



HARTSVILLE AMERICAN LEGION POST NO. 53, INC.
PO BOX 1286
HARTSVILLE, SC 29551

Constitution and By-Laws
Approved, Regular Post 53 meeting, April 16, 2024

Constitution

PREAMBLE

For Post 53, the preamble to this document is the preamble in the current constitution for the National American Legion organization, including as modified in any future revisions, and is incorporated in this document by reference.

ARTICLE I

NAME

Section 1. The legal name of this organization is Hartsville American Legion Post No. 53, Inc. Section 2. Post 53 is part of The American Legion, Department of South Carolina.

ARTICLE II

OBJECTS

The objectives and purposes of this Post shall be to promote the principles and policies as set forth in the National and Departmental Constitutions of The American Legion, and the four pillars of The American Legion – supporting veterans, children and youth, Americanism, and promoting a strong national defense.

ARTICLE III

NATURE

Section 1. Post 53 is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2. Post 53 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.

Section 3. Members have equal status and opportunity for leadership positions within The American Legion regardless of current or former military service rank. Members should not be addressed by their military or naval title in any American Legion meeting.

ARTICLE IV MEMBERSHIP

Section 1. Application for membership may be made by any appropriate method within The American Legion organization. Examples are, but not limited to, the online membership website, in person at a Post 53 meeting, or any other method accepted by The American Legion organization.

Section 2. Applicants for membership in Post 53 will be accepted as members if they meet the eligibility requirements prescribed in the National Constitution of The American Legion.

Section 3. The reasons and process for the discipline of a member of Post 53 and any subsequent appeals will be as described in Article VII, Discipline, in the By-Laws of The American Legion Department of South Carolina except in the case that the Post 53 Commander is the person being disciplined. If the Commander is being disciplined, a Vice Commander (if any) in order of seniority will preside over the hearing. If there is no Vice Commander position established, then the Post 53 Adjutant will preside over the hearing and the Adjutant will identify another executive committee member to record the proceedings.

Section 4. No person who has been expelled by another Post shall be admitted to membership in Post 53 without the consent of the expelling Post. If the expelling Post denies permission for membership to Post 53, then Post 53 may appeal to the Executive Committee of the Department of the expelling Post for permission to apply for membership in Post 53. The prospective member shall be ineligible for membership until such permission is granted.

ARTICLE V OFFICERS

Section 1. The officers of Post 53 shall be a commander, an adjutant, a finance officer, and such other officers as may be deemed necessary by Post 53.

Section 2. All officers and executive committee members shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committee member may be removed for inefficiency by the Executive Committee. A simple majority vote of said committee is necessary to affect such removal.

Section 3. Every member of Post 53 in good standing shall be eligible to hold office in Post 53.

Section 4. The duties of officers and the executive committee are described in the By-Laws.

ARTICLE VI

FINANCE

Section 1. The revenue of this Post shall be derived from membership or initiation fees, 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 or initiation fees and the amount of such annual Post dues shall be determined by Post 53 membership by a simple majority vote held during a regular Post meeting.

Section 3. Post 53 shall ensure payment to the American Legion Department of South Carolina and the National American Legion organization the annual membership dues required by both entities for every member of Post 53.

ARTICLE VII

AMERICAN LEGION ADDITIONAL ORGANIZATIONS

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Hartsville American Legion Post No. 53, Inc.

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

Section 3. Post 53 may establish additional organizations recognized by The American Legion Department of South Carolina and/or the national American Legion organization when and if desired. Examples of these organizations are, but not limited to the Sons of the American Legion, American Legion Riders, etc.

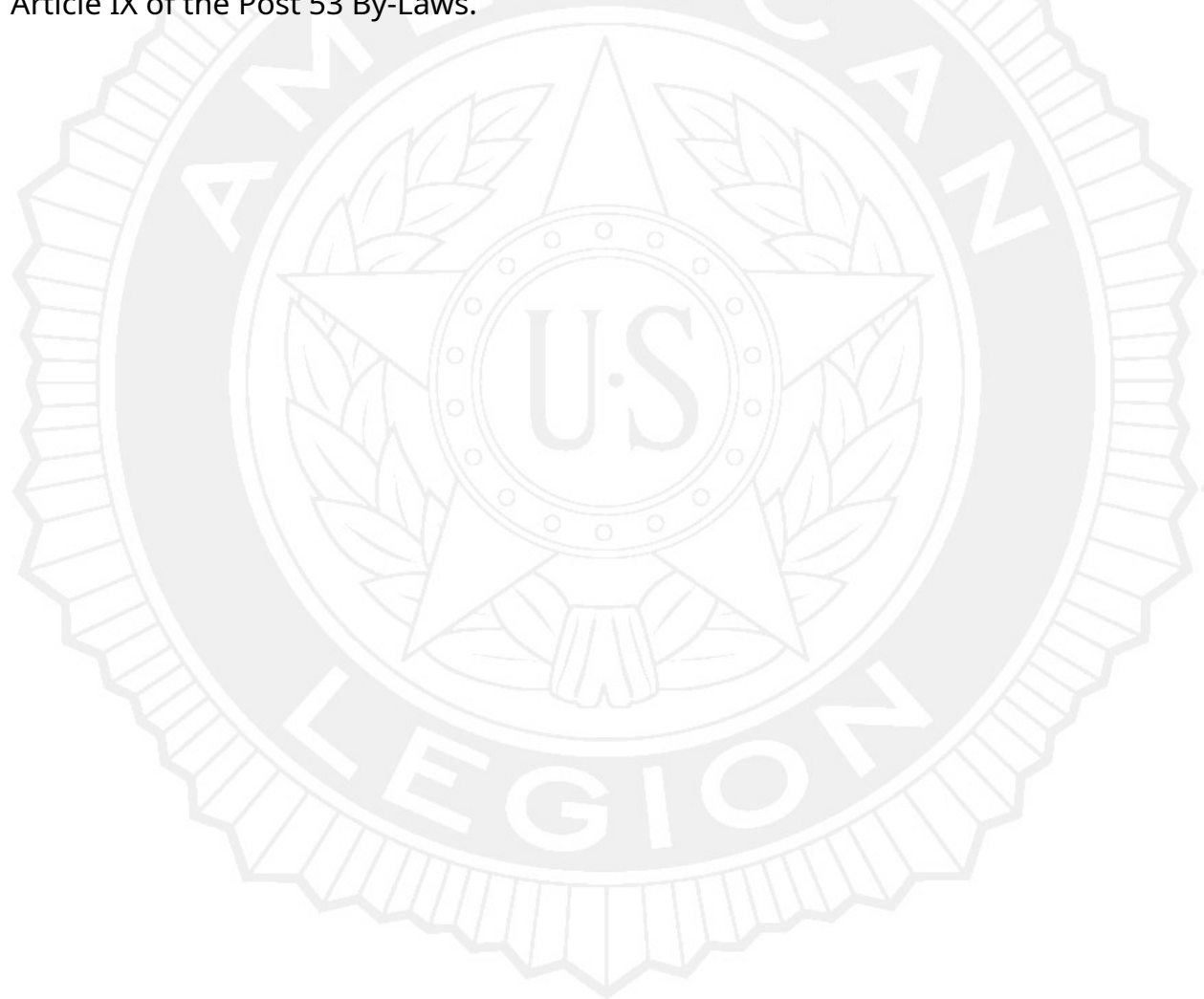
ARTICLE VIII

AMENDMENTS

Section 1. This Post 53 Constitution and the associated Post 53 By-Laws are adopted subject to the provisions of the national Constitution of The American

Legion and of the constitution of the American Legion Department of South Carolina. Any amendment to said National Constitution or Department Constitution which conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of the Post 53 Constitution and By-Laws to the extent of such conflict.

Section 2. The Post 53 Constitution and/or By-Laws may be amended at a regular monthly Post 53 meeting by a simple majority vote, provided that a quorum exists as defined in Post 53 By-Laws Section VII, and that the proposed amendment shall have been submitted to Post 53 members in writing or by electronic media and discussed at the regular monthly meeting immediately preceding the scheduled vote. The written or electronic media notice shall have been given to Post 53 members prior to the regular monthly meeting during which the proposed amendment will be discussed for the vote to be conducted at the next regular monthly meeting. The vote will be conducted by any of the methods described in Article IX of the Post 53 By-Laws.



By-Laws

ARTICLE I

MANAGEMENT

Section 1. The government and management of Post 53 is entrusted to persons known as the "Executive Committee." The term of office of members of the Executive Committee shall be for one year.

Section 2. The Executive Committee shall consist of the Commander, Adjutant, Finance Officer, and at least two but not more than nine additional Post 53 members.

Section 3. If Post 53 chooses to elect Vice Commanders as allowed by Post 53 By-Laws Article III, any Vice Commanders elected will become members of the Executive Committee as long as at least two Executive Committee members are not also Post 53 officers.

Section 4. Together with the other officers of Post 53, the additional Executive Committee members shall be elected annually during the regular April Post meeting and take office at the next Executive Committee meeting following election. Elections of officers and executive committee persons shall be as described in Article IX of these By-Laws.

Section 5. Three members of the Post 53 Executive Committee shall constitute a quorum thereof as long as at least one of the three is also a Post 53 Officer.

Section 6. 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 executive committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who left office. 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 II

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 53 commander as often as said commander may deem necessary. The commander shall call a meeting of the Post Executive Committee upon the joint verbal, written, or electronic request of three or more members of the Post 53 Executive Committee.

Section 2. The Post Executive Committee may hire such employees as may be necessary; shall authorize and approve all general fund expenditures of greater than \$1000.00; may require adequate bonds from all persons having the custody of Post funds; may borrow funds for approved Post 53 projects; may authorize credit card accounts; may hear the reports of Post committees; may delegate the management of Post 53 project funds to members of the respective project teams limited by the amounts in the respective accounts established for each project; and generally, shall have charge and responsibility for the management of the affairs of Post 53.

ARTICLE III

DUTIES OF OFFICERS

Section 1. It shall be the duty of the Post 53 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 general funds when the disbursement is greater than \$1000.00. The commander shall make an annual report covering the business of Post 53 for the preceding year, and recommendations for the ensuing year. The report shall be presented to the members during the February regular Post 53 meeting and incorporated into the minutes of that meeting. The commander shall perform such other duties as directed by the Post.

Section 2. The Post 53 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.

Section 3. The accounts of Post 53 are the general fund and project accounts. The finance officer of Post 53 shall have oversight of Post finances in coordination with the project teams. Funds are to be safely deposited in an appropriately insured financial institution such as a bank, savings and loan, etc., and/or a financial advisory firm organized with fiduciary responsibility to the client. Reporting on the financial condition of Post 53 shall be as requested by the Executive Committee or a Post 53 member during a regular monthly meeting. Recommendations may also be provided for raising funds with which to carry on the activities of Post 53. The finance officer shall usually sign checks disbursing the monies from the general fund of the Post and shall furnish such surety bonds in such sum as may be

established by the Executive Committee. Accounts established to operate Post 53 projects such as, but not limited to, sponsorship of baseball and/or softball teams, etc., may be handled by Post 53 members who have accepted responsibility for overseeing these projects. All accounts shall have at least two signatories to allow continued operation in the absence of one signatory. For the general fund, the primary signatory will be the finance officer with the alternate signatories being either, or both, the Post 53 commander or adjutant. For project accounts, the primary signatory may be the Post 53 member who accepted responsibility for oversight of the project with alternate signatories being another member of the project team, the Post 53 finance officer, commander, and/or adjutant. If credit card accounts are created, the statements may be sent to an address other than the Post 53 PO Box address to facilitate timely payment of any amount due.

Section 4. If additional Post 53 officers are established, these officers and their duties shall be based on the guidance provided for similar officers in the constitutions and by-laws for the American Legion Department of South Carolina and/or the national American Legion organization. Post 53 will have no more than four Vice Commanders.

Section 5. In the absence of the Post 53 Commander for general or executive committee duties, the order of succession for the leadership of Post 53 shall be Vice Commanders (if any) in order of seniority, then the Adjutant, and then the Finance Officer.

ARTICLE IV DELEGATES

Delegates and alternates to the American Legion Department or South Carolina convention shall be determined and provided to the Department of South Carolina per the deadline established by the Department of South Carolina. These delegate/alternates may be volunteers, or, if more members volunteer than the allowed Post 53 delegation limit, elected by a method allowed by Article IX of these By-Laws during a regular meeting of the Post to be held sufficiently in advance of the Department of South Carolina deadline for Post delegation submittal.

ARTICLE V APPOINTMENTS

The Post 53 commander may, at any time and with consultation with the Post Executive Committee, establish and dissolve other committees as the business of Post 53 may require. The constitutions and by-laws for the American Legion

Department of South Carolina and/or the national American Legion organization may be used as guidance for appropriate committees and the duties of these committees. Committees for Post 53 projects or other special needs may also be created and dissolved as needed. An example of a special needs committee is the Post Renovation Committee.

ARTICLE VI RESOLUTIONS

Post 53 will follow the process for Resolutions contained in The American Legion Department of South Carolina Constitution and By-Laws. Resolutions initiated by a Post 53 member or committee will be reviewed, edited, or rejected by the Post 53 executive committee. Resolutions accepted by the Post 53 executive committee will be submitted to the American Legion Department of South Carolina per the Constitution and By-Laws of the Department for review. Post 53 will take no independent action for the public dissemination of any resolutions.



ARTICLE VII

MEETINGS

Section 1. The regular meetings of Post 53 are normally held at the Post 53 building on the third Tuesday of each month at which may be transacted such business as may properly be brought up for action. The start time of the meetings may be adjusted with approval of the membership. The meetings may be moved to other locations for special events or for circumstances causing the Post 53 building to be unavailable. The regular meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of Post 53.

Section 2. 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.

Section 3. Upon the written or electronic request of six members, the executive committee shall call a special meeting of Post 53.

Section 4. A quorum for the conduct of business for a meeting of the Post 53 membership shall consist of nine members in good standing. A quorum consisting of members physically present is sufficient to conduct business. When circumstances require, a quorum may be established by any combination of physical presence, electronic media, or voting by proxy. The use of proxy voting is limited by Post 53 By-Laws, Article VII, Section 5.

Section 5. Proxy voting requires that Post 53 membership be notified of the business requiring the vote by appropriate methods such as, but not limited to, email, text, US Postal Service, etc., prior to the regular meeting for the month before the scheduled vote. The business will be discussed during the regular meeting the month before the scheduled vote. The discussion results and any voting process updates will be communicated to the membership within ten calendar days from the discussion meeting. The vote will be held during the next regular Post 53 business meeting. Proxy votes must be received by the day before the scheduled vote.

ARTICLE VIII

NOTICES

Section 1. Every member should furnish the Post adjutant with contact information for conventional mailing and/or electronic communications.

Section 2. The Post 53 Commander, Adjutant, or other member so delegated, shall cause notice of the annual election to be given in the agenda for the monthly meeting for the month prior to the election.

ARTICLE IX

RULES OF ORDER

Section 1. All proceedings of Post 53 should be conducted based on the American Legion guidance for conducting a Post meeting and basic parliamentary procedure for making a motion, seconding the motion, discussion, and voting.

Section 2. Voting may be by voice vote, show of hands, ballot, or some other method acceptable to the members.

Section 3. In the event of a disagreement, the issue shall be tabled to a future meeting, and a path forward negotiated.

Section 4. Resources such as Roberts' Rules of Order may be referenced during negotiations.

