

Constitution of Horry Post No. 111,

American Legion,

Department of South Carolina

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 the Great 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 god 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. The name of this organization shall be American Legion Horry Post No. 111, The American Legion, Department of South Carolina. It may be referred to as Horry Post 111 of Conway or Conway Post 111 as set forth in the By-Laws.

Article II – Objectives

Section 1. The objectives and purposes of this post shall be to promote the principles and policies as set forth in the foregoing preamble, and the national and departmental Constitutions of The American Legion.

Article III – Nature

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

Section 2. This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Rank does not exist in The American Legion; no member shall be addressed by his/her military rank or title at any American Legion meeting.

Article IV – Membership

Section 1. Eligibility to membership in this post shall be as prescribed by the National Constitution of The American Legion.

Section 2. Application for membership shall be made in writing under such regulation as may from time to time be prescribed by the Post Executive Committee, or the By-Laws.

Section 3. All applications for membership shall be acted upon by the Executive Committee following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the Executive Committee cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

Section 4. There shall be no form or class of membership except an active membership. No person shall be a member of this post who is also a member of another post of the American Legion. Anyone not a member of Horry Post 111 is invited to participate in activities but will not be able to vote on any motions brought before the general membership at a business meeting, nor be able to discuss the motion as to sway the outcome of the vote.

Article V – Post Officers

Section 1. The administrative affairs of this post of The American Legion shall be under the supervision of an Executive Committee, which shall consist of officers and members as set forth in Article 10, Section 1 of the By-Laws. The term of office of the Executive Committee shall be as set forth in the By-Laws. This post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this post shall be a Commander, a First-Vice Commander, a Second-Vice Commander, an Adjutant, a Finance Officer, an Athletic Officer, a Post Historian, a Post Chaplain, a Post Service Officer, and a Sergeant-at-Arms, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.

Section 3. All officers and Executive Committee members shall be elected as set forth in Article 10, Section 1 of the By-Laws. All officers shall hold office until their successors are duly installed or as otherwise set forth in the By-Laws.

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

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

Section 6. In the event a vacancy occurs in the office of Post Commander, the First Vice-Commander shall succeed to that office and so-forth until the Second Vice-Commander assumes the office of Post Commander. In the event a vacancy occurs in any other elected office and more than six months remains in the term of the office, a special election will be held to fill the office. If less than six months remain in the term of a vacated office, except for Post Commander, the vacancy shall be filled by appointment of the Post Executive Committee, subject to approval of the membership at the next Post General Meeting.

Section 7. The resignation of a post officer or committee chairperson shall occur by written notice of the officer or committee member to the Post Commander, or verbal announcement of the officer or committee member to the membership at a Post General Meeting.

Article VI – Finance

Section 1. The revenue of this post shall be derived from annual membership dues and from such other sources as may be approved by the Post Executive Committee.

Section 2. The amount of such annual membership dues shall be fixed and determined by the general membership as set forth in the By-Laws.

Section 3. The post shall pay to departmental headquarters the National and Departmental annual membership dues for every member of the post.

Article VII - Discipline

Section 1. Any member of this post may be suspended or expelled in accordance with Article 11, Sections 1 - 4 of the Department of South Carolina American Legion Constitution and Article 12 of the Department of South Carolina American Legion By-Laws.

Section 2. A member who has been expelled or suspended from this post for any cause may be reinstated to membership by a majority vote of the membership present in the post meeting for which a notice has been provided to the membership (either through mail, e-mail, phone tree, or the Web Site). An approved reinstatement is contingent upon payment of current dues for the year in which the reinstatement occurs.

Section 3. No person who has been expelled by another post shall be admitted to membership in this post without the consent of the expelling post, except that where such consent has been asked for and denied by such post, may then appeal to the Executive Committee of the Department of South Carolina for permission to apply for membership in this post, and shall be ineligible for membership until such permission is granted.

Section 4. That upon the conviction of any Post Officer of any felony by any duly constituted court, that Legionnaire cannot hold office in this Post. If he/she is currently holding an office, that position shall be declared vacant by the Executive Committee and forthwith filled as provided by the Constitution and By-Laws as in the case of any other vacancy.

Article VIII – Auxiliary of the American Legion

Section 1. If and when any auxiliary organization is formed, it shall be known as an Auxiliary Unit 111, The American Legion.

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

Article IX – Sons of the American Legion (SAL)

Section 1. If and when any Sons of the American Legion Squadron is formed, it shall be known as a Sons of the American Legion Squadron 111.

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

Article X – Amendments

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Constitution of the Department of South Carolina, 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. This Constitution may be amended or repealed at any regular post meeting by vote of two-thirds of the members of this post attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at two preceding regular meetings of this post, and providing further written notice shall have been given to all members by way of electronic media (website, email message list, telephone phone tree or mail) at least ten days prior to the date of the first reading of the proposed amendment/repeal.

By-Laws of Horry Post No. 111,

American Legion,

Department of South Carolina

Article I – Name and Purpose

Section 1. The post existing under these By-Laws is to be officially known as Horry Post No. 111, American Legion, Department of South Carolina as set forth in Article I Section 1 of the Post Constitution. Because of the number of American Legion Posts in Horry County, the post may sometimes be referred to as Horry Post 111 of Conway so as to clarify the location of the post.

Section 2. The purposes of this post are as set forth in Article II Section 1 of the Post Constitution.

Article II – Membership

Section 1. Any person shall be eligible for membership in the American Legion if they meet the criteria established by the National Constitution and By-Laws of the American Legion.

Section 2. There shall be no Associate, Honorary or Posthumous memberships permitted in this post. There shall be no other class of membership other than active membership.

Section 3. No person shall be a member of more than one post. The number of members of this post shall not be limited. Any eligible person may become a member of this post upon his or her acceptance at any Post General Meeting, providing that the prescribed application has been signed and dues submitted.

Section 4. Each candidate for membership must provide a DD-214 or any other appropriate document, as approved by the National Constitution, which verifies their proof of service during an eligibility time frame.

Section 5. American Legion membership is annual from July 1st through June 30th of the subsequent year. Members failing to renew their membership by January 1st shall be deemed delinquent. If dues are not paid by February 1st, the member shall be suspended with no membership right except that of reinstatement.

Section 6. Any member may resign from this post while in good standing and may thereafter apply for membership in another post. Upon resignation, the member is not entitled to a rebate of any part or portion of dues paid.

Section 7. Any member in good standing may transfer his or her membership to another post by means of a formal transfer. The