



CONSTITUTION & BY-LAWS

OF

AMERICAN LEGION POST 86

NACOGDOCHES, TEXAS

Established October 29, 1919

DISTRICT 7

DEPARTMENT OF TEXAS

THE AMERICAN LEGION

Amended and Restated: September 8th, 2025

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Constitution of the



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. Official Name.

The official name of this organization, under which it conducts all legal and financial affairs, shall be "American Legion Post 86".

Section 2. Location and Affiliation.

This Post is located in Nacogdoches, Texas, and operates under a charter granted by the National Organization of The American Legion through the Department of Texas.

Section 3. Dedication.

This Post is named in honor of, and perpetually dedicated to the memory of, Private First Class Oscar P. Austin, United States Marine Corps, Medal of Honor recipient.

ARTICLE II – PURPOSE

Section 1. Governing Purpose.

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 Department Constitutions of The American Legion.

ARTICLE III -- NATURE

Section 1. Civilian Organization.

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

Section 2. Nonpolitical Nature.

The American Legion, Department of Texas, shall be absolutely 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.

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 – ELIGIBILITY AND MEMBERSHIP

Section 1. Joining the Post

- a. **Eligibility Requirements** To be eligible, you must meet both the Military Service and Character of Service requirements.
 - 1. **Military Service:** You must have served in the Armed Forces of:
 - i. The United States during one of these periods: April 6, 1917, to November 11, 1918, or any time after December 7, 1941.
 - ii. An Allied Government during the periods listed above, provided you were a U.S. citizen at the time of enlistment.
 - 2. **Character of Service:**
 - i. Your service must have been terminated by an honorable discharge or honorable separation, or you must be still serving honorably.
 - 3. **Important Exclusion:**
 - i. No person is eligible if they refused to submit to military discipline on conscientious, political, or other grounds during their service.
- b. **Membership Type**
 - 1. The only class of membership is active membership.
 - 2. Membership is held through a specific Post.
 - 3. Dues are paid annually or for life.
- c. **Application and Approval Process**
 - 1. **Application:** A person must apply for membership in writing, following the rules set by the Post Executive Committee.
 - 2. **Review:** All applications are reviewed at the next General Membership Meeting after they are submitted.
 - 3. **Decision:** At the meeting, the application will be voted on. The membership can accept, reject, or table the application for further investigation.
 - 4. **Rejection:** An application is rejected if a majority of the members present vote against it.

Section 2. Membership Rules

- a. **Exclusivity:** A person may not be a member of more than one American Legion Post at the same time.
- b. **Post Authority:** This Post is the judge of its own membership, following the rules of the National and Department Constitutions.
- c. **Transferring Your Membership**
 - 1. **Process:** Any member in good standing can transfer to a new Post using The American Legion Member Data Form.
 - 2. **Dues:** No additional dues are required for the transfer. Dues already paid remain with the original Post.
 - 3. **Approval:** The new Post has the final say on accepting the transfer.
 - 4. **Completion:** The transfer is complete when the new Post issues a new membership card.

Section 3. Discipline and Removal

- a. **Disciplinary Actions:** A member can only be disciplined according to the Department's Uniform Code of Procedure for Disciplinary Actions.
- b. **Joining After Expulsion from another Post**
 - 1. A person expelled from another Post cannot join this Post without the consent of the expelling Post.
 - 2. If the expelling Post denies consent, the person may appeal to that Post's Department Executive Committee for permission to join another Post.
- c. **Reinstatement After Expulsion from this Post**
 - 1. If a member of this Post is expelled, their membership is suspended pending a final appeal.
 - 2. If the expulsion is upheld, they are not eligible to rejoin this Post for **one year**.
 - 3. After one year, they may re-apply for membership, and the application will be considered through the standard approval process.
- d. **Handling Ineligible Members**
 - 1. If the Post determines a member is not eligible, it must immediately notify the Department Adjutant in writing so the member can be removed from the national rolls.
 - 2. If a member fails to provide proof of eligibility within **30 days** of a written request (sent via certified mail), it will be presumed that they are not eligible.

ARTICLE V -- OFFICERS

Section 1. Executive Committee.

- a. **Role:** The Post Executive Committee is responsible for supervising the administrative affairs of the Post.
- b. **Composition:** The committee consists of all Post Officers plus at least two (2) additional members.
- c. **Term of Office:** Members of the Executive Committee serve a term of one (1) year.
- d. **Other Committees:** The Post may establish other standing committees as needed through its By-Laws.

Section 2. Post Officers.

a. Required Officer Positions

1. The required officers of this Post are:
 - i. Commander
 - ii. Vice Commander
 - iii. Adjutant
 - iv. Finance Officer
 - v. Judge Advocate
 - vi. Historian
 - vii. Chaplain
 - viii. Sergeant at Arms
 - ix. Service Officer
2. The Post may also create other officer positions as deemed necessary.

b. Holding Multiple Offices

1. **Authorization:** A single member in good standing may hold more than one office concurrently if it is necessary to fill a position for which no other willing candidate is available.
2. **Required Approval:** The holding of multiple offices by one person must be approved by the Post Executive Committee.
3. **Separation of Duties:** For the purposes of sound financial control, the offices of **Commander** and **Finance Officer** must not be held by the same person.

Section 3. Nominations of Officers.

There are two official methods for nominating candidates for office:

a. By Committee

1. The Post Executive Committee will appoint a nominating committee.
2. This committee will present its nominations at the regular monthly meeting immediately before the annual election.

b. From the Floor

1. Any member can make nominations from the floor during two specific meetings:
 - a. The regular meeting just before the election.
 - b. The meeting when the annual election is held.

Section 4. Officer Elections and Removal.

a. Elections

1. **When:** Officer elections must be held at a Post meeting at least fifteen (15) days before the Department Convention.
2. **How:** All officers and Executive Committeemen are elected annually by a majority vote using written ballots.
3. **Voter Eligibility:** Only members who hold a current calendar year membership card are eligible to vote.
4. **Installation:** Newly elected officers must be installed no later than the first regular Post meeting in August.

b. Term of Office

1. Officers hold their positions until their successors are officially installed.

c. Removal for Cause

1. **Initiation:** An officer or Executive Committeeman can be removed for cause by the Post Executive Committee.
2. **Vote Required:** A two-thirds (2/3) vote of the Executive Committee is necessary to approve the removal.
3. **Member Rights:** The general membership may be present during the Executive Committee's removal meeting but will not have a voice or a vote.
4. **Final Approval:** The Executive Committee's decision to remove an officer must be presented to the general membership at the next regular meeting (with a quorum present) for a final vote of approval or reversal.

Section 5. Officer General Duties.

The duties of Officers and Executive Committeeman shall be those usually appertaining to such Officers or Committeemen and as further provided in the By-Laws.

Section 6. Forfeiture of Office.

- a. All officers and Executive Committee members are expected to attend all regular meetings of the Post and the Executive Committee.
- b. If any officer or Executive Committee member fails to attend three (3) consecutive regular meetings without providing a reasonable cause to the Commander or Adjutant, the Executive Committee shall take the following actions:
 1. Formally determine if the absences constitute cause for forfeiture of office.
 2. If forfeiture is determined to be warranted, it shall declare that office vacant.
 3. It shall then order an election to fill the vacancy in accordance with the rules set forth in these By-Laws.

Section 7. Officer Vacancies.

In case of vacancy in any office for any cause, the said vacancy shall be filled at any regular meeting provided at least fifteen (15) days' notice of such election has been given to the members.

ARTICLE VI - FINANCE

Section 1. Sources of Revenue

- a. **Primary Sources.** The revenue of this Post shall be derived from two primary sources:
 1. Annual membership dues.
 2. Gun Raffle proceeds.
 3. Other sources as approved by The Post.
- b. **Approval Process:** All sources of revenue other than dues must be approved by the Post Executive Committee and then ratified by a majority vote of the general membership at a regular meeting.

Section 2. Setting Membership Dues and Fees.

- a. **Authority:** The amount of annual dues and any initiation fees shall be determined by a vote of the Post's general membership.
- b. **Timeline:** The annual vote to set the dues amount for the succeeding year must be held no later than the regular May meeting.

Section 3. Department and National Dues.

- a. **Responsibility:** The Post is responsible for collecting the Department and National annual membership dues from each paid member.
- b. **Remittance:** The Post shall forward these dues to the Department Headquarters within thirty (30) days of receiving them from the member.

ARTICLE VII - CHARTER MEMBERS

Section 1. Charter Members.

Members who joined this Post prior to the issuance of permanent charter shall be known as charter members.

ARTICLE VIII - AMERICAN LEGION AUXILIARY

Section 1. Recognition and Name.

- a. **Official Recognition:** This Post recognizes an auxiliary organization that operates in support of the Post.
- b. **Official Name:** The official name of this organization is the "American Legion Auxiliary Post 86".

Section 2. Membership Governance.

- a. **Governing Authority:** All matters concerning membership in the Auxiliary, including eligibility and rules, are governed by the National and Department of Texas Constitutions and By-Laws of The American Legion Auxiliary.

ARTICLE IX - AMENDMENTS

Section 1. Supremacy of National and Department Constitutions.

This Constitution is adopted subject to the provisions of the National and Department Constitution of The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict 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. Amendment Procedure.

To amend the Constitution, the following five-step process must be followed:

- a. **Step 1: Submit the Proposal:** The proposed amendment must be submitted in writing to the Post Executive Committee for its review.
- b. **Step 2: Executive Committee Review:** The Executive Committee will review the proposal and vote to approve or reject it. If the committee rejects the amendment, it can still be brought to the general membership on a minority report.
- c. **Step 3: First Reading:** The proposed amendment must be submitted in writing and read aloud to the membership at a regular Post meeting. This must happen at the meeting *before* the vote is scheduled to take place.
- d. **Step 4: Notify All Members:** A written notice must be sent to all Post members at least fifteen (15) days before the vote, stating that a proposal to amend the Constitution will be voted on.

- e. **Step 5: Final Vote:** A written notice must be sent to all Post members at least fifteen (15) days before the vote, stating that a proposal to amend the Constitution will be voted on.

Section 3. Department Governing Authority.

Anything not covered by this constitution shall be governed by the Constitution of the Department of Texas.

ARTICLE X - REAL PROPERTY

Section 1. Selling or Disposing of Property.

- a. **Governing Rules:** To sell, use as collateral, or otherwise dispose of real property, the Post must follow the Department of Texas's "Guidelines for the Selling of Post Property".
 - 1. These guidelines are followed to ensure compliance with Texas law, protect members from personal liability, and safeguard the Post's tax-exempt status.
- b. **Required Approval:** The Post must get prior approval from the Department Executive Committee before selling or using real estate as collateral for a loan.
 - 1. In urgent situations, the Department Commander can provide this approval.

Section 2. Department Notifications.

- a. **Acquisitions:** The Post must notify the Department of Texas any time it acquires an interest in real estate.
- b. **Liens:** If a lien is placed on Post property, the Post must notify the Department Adjutant within seven (7) days of receiving the notice.

Section 3. Third-Party Use (Rentals).

- a. **Contract and Fees:** The Executive Committee is required to create and maintain a standard contract and fee schedule for third parties to use Post property.
- b. **Security Deposit:** The contract must require a separate, refundable security deposit, which must be deposited into the Post's bank account.
- c. **Refunds:**
 - a. Any refund of the security deposit shall be paid from the Post's bank account.
 - b. The method of refund (e.g., credit card refund, check, electronic transfer) shall match the original method of payment whenever feasible.

ARTICLE XI - PROGRAMS

Section 1. Sponsorship and Governance.

- a. **Authorization:** This Post may sponsor both a Sons of The American Legion (SAL) Squadron and a Legion Riders Chapter.

- b. **Post Supervision:** Once formed, both programs are subject to the rules, regulations, and supervision of the Post Executive Committee, as ratified by the Post membership.
- c. **By-Laws:**
 - 1. Both groups may adopt their own Constitution and By-Laws, but they must be approved by the Post Executive Committee.
 - 2. Until they adopt their own governing documents, both the SAL Squadron and the Legion Riders Chapter shall be governed by the Constitution and By-Laws of this Post and that of the Department of Texas.

Section 2. Ceasing Sponsorship.

- a. **Reason:** The Post may stop its sponsorship of either program for "good cause". This action is at the discretion of the Executive Committee and must be ratified by the Post membership.
- b. **Examples of Good Cause:**
 - 1. Failure to maintain a minimum of ten (10) members.
 - 2. Failure to function as a group.
 - 3. Participating in activities that are illegal, immoral, or opposed to the American way of life.

Section 3. Program Leadership and Representation.

- a. **Sons of The American Legion:** The Squadron shall elect a Commander from its membership.
- b. **Legion Riders:** The Chapter shall elect a Director from its membership.
- c. **Post Liaison:** The Post shall appoint a member to act as a Liaison to both the SAL Squadron and the Legion Riders Chapter. This Liaison will report on the programs' activities as directed by the Post Executive Committee.
- d. **Executive Committee Meetings:** The SAL Commander and the Legion Riders Director, or their designated representatives, must be present at Post Executive Committee meetings.

ARTICLE XII - DISSOLUTION

All proceedings related to dissolving the Post are governed by the constitutions and by-laws of the Department of Texas and the national American Legion organization.

Section 1. The Vote to Dissolve.

- a. **Final Authority:** The Post can only be dissolved and its charter surrendered upon a majority vote of the National Executive Committee.
- b. **Initiating the Request:** To begin the process, the Post must hold a special meeting for the sole purpose of voting on a request for dissolution.
 - 1. **Notice:** All members must receive written notice of the meeting's date, time, and purpose at least thirty (30) days in advance.
 - 2. **Quorum:** A quorum must be present for the vote to be valid.
 - 3. **Vote Required:** The request must be approved by a two-thirds (2/3) affirmative vote of the members present.

Section 2. Notifying the Department.

- a. **Immediate Notification:** Immediately after an affirmative vote, the Post Commander and Adjutant must notify the Department of Texas Commander and Adjutant in writing of the Post's intent to dissolve.
- b. **Cease Further Action:** The Post must take no further action toward dissolution or the handling of assets until it receives guidance and approval from the Department of Texas.

Section 3. Winding Up Affairs.

- a. **Pay Debts:** Upon receiving guidance from the Department, the Post Executive Committee will cease all activities except for those needed to pay off all outstanding debts and liabilities.
- b. **Trustee:** The Department of Texas may appoint a trustee to supervise this process.

Section 4: Distributing All Assets.

This occurs only after all debts and liabilities have been settled.

- a. **Real Property:** All real property will be conveyed to the Department of Texas.
- b. **Funds and Securities:** All cash, bank accounts, and investments will be transferred in full to the Department of Texas.
- c. **Charter, Records, and Colors:** The Post Charter, official records, and Colors will be delivered to the Department of Texas Headquarters.
- d. **Personal and Historical Property:** All other property (furniture, equipment, memorabilia) will be disposed of at the discretion of the Department of Texas.

Section 5: Crucial Rule: No Private Benefit.

- a. **No Private Inurement:** No member, officer, or private individual is entitled to share in the distribution of any Post assets.
- b. **Assets and Earnings:** No part of the Post's assets or earnings may benefit any private person, other than reasonable compensation for services rendered.

Section 6: Final Surrender of Charter

- a. Once all assets are distributed and all affairs are settled to the Department's satisfaction, the Post will execute the final surrender of its charter as directed by the Department of Texas Executive Committee.

By-Laws

of the



ARTICLE I - NAME AND GOVERNANCE

Section 1. Official Name.

These By-Laws establish the operating procedures for American Legion Post 86 (hereafter "The Post"), and are enacted in conformity with the provisions of the Post Constitution and the regulations of the Department of Texas and the National Organization of The American Legion.

ARTICLE II -- MANAGEMENT

Section 1. Executive Committee Composition.

- a. **Responsibility:** The government and management of the Post is entrusted to the Post Executive Committee.
- b. **Composition:** The committee consists of all Post Officers plus two (2) additional members.
- c. **Election and Term**
 - 1. Committee members are elected annually.
 - 2. They take office immediately upon installation.

Section 2. Executive Committee Meetings.

- a. **Meeting Schedule**
 - 1. The first meeting of new officers is called by the Post Commander within ten (10) days of installation.
 - 2. Thereafter, the committee meets at the call of the Commander at least once a month.
- b. **Calling a Meeting**
 - 1. The Commander may call a meeting as often as deemed necessary.
 - 2. The Commander must also call a meeting upon the joint written request of three (3) or more committee members.

Section 3. Powers and Responsibilities.

- a. **General Powers**
 - 1. To hire necessary employees.
 - 2. To hear reports from Post Committee Chairmen.
 - 3. To generally be in charge of and responsible for the management of Post affairs.
- b. **Financial Authority**
 - 1. To authorize and approve all expenditures.
 - 2. To require and approve adequate bonds for all persons handling Post funds.
 - 3. To ensure all funds are placed in the hands of the Post Finance Officer.

c. Oversight and Accountability

1. An annual financial review of all Post records will be conducted at the end of the fiscal year, led by the Post Judge Advocate.
2. All actions of the committee, except for the hiring and firing of employees, must be submitted for approval to the general membership at the next regular meeting.

Section 4. Submission of Financial Documents.

To ensure timely financial record-keeping and reimbursement, all members and officers shall adhere to the following procedures.

a. Deadline and Consequences.

1. To be considered for approval and payment, all receipts, invoices, and requests for reimbursement related to an expenditure must be submitted to the Post Finance Officer before the next regular General Membership Meeting following that expenditure.
2. The specific deadline shall be either three (3) days prior to the meeting or the Friday prior to the meeting, whichever date provides a greater number of days for review.
3. For authorized purchases requiring reimbursement to a member, failure to submit the required documentation by the established deadline may result in the rejection of the reimbursement request.

b. Approved Submission Methods.

Documents may be submitted through any of the following official channels:

1. Emailed directly to the Post Finance Officer.
2. Delivered in person to the Post Finance Officer.
3. Placed in the Finance Officer's designated mailbox at the Post office.
4. Uploaded to the designated receipt folder on the Post's shared drive.
5. For authorized users, receipts may be uploaded directly into the Post's accounting software.

c. Documentation for Disbursements.

1. **All Expenditures:** For all funds disbursed by the Post, whether for member reimbursement, direct payment to a vendor, or benevolence, supporting documentation (e.g., receipt, invoice) must be submitted to the Post Finance Officer to be retained with the Post's financial records.
2. **Benevolence Payments:** For benevolence funds disbursed on behalf of an individual, family, or community organization, this supporting documentation must include a copy of the relevant bill or invoice (such as a utility bill).

ARTICLE III - DUTIES OF OFFICERS

Section 1. Post Commander.

The Post Commander is the Chief Executive Officer of the Post and is responsible for:

- a. Presiding at all Post meetings.
- b. Having general supervision over the business and affairs of the Post.
- c. Approving all orders for the disbursement of funds.
- d. Making an annual report on the business of the Post and providing recommendations for the upcoming year.
- e. Ensuring the Post Constitution and By-Laws are observed.
- f. Performing other duties as directed by the Post.

Section 2. Post Vice Commander(s).

- a. **Requirement and Structure.**
 1. The Post shall have at least **one (1) Vice Commander**.
 2. The Post membership may elect to have additional Vice Commanders (e.g., 1st, 2nd, and 3rd) as deemed necessary for the operation of the Post.
- b. **Duties and Order of Succession**
 1. **1st Vice Commander (or Vice Commander, if only one):**
 - i. **Succession:** Shall assume and discharge the duties of the Post Commander in the absence or disability of the Commander.
 - ii. **Primary Duty:** Shall be primarily responsible for all aspects of **Post Membership**.
 2. **If a 2nd Vice Commander is elected:**
 - i. **Succession:** Shall assume the duties of the Commander in the absence of both the Commander and the 1st Vice Commander.
 - ii. **Primary Duty:** Shall be primarily responsible for **Post Activities and Community Programs**.
 3. **If a 3rd Vice Commander is elected:**
 - i. **Succession:** Shall assume the duties of the Commander in the absence of the Commander, 1st Vice Commander, and 2nd Vice Commander.
 - ii. **Primary Duty:** Shall be primarily responsible for **Post Fundraising and Special Projects**.
- c. **General Duties:** All Vice Commanders shall perform other duties as may be assigned by the Post Commander or the Executive Committee.

Section 3. Post Adjutant.

The Post Adjutant is responsible for:

- a. Keeping a full and correct record of all meeting proceedings.
- b. Maintaining all records required by the Department and National Organizations.
- c. Issuing membership cards and handling certificates of transfer.
- d. Handling all Post correspondence under the direction of the Commander.

Section 4. Post Finance Officer.

The Post Finance Officer is responsible for:

- a. Managing all Post finances and ensuring they are safely deposited in a local bank.
- b. Reporting in writing on the financial condition of the Post to the Executive Committee and general membership once a month.
- c. **Disbursement of Funds:**
 1. **Signature Authority:** The signature of the Post Finance Officer shall be the sole requirement for the disbursement of Post funds by check.
 2. **Alternate Signature Authority:** In the event the Post Finance Officer is unavailable (e.g., due to illness, travel), a check may be signed by the Commander, Adjutant, or (1st) Vice Commander, provided a reason for the Finance Officer's unavailability is documented.
 3. **Authorization:** No funds shall be disbursed without proper authorization. Authorization must be documented in one of the following ways:
 - i. **Standard Authorization:**
 - **For General Funds:** Authorization must be recorded in the approved minutes of a Post General or Executive Committee meeting.
 - **For Benevolent Funds:** Authorization for disbursements from the Benevolent Account must be recorded in the approved minutes of a Benevolent Committee meeting.
 - ii. **Urgent Authorization:** In cases of urgency where a formal meeting is not possible, the following procedures apply:
 - **For General Funds:** Authorization may be obtained via email, text message, video, or phone conference among the members of the **Executive Committee**, provided a quorum is met.
 - **For Benevolent Funds:** Authorization may be obtained via the same methods among the members of the **Benevolent Committee**, provided a quorum is met.
 - **Documentation:** For any urgent authorization, minutes of the communication must be documented and presented for ratification at the respective committee's next regular meeting.
- d. Being covered by a surety bond in a sum fixed by the Executive Committee.

Section 5. Post Judge Advocate.

The Post Judge Advocate is responsible for:

- a. Supplying professional advice for the Post's business or retaining proper counsel.
- b. Serving as the Chairman of any committee concerning amendments to the Constitution or By-Laws.
- c. Leading the annual review of the Post's financial accounts.
- d. Approving bonds required for Post officials.
- e. Ensuring the orderly conduct of disciplinary procedures.

Section 6. Post Historian.

The Post Historian is responsible for:

- a. Maintaining the records and incidents of the Post and its members.
- b. Performing other duties as determined by the Post or Executive Committee.

Section 7. Post Chaplain

The Post Chaplain is responsible for:

- a. The spiritual welfare of Post comrades.
- b. Offering divine, non-sectarian services at dedications, funerals, and other public functions.

Section 8. Post Sergeant at Arms.

The Post Sergeant at Arms is responsible for:

- a. Preserving order at all meetings.
- b. Managing the Post Colors and ensuring they are not displayed without the Commander's authority.
- c. Performing other duties as assigned by the Commander or Executive Committee.

Section 9. Post Service Officer.

The Post Service Officer is responsible for:

- a. Complying with the Service Officer's Manual, the Post Officers Guide, and recommendations from National and Department Headquarters.

ARTICLE IV - MEETINGS

Section 1. Regular Meetings

a. **Schedule**

1. The regular business meeting of this Post shall be held monthly.
2. The specific date, time, and location will be established by the Executive Committee and published to the membership.

b. **Order of Business**

1. The meeting will be governed by the Post's established rules and the *American Legion Manual of Ceremonies*.
2. Business will include approving the minutes from the previous regular meeting and all intervening Executive Committee meetings.

Section 2. Special Meetings

- a. **How to Call a Meeting:** A special meeting can be called by the Post Commander or by a majority vote of the Executive Committee.

b. **Member-Petitioned Meetings**

1. A special meeting must also be called by the Commander upon receiving a written petition from at least five (5) members in good standing.
2. The Commander will set the meeting for not less than seven (7) and not more than fourteen (14) days from receiving the petition.

- c. **c. Scope of Business:** The meeting notice must state the specific purpose of the meeting, and no other business shall be transacted.

Section 3. Notice of Meetings

- a. **General Notice:** Members will receive adequate notice of all meetings through the Post's official communication channels.
- b. **Special Meeting Notice:** Notice for special meetings will be provided at least five (5) days in advance.

Section 4. Quorum

- a. **Quorum Defined:** At any regular or special meeting, five (5) members in good standing shall constitute a quorum for the transaction of business.

Section 5. Virtual Meetings

- a. **Authorization:** In a public emergency that makes an in-person meeting impossible or unlawful, the Commander may authorize a virtual meeting for the duration of the emergency.
- b. **Conduct and Verification**
1. The Post will use its best efforts to ensure virtual meetings are accessible to all members.

2. The Post Adjutant is responsible for verifying that all participants are members in good standing and for confirming a quorum is present.
- c. **Voting and Authority**
 1. All votes taken during a virtual meeting will be recorded by the Adjutant, who must ensure every voter is sufficiently identified.
 2. Any action that can be taken at an in-person meeting may also be taken at a virtual meeting, and all such decisions are considered final and binding.

ARTICLE V - NOTICES

Section 1. Member Contact Information.

- a. **Member's Responsibility:** Every member must provide the Post Adjutant with their current mailing address and/or email address for official communications.
- b. **Official Notice:** Any notice sent to the last known address or email on file is considered sufficient legal notice.

Section 2. Notice of Annual Election.

- a. **Timing:** The Post Adjutant will provide written notice of the annual officer election at least **fifteen (15) days** before the election date.
- b. **Delivery Methods:** Notice will be provided through both of the following channels:
 1. The Post's official communication channels (e.g., website, newsletter).
 2. United States Mail to every member in good standing.

Section 3. Notice of Special Actions.

A specific written notice must be sent to all members before any meeting where a vote is scheduled for the following major actions.

- a. **15-Day Written Notice Required:** For the following actions, notice must be sent at least **fifteen (15) days** in advance, stating the purpose of the vote:
 1. Amending the Constitution or By-Laws.
 2. Electing an officer to fill a vacancy.
 3. Transferring funds from a restricted account for emergency use.
- b. **30-Day Written Notice Required:** For the following action, notice must be sent at least **thirty (30) days** in advance:
 1. Calling a special meeting to consider the dissolution of the Post.

ARTICLE VI - DELEGATES

Section 1. Election and Appointment.

a. Selecting Delegates

There are two methods for selecting delegates and alternates for a Department, Division, or District Convention:

1. Method 1: Election (Default)

- i. Delegates are elected by the Post at a regular meeting.
- ii. This meeting must be held at least fifteen (15) days before the convention date.

2. Method 2: Appointment (Optional)

- i. The Post membership can authorize the Post Commander to appoint the delegates instead.
- ii. This requires a two-thirds (2/3) vote of the members present at a regular meeting.

- b. **Delegate Chairman:** Immediately after delegates are elected or appointed, the Post Commander will designate one of them to serve as the chairman of the delegation.

c. Delegate Status:

1. **Alternates:** An alternate delegate has all the privileges of a registered delegate except the right to vote.
2. **Registered Delegate:** A person is considered a registered delegate once their registration fee has been paid and they have received their credentials.

Section 2. Voting Method for Absent Delegates.

- a. **Baseline Rule:** Each duly registered delegate is entitled to one vote.
- b. **Post's Choice:** When delegates are elected, the Post must choose one of the following two methods to determine how the votes of any absent delegates will be handled at the convention.
- c. **Method 1: Modified Unit Rule:** How it works: If some delegates are absent, the votes of those absent delegates are cast as a single block, following the majority decision of the delegates who are present.

1. Example:

- i. A Post has 5 total votes and sends 3 delegates to the convention.
- ii. On a motion, 2 delegates vote YES and 1 delegate votes NO.
- iii. The majority of the present delegates is YES. Therefore, all 5 of the Post's votes are cast as YES.

- d. **Method 2: Pro-Rata Rule:** How it works: If some delegates are absent, the Post's total number of votes is divided proportionally among the delegates who are present.

1. Example:

- i. A Post has 6 total votes, which would normally be 2 votes for each of its 3 delegates.
- ii. Only 2 delegates attend the convention.

- iii. The 6 total votes are now split between the 2 present delegates, giving each of them control of 3 votes.

Section 3. Casting the Delegation's Vote.

- a. The chairman of the delegation is responsible for casting the entire vote for the Post.
- b. Before casting the vote, the chairman must first poll the delegates who are present to determine their votes.
- c. The final vote cast by the chairman must accurately reflect the wishes of the present delegates, according to the voting rule (Modified Unit or Pro-Rata) chosen by the Post.

ARTICLE VII - DUES - FISCAL YEAR

Section 1. Dues Payment and Delinquency

- a. **Annual Dues Timeline:** The amount of annual dues is set by the Post. The following timeline applies to all members:
 - 1. **October 20:** Dues for the *next* calendar year are due on or before this date.
 - 2. **January 1:** A member is classified as **delinquent** if their dues for the current year have not been paid.
 - 3. **February 1:** This is the final day for a delinquent member to pay their dues and be **automatically reinstated**.
 - 4. **After February 1:** Any member who is still delinquent is **suspended** from all Post privileges.
 - 5. **June 30:** A suspended member's membership in The American Legion is **forfeited**.
- b. **Reinstatement** A member whose membership has been suspended or forfeited can be reinstated to active membership by meeting two requirements:
 - 1. Receiving a vote of approval from the Post.
 - 2. Paying the current year's dues.

Section 2. Remission of Dues (Post-Paid Dues)

This is the process for the Post to pay the dues on behalf of a member.

- a. **Recommendation:** The Chairman of the Membership Committee may recommend to the Executive Committee that the Post pay a member's dues, providing reasons for the recommendation.
- b. **Decision:** The Executive Committee has the power to approve or reject the recommendation.
- c. **Exception:** This process cannot be used for new members or transfers.

ARTICLE VIII - POST COMMITTEE(S) APPOINTMENTS

Section 1. Committee Appointment Process.

This is the process for creating and staffing all Post committees.

- a. **Commander Appoints Committees:** Immediately upon taking office, the Post Commander appoints all standing committees and any other committees they deem necessary for the Post's efficient operation.
- b. **Commander Designates Members and Chairmen:** The Post Commander designates the chairman and all members for each committee.
- c. **Executive Committee Confirms:** All of the Commander's appointments for committee chairmen and members must be confirmed by the Post Executive Committee.

Section 2. Committee Duties and Functions.

The duties and functions for all Post committees are defined by and must be in accordance with:

- a. The current Post Officers Guide of The American Legion.
- b. Recommendations from National and Department Headquarters.

ARTICLE IX - RESOLUTIONS

Section 1. Handling State and National Resolutions

This is the process for any resolution of a State or National scope that is presented to the Post.

- a. **Presentation and Passage**
 1. A resolution may be presented by a member or a committee.
 2. The Post may vote to pass the resolution; at this stage, it only represents the **opinion of the Post.**
- b. **Submit for Department Approval**
 1. After the resolution is passed by the Post, a copy must be forwarded to Department Headquarters for its approval.
- c. **Await Approval Before Further Action**
 1. The Post is prohibited from publicizing the resolution or taking any further action on it until it has been approved by the Department.

ARTICLE X - POLICIES & MEMBER PROTECTIONS

Section 1. Nondiscrimination.

The Post shall not discriminate on the basis of race, religion, color, national origin, gender, sex, or disability in its programs and activities.

Section 2. Whistleblower Protection.

The Post Executive Committee and officers shall not retaliate against any member for making a good-faith complaint or grievance.

Section 3. Conflict of Interest.

- a. **Prohibition:** No person in a position of authority (e.g., Commander, Officer, Executive Committee member) may personally or financially benefit from a decision they could make.
- b. **Procedure:** When a potential conflict arises, the individual must:
 - 1. Immediately disclose it to the Executive Committee.
 - 2. Recuse themselves from all discussion and voting on the matter.

Section 4. Official Spokesperson.

- a. The Post Commander is the official spokesperson for the Post.
- b. All official statements to the public and media will be made only by the Commander or by another member specifically designated by the Commander or the Executive Committee.
- c. Members who are not the official spokesperson shall not represent their personal opinions as the official position of the Post.

Section 5. Grievance Procedure.

- a. **Filing:** Any member in good standing may file a formal written grievance with the Post Executive Committee regarding the conduct of another member or officer.
- b. **Review & Hearing:** The Executive Committee will review the grievance and hold a hearing to investigate if it is deemed warranted.
- c. **Disciplinary Action:** The process will be conducted fairly and impartially. Any resulting disciplinary action must follow the procedures of the Department's Uniform Code of Procedure for Disciplinary Actions.

Section 6. Social Media Guidelines.

All Post members and program participants are required to adhere to the Social Media Guidelines issued by the Department of Texas.

Section 7. Ownership of Digital Accounts.

- a. **Ownership:** All social media accounts and domain names created for the Post or its programs are the property of the Post.
- b. **Creation:** Members should get approval from the Post Executive Committee before establishing a new account or domain name.
- c. **Transfer:** The person who registers an account or domain name must, upon demand, transfer it to another individual designated by the Executive Committee.

ARTICLE XI - FINANCES AND RECORDS

Section 1. Public Disclosure of Tax Documents.

- a. **Available for Inspection:** The Post will make its annual IRS returns (Form 990 series) and its application for tax exemption available for public inspection.
- b. **Providing Copies:** Copies of these documents will be provided upon request in accordance with IRS regulations.
 - 1. **In-Person Requests:** Copies must be provided immediately.
 - 2. **Written Requests:** Copies must be provided within thirty (30) days.
- c. **Fees:** The Post may charge a reasonable fee for copying, plus the actual cost of postage.

Section 2. Annual IRS Form 990 Compliance.

- a. **Filing Deadline:** The annual IRS Form 990 must be filed by the 15th day of the 5th month following the close of the Post's fiscal year.
- b. **Compliance and Revocation:** The Post acknowledges that under the Pension Protection Act, the IRS is required to revoke the tax-exempt status of any organization that fails to meet its annual filing requirement for three (3) consecutive years.

Section 3. Executive Committee Review of Form 990.

- a. **Annual Approval:** When the Post's gross revenue exceeds \$50,000 in a fiscal year, the Post Executive Committee must review and approve the completed IRS Form 990 each year before it is filed.
- b. **Small Post Exception:** If the Post's gross revenue is less than \$50,000, the Post Finance Officer shall submit the required annual electronic notice (Form 990-N e-Postcard) without prior review by the committee.
- c. **Finance Officer's Duty:** The Post Finance Officer is responsible for creating a compliance timeline and gathering the necessary data for the form, which must be shared with the Executive Committee for review no later than its regularly scheduled February meeting.

Section 4. Document Retention and Destruction

- a. **Protection of Information:** Any officer or member who handles confidential Post information must take reasonable measures to protect it from unauthorized access or use, including during its final disposal.
- b. **Legal and Audit Holds:** All records must be retained during any audit or legal proceeding in accordance with the Sarbanes-Oxley Act and other applicable laws.

c. DD-214 (Proof of Service) Policy.

1. **Prohibition:** The Post shall not keep physical or digital copies of any veteran's DD-214 or other official proof of service documents, regardless of membership status.
2. **Return of Old Copies:** If any such copies were previously kept, the Post must make a reasonable effort to return them to the veteran.
3. **Secure Destruction:** If returning the documents is not possible, all copies must be securely destroyed in a manner that renders them permanently unrecoverable.

d. Record Retention Schedule.

The following retention periods must be observed for Post records:

1. Permanent Records:

- i. Audit Reports of Accounts
- ii. Contracts, Leases, and Insurance Records
- iii. Legal Correspondence
- iv. Training Manuals

2. Three (3) Year Records (Post-Membership):

- i. Membership Applications (kept for 3 years after membership ends)

3. Seven (7) Year Records:

- i. Accounts Payable/Receivable Ledgers
- ii. Bank Statements
- iii. Tax Returns and supporting documents

Section 5. Bank Accounts.

a. General Requirements for All Accounts.

1. **Account Name:** All Post bank accounts must be in the name of "American Legion Post 86".
2. **Signatures:** All accounts must require the signature(s) of the officers as specified in these By-Laws.

b. Required Post Accounts.

The Post is required to maintain the following accounts at a minimum:

1. General Account

- i. **Purpose:** This is the primary operating account for the Post.
- ii. **Deposits:** All general revenue, such as membership dues, hall rentals, and canteen sales, will be deposited here.
- iii. **Disbursements:** All normal and customary operating expenses are paid from this account, as authorized by the Executive Committee.

2. Benevolent Account (Restricted Fund).

- i. **Purpose:** Used exclusively for charitable purposes and direct aid to veterans, their families, and the community.
- ii. **Deposits:** Funds come from donations and fundraisers specifically designated for benevolent purposes.

- iii. **Disbursements:** Payments must be for charitable or relief purposes and require specific approval from the **Benevolent Committee**.

3. Building Account (Restricted Fund).

- i. **Purpose:** Used for capital improvements, major repairs, mortgage payments, and long-term maintenance of Post property.
- ii. **Deposits:** Funds come from designated donations, special fundraising, or transfers from the General Account that have been approved by the Post membership.
- iii. **Disbursements:** Payments are for non-routine expenses related to the significant upkeep, renovation, or improvement of Post property.

c. Emergency Use of Restricted Funds.

In a financial emergency that threatens the Post's continued operation, funds may be transferred from a restricted account (Benevolent or Building) to the General Account, provided all the following conditions are met:

- 1. **Last Resort:** The transfer may only be considered after all other reasonable financial options have been exhausted.
- 2. **Internal Loan:** The transfer must be structured as an internal loan, and the General Account is obligated to repay the full amount to the original restricted fund as soon as is financially feasible.
- 3. **Membership Approval:** The transfer requires a two-thirds (2/3) affirmative vote of the members in good standing who are present and voting at a regular Post meeting.
- 4. **Written Notice:** Written notice of the proposed transfer, including its purpose and amount, must be provided to all members at least fifteen (15) days prior to the meeting where the vote will be taken.

Section 6. External Financial Requests.

- a. **Waiting Period:** All external requests from community or other organizations for financial assistance must have a **thirty (30) day waiting period** from the date of submission before a vote can be held by the membership.
- b. **Exception:** The 30-day waiting period may be waived in cases of natural disaster or other immediate, unforeseen community emergencies, upon approval of the Executive Committee.

Section 7. Form 1099 Issuance Policy.

To ensure compliance with Internal Revenue Service (IRS) regulations, the following procedures shall be followed for issuing tax forms for non-employee compensation.

a. Requirement to Issue

- 1. The Post will issue an IRS Form 1099-NEC to any individual, partnership, or LLC (taxed as a partnership or sole proprietor) who is paid **\$600 or more** in a single calendar year for services rendered.

2. This includes payments for services such as contract labor, guest speakers, entertainers, and professional services. This does not apply to payments for the purchase of goods or to corporations.
- b. **Requirement to Obtain Form W-9**
 1. Before issuing payment to any service provider, the Post Finance Officer must obtain a completed and signed IRS Form W-9 from the individual or business.
 2. This form is required to collect the vendor's legal name, address, and Taxpayer Identification Number (TIN). No payment for services shall be made until a completed Form W-9 is on file.
- c. **Deadline and Responsibility**
 1. The Post Finance Officer is responsible for tracking all qualifying payments throughout the year.
 2. The Finance Officer must send the required Form 1099 to all recipients and file it with the IRS no later than **January 31st** of the year following the payments.

Section 8. Raffle and Prize Policy.

To ensure all Post fundraising raffles are conducted legally, all activities must comply with the Texas Charitable Raffle Enabling Act.

- a. **Prohibition of Cash Prizes**
 1. Texas law explicitly prohibits awarding **money** as a prize in a raffle.
 2. "Money" is defined as coins, paper currency, checks, money orders, or any other negotiable instrument that is equivalent to cash.
- b. **Approved Prizes**
 1. All raffle prizes must be **merchandise** (personal property). Gift cards that are redeemable for merchandise are permissible.
 2. The value of a single prize may not exceed **\$50,000**.
- c. **Raffle Frequency:** The Post is permitted to hold no more than two (2) raffles per calendar year.
- d. **Responsibility:** The Executive Committee is responsible for ensuring that all Post raffles, prizes, and ticket sales comply with all provisions of state law.

ARTICLE XII - RULES, LIABILITIES, AND INDEMNIFICATION

Section 1. Rules of Order.

All meetings and proceedings of this Post will be conducted according to *Robert's Rules of Order, Newly Revised*, unless a different rule is specified in this Constitution or By-Laws.

Section 2. Limitation of Post Liability.

This Post cannot incur any debt, liability, or obligation that would subject any other Post, organization, group, or individual to that liability.

Section 3. Indemnification.

- a. **Who is Covered:** The Post will indemnify (cover the legal expenses for) its officers, Executive Committee members, and other agents of the Post.
- b. **What is Covered:** This policy covers necessary expenses that arise from the defense of any lawsuit or proceeding they are involved in because of their service to the Post.
- c. **Exceptions:** Indemnification does **not** apply in cases where the individual's actions involved willful misconduct or gross negligence. It only applies to actions taken in good faith and believed to be in the best interests of the Post.

ARTICLE XIII - AMENDMENTS

Section 1. Amendment Procedure.

To amend the By-Laws, the following five-step process must be followed:

- a. **Step 1: Submit the Proposal:** The proposed amendment must be submitted in writing to the Post Executive Committee for its review.
- b. **Step 2: Executive Committee Review**
 - 1. The Executive Committee will review and vote on the proposal.
 - 2. If the committee rejects the amendment, it can still be brought to the general membership on a minority report.
- c. **Step 3: First Reading:** The proposed amendment must be submitted in writing and read aloud at the regular Post meeting that precedes the meeting where the vote will occur.
- d. **Step 4: Notify All Members**
 - 1. A written notice must be sent to all Post members at least fifteen (15) days before the vote is scheduled.
 - 2. This notice must inform members that a proposal to amend the By-Laws will be voted on at the meeting.
- e. **Step 5: Final Vote**
 - 1. The final vote is held at a regular Post meeting.
 - 2. The amendment passes if it is approved by a two-thirds (2/3) vote of the members who are present at that meeting.

CERTIFICATION OF POST

POST CERTIFICATION

We, the undersigned officers of AMERICAN LEGION POST 86, hereby certify that the foregoing Constitution and By-Laws, after due notice was given to all members, was adopted at a regular meeting of this Post held on the 8TH day of SEPTEMBER, 2025.



Brian Fitzgerald
POST COMMANDER



Ron Rollins
ATTEST: POST ADJUTANT

DEPARTMENT CERTIFICATION

Approved on behalf of The American Legion, Department of Texas on the _____ day of _____, 20____.

William Wallace
DEPARTMENT JUDGE ADVOCATE