancy in the office of the Senior Vice Commander.

**Section 2. All other elected officers.** In the event of a vacancy in any elected office, except as specified in Section 1 above, the vacancy shall be announced at the first meeting after the vacancy occurs and Post members notified of the vacancy and the date for an election to fill that position.

Nominations for someone to fulfill the remainder of the term shall be made and elections held at the same meeting. If there is a temporary vacancy due to necessary absence or illness, the Commander may appoint an Officer Pro-Tem to fill-in until the elected officer is able to return. Alternate or assistant officers may also be appointed by the Commander as necessary.

**Section 3. Resignation.** A resignation of any officer shall be submitted in writing to the Commander or Adjutant, or orally at a regular Executive Committee or Post meeting. Such resignation shall be considered effective, thus creating a vacancy, on the date specified in the resignation, or if not specified, on the date received.

**Section 4. Removal from Office.** The Post shall have the power to remove any Post officer in accordance with the provisions of this section.

- a. Failure to present evidence of qualifying HONORABLE service (copy of Discharge Certificate or DD214) to the Adjutant within 30 days prior to election shall create an automatic vacancy in that office.
- b. Failure to attend three consecutive regular or properly called special meetings of the Post, or if applicable, the Executive Committee, shall create an automatic vacancy in that office unless illness or other serious reasons preclude attendance. The officer should, however, notify the Commander or Adjutant in advance of his or her reason for absence. In that case, the officer will be excused and no action will be taken to remove him/her from office. If there is no advance excuse, a two-thirds vote of the Post membership at a regularly scheduled meeting accepting the officer's excuse, will preclude removal from office.
- c. If action is to be taken to remove an officer from office, for any reason other than those found in a and b above, the steps will be followed as outlined in Article VI of these by-laws.

## Article V—Duties of Officers

**Section 1.** The duties of the Post officers shall be those included in the following sections and shall be in accordance with National and Department of Colorado Post Officer Guidelines.

**Section 2. Duties of the Post Commander.** The Post Commander shall be the Chief Executive Officer, and as such shall oversee and supervise all programs and activities of the Post, including the duties and responsibilities of other Post Officers and Committees. The Commander shall preside at all meetings of the Post and Executive Committee, make all required appointments, sign all applicable vouchers prior to payment by the Finance Officer, serve as an ex-officio member of all committees except the Audit and Nominating Committees, represent the Post at American legion functions as required, and at other public relations functions within the community, and perform such other functions as normally required of such an office and as directed by the Post and the Executive Committee; required functions include District Conferences and the Department Convention. If the Commander is unable to attend a meeting, visitation, conference, or convention, he/she will appoint another officer to perform that function. 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.

**Section 3. Duties of the Post Senior Vice Commander.** The Post Senior 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. The Senior Vice shall also perform such other assignments as requested by the Commander or the Executive Committee.

**Section 4. Duties of the Post Junior Vice Commander.** The Post Junior Vice Commander shall be the Chairman of the Post Membership Committee and shall perform such other assignments as requested by the Commander or the Executive Committee.

**Section 5. Duties of the Post Adjutant.** The Post Adjutant shall:

- a. Keep minutes and records of all Post and Executive Committee meetings and proceedings, including a listing of those present at each meeting; must ensure that each set of minutes is read to the membership and approved.
- b. Give notice of all meetings.
- c. Maintain an accurate record of membership; render reports of membership annually or when called upon at a regular Post meeting.
- d. Upon receipt of dues, issue individual membership cards provided by National through Department; maintain a record of the members who have paid their dues.
- e. Under direction of the Commander, handle all correspondence of the Post.

- f. Provide to Department the required Department and National dues record cards; complete and turn-in to Department the necessary forms that accompany the dues transmittal. This should be done, at a minimum, whenever at least 10 members' dues have accumulated. Copies of transmittal to Department, along with the names of members transmitted, will be maintained.
- g. Provide to Department and District all required reports and certifications.
- h. Ensure that a copy of the Post and Department By-laws are on-hand for each Post and Executive Committee meeting.
- i. Perform such other duties as required in these By-laws and as is customary for that office, including duties requested by the Post Commander or the Executive Committee.

**Section 6. Duties of the Post Finance Officer.** The Post Finance Officer of the Post shall:

- a. Have charge of all Post finances and ensure that they are safely deposited in the Post's bank account.
- b. Render to the Post at the Post regularly-scheduled meeting a monthly accounting of receipts and disbursements, along with a summary of the finances of the Post and any recommendations he/she may deem expedient or necessary for raising funds with which to carry on the activities of the Post.
- c. Provide the Adjutant with the necessary funds to submit membership cards to the Department when members' dues have been paid.
- d. Receive and disburse all Post funds as authorized by the Post, the Executive Committee, or the appropriate Post Officers as outline in these By-laws.
- e. Prepare and sign all checks and vouchers disbursing the monies of the Post, maintaining a file of such checks and vouchers; checks and vouchers require the signature of the Finance Officer and one Executive Committee Member.
- f. Make to the Post an annual report on the financial status of the Post.
- g. The Finance Officer shall prepare a budget for the coming fiscal year when directed by the Executive Committee. This budget is a guide and may be changed at the discretion of the Post Membership.
- h. Ensure the proper Post insurance is obtained and its premiums are paid.
- i. Prepare and file applicable reports to the Internal Revenue Service and other State and Local entities.
- j. Have the financial records of the Post ready for audit and available for the information of Post members at reasonable times upon request.

- k. When the amount of funds handled reaches a point where the Post Executive Committee deems bonding to be necessary, the Finance Officer shall furnish such surety bonds in such sum as required by the Executive Committee. Costs of such bonds will be borne by the Post.

**Section 7. Duties of the Post Historian.** The Post Historian shall be charged with the individual records and incidents of the Post and Post members, including, but not limited to newspaper articles, pictures, newsletters, and a written narrative of the Post's activities for the past year. The Historian shall perform such other duties as may properly pertain to the office as may be determined by the Post Commander or the Executive Committee.

**Section 8. Duties of the Post Chaplain.** The Post Chaplain shall:

- a. Be responsible for the spiritual welfare of the Post members.
- b. Offer non-sectarian divine services at Post meetings, patriotic occasions, dedication ceremonies, funeral services, and other functions as determined by the Post; such ceremonial rituals are to adhere to recommendations by the National or Department Headquarters.
- c. When possible, visit sick Post members at the hospital or at home, and send flowers and/or get-well cards to the hospitalized members; cost of the flowers and cards will be borne by the post.
- d. Comfort bereaved families of deceased Post members.
- e. Officiate, when requested, at funerals for deceased members; when officiating at a funeral, a sectarian service may be used if specifically requested by the family of the deceased.
- f. Officiate, as required, at installations, initiations, and other ceremonies required by the Officer's Guide and Manual of Ceremonies published by the National organization.

**Section 9. Duties of the Post Service Officer.** The Post Service Officer shall:

- a. Assist members and other veterans who may request help in the preparation of claims with the government.
- b. Assist with matters relating to the welfare of members of the Post.
- c. Maintain close liaison with the Department Service Officer.
- d. Coordinate Post activities related to Veterans Hospitals and Homes in the vicinity of the Post.
- e. Conduct all investigations and administer relief, including expenditure of funds provided by any Veterans Assistance funds.

**Section 10. Duties of the Post Sergeant-at-arms.** The Post Sergeant-at-arms shall:

- a. Preserve order at meetings and perform such other duties as may be from time-to-time assigned by the Post Commander or Executive Committee.

- b. Greet members and guest upon their arrival at Post meetings.
- c. Provide the names of guests and new, or prospective, members to the Commander prior to the start of the Post meeting.
- d. Take charge of the Post Color Guard, firing squad, and burial detail.
- e. Perform those duties as are usual to that office, including directing the activities of the Color Bearers.

## **Article VI—Membership**

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

**Section 2. Exceptions.** There shall be no form or class of membership except an active membership; dues shall be paid annually, or for life.

**Section 3. Documentation.** Each applicant for Post membership shall present a fully-executed official membership application or transfer form, including proof of HONORABLE service (copy of Discharge Certificate or DD214); the Adjutant will confirm the applicant's eligibility for membership. After the membership eligibility is confirmed, at the next Post meeting the Adjutant (or other designated officer) will present the new member to the Post. The new member will then be recognized and provided an opportunity to give a summary of their background, military service, and any other appropriate information. Veterans who transfer from another post to Post 1980 must also follow the above procedures, including a copy of their current American Legion Membership Card.

**Section 4. Suspension or Expulsion.** A member may be suspended or expelled from the American Legion and this Post only upon proper showing of just cause, based on disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of the American Legion.

- a. Charges shall be made in writing, signed by the Post member(s) preferring such charges, and handed to the Commander or Adjutant.
- b. A copy of such charges shall be delivered to or sent certified mail to the member being charged, with a cover letter specifying the date of the meeting at which a trial will be conducted.
- c. Notification that charges have been made against a Post member shall be forwarded immediately to the Department Adjutant so as to preclude that member transferring to another Post prior to settlement of those charges.
- d. The membership shall be notified that a trial on charges will be conducted at the meeting specified, but the details of the charges shall not be advertised.
- e. At that meeting the trial will be presided over by the Post Commander or Senior Vice Commander if the Commander is the one being charged. The charges shall be read and both the member(s) preferring the charges and the member being

charged shall be given an opportunity to testify and to present witnesses.

- f. After all parties have been heard and the membership's questions answered, the membership shall vote by secret ballot whether the member(s) so charged shall be suspended or expelled, a two-thirds vote being required for either action.
- g. If the vote is affirmative, the member and the Department Adjutant shall be notified in writing immediately.
- h. If the vote is not in the affirmative, the Post membership shall immediately determine by a two-thirds vote what, if any action is to be taken against those preferring the charges.
- i. When charges have been settled, either way, notification of that action shall be immediately forwarded to the Department Adjutant.
- j. Any member who has been suspended or expelled by this Post has the right of appeal to the Department Executive Committee, whose decision shall be final.

## **Article VII—Dues**

The annual dues for the coming year shall be determined by a majority vote of the membership attending the May meeting. This is necessary to ensure the information is available for the Post Data Report required by Department. If no action is taken by the Post, the dues remain as previously established and the minutes for that meeting establishes the action to set the dues.

- a. Annual dues for the coming year shall be payable on or before December 31<sup>st</sup>.
- b. A member whose dues are not paid by January 1<sup>st</sup> is delinquent. A delinquent member whose dues remain unpaid on February 1<sup>st</sup> shall be suspended from all privileges of membership. A suspended member may be reinstated as a member in good standing by a vote of the Post membership and payment of current dues for the year in which reinstatement occurs.

## **Article VIII—Finances**

**Section 1. Fiscal Year.** The fiscal year for the Post shall be January 1 through December 31.

**Section 2. Post Expenditures.** All expenditures of Post funds shall be approved by the Post membership at a regularly-scheduled meeting with the following exceptions:

- a. The Commander, Adjutant, or Finance Officer may approve \$100.00 per month to be spent on administrative items and day-to-day operating expenses of the Post.
- b. The Executive Committee, at one of their regularly scheduled or special meetings, may approve \$100.00 per month to be spent on Post needs.
- c. In all cases, all expenditures (with receipts) will be reported at the next regular Post meeting.
- d. The Finance Officer shall prepare a budget for the coming fiscal year when directed by the Executive Committee. This budget is a guide and may be changed at the discretion of the Post Membership.
- e. The funds of this Post shall not be pledged to support any venture without the approval of the Post membership as in accordance with these By-laws.

## **Article IX--Delegates**

**Section 1. District Conferences and Meetings.** The Post is entitled to one vote at such meetings and the Post Commander is a delegate to these meetings without additional certification. If the Commander is unable to attend, or if it is the desire of the Post that someone other than the Commander serve as the delegate, then that individual must be elected by the Post and certified to the District Commander.

**Section 2. Department Annual Convention.** The Post is entitled to at least one delegate and one alternate, and may be entitled to more as specified by the Department. The Post Commander normally represents the Post at the Department Convention; if the Commander is unable to attend, or if it is the desire of the Post that someone other than the Commander serve as the delegate, then that individual must be elected by the Post and certified to the Department Commander. The alternate and/or additional delegates shall be elected at the same time as the annual election of Post officers. The outgoing or immediate-past Post Commander should be given preference.

## **Article X—Committees**

**Section 1. Overview.** The Post shall have Committees that are necessary to accomplish the aims and purposes of the Post and the American Legion. The Post Commander, immediately upon taking office each year, will appoint the following Standing Committees: Ceremonials Committee (Honor Guard), Membership Committee, Finance Committee, and Activities Committee. Additionally, the Commander may appoint additional Standing Committees as needed and appropriate (such as Americanism, Children and Youth, Economic, Foreign Relations, Graves Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation,

National Security, Sons of The American Legion and Visiting or VAVS). The Post Commander shall appoint a Chairman and as many members as necessary for each Committee. In addition to the Standing Committees, the Commander shall appoint a Chairman and the necessary members to any Special Committee deemed as needed for the conduct of Post business (i.e. a Committee for a specific event or activity).

**Section 2. Ceremonials Committee.** The principal duty of the Ceremonials Committee is to insure all new members are properly initiated. The Committee is also responsible for the Honor Guard, coordinating events for Honor Guard participation and ensuring the inclusion of appropriate membership in the Honor Guard.

**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. 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. The Finance Officer will be a member of the Finance Committee. The Finance Committee will also suggest potential fund-raising activities, working with the Activities Committee to develop a strategy for and to execute the fund-raising plans.

**Section 5. Activities Committee.** The Activities Committee will work with the Post membership to develop a calendar of events for the year and potential events for Post participation.

## **Article XI—Resolutions**

**Section 1.** All resolutions of state or national scope passed by this Post shall not be publicized or have any action taken thereon until approval is given by the Department Executive Committee.

## **Article XII—Meetings**

**Section 1. Regularly-scheduled Post Meetings.** Post business will be conducted at regularly-scheduled Post meetings, to be held the 4<sup>th</sup> Tuesday of each month at a location to be determined and announced at the previous meeting. Meeting notifications will also be provided to the Post membership via e-mail or other channels as the Commander and Adjutant deem appropriate. The location, date, and time may be changed by specific action of the Post membership at a regular meeting provided all members in good standing are notified in advance of the planned action to consider the change.

**Section 2. Executive Committee Meetings.** Executive Committee meetings will normally be held each month after the normal Post meeting at a date, time, and location to be determined by the Post Commander; notifications

of this meeting to the Post membership will be provided via e-mail or other channels as the Commander and Adjutant deem appropriate.

**Section 3. Special Post Meetings.** The Post Commander or a majority of the Executive Committee shall have the power to call a special meeting of the Post at any time. Upon written request of ten (10) members in good standing of the Post the Executive Committee shall call a special meeting of the Post. As much advance notice of the special meeting shall be given as the urgency of the particular situation allows.

**Section 4. Meeting Protocol.** All meetings of this Post shall be governed by the National Officer's Guide and Manual of Ceremonies, as well as Robert's Rules of Order, except as herein otherwise provided.

**Section 5. Quorum.** At all regular and special Post meetings, as well as Executive Committee meetings, if proper notification of the meeting has been given, then a quorum shall consist of a minimum of two (2) officers and three (3) members.

### **Article XIII—Notices**

**Section 1. Member Contact Information.** Every member shall furnish and provide updates to the Post Adjutant with their current mailing address, phone number, and e-mail address (if appropriate).

**Section 2. General Notifications.** Notifications will be provided at regularly-scheduled meetings and may be supplemented by postal mailings, e-mails, and phone-calls. The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

### **Article XIV—Use of Legion Name and Insignia**

**Section 1.** The Post will at all times comply with the National Constitution and mandates of the National Convention and National Executive Committee regarding the use of the American Legion name and insignia as copyrighted and /or patented under the laws of the United States.

### **Article XV—Limitations of Liabilities**

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 XVI—Auxiliary**

The Auxiliary Unit of Eric V. Dickson Post 1980 is authorized and shall be organized and operated in compliance with the National and Department Constitutions of both the American Legion and the American Legion Auxiliary. The Post shall encourage and cooperate with the Unit in all its authorized activities.

## **Article XVII—Amendments/Revisions**

**Section 1. Amendments/Revisions.** These By-Laws may be amended at any regular Post meeting by an affirmative vote of two-thirds of the members of the Post attending such regular meeting providing that the following have been accomplished prior to the vote:

- a. The members shall be notified of the proposed amendment/revision at least one month in advance of the meeting at which the vote will be taken.
- b. A copy of the proposed changes will be made available at the regular meeting prior to the meeting date of the vote and also at the meeting on the day of the vote. The proposed changes shall be read at both meetings.

**Section 2. Limitations.** No action based on the amendments/revisions shall be taken until approved by the Department Executive Committee.

### **CERTIFICATION OF BY-LAWS APPROVAL**

These By-laws are certified to be a true copy of those approved by the Post membership at the regular meeting held on 22 January 2008.

#### **CERTIFIED:**

//signed Andrew Tyler//  
Post Adjutant

//signed William Fischer//  
Post Commander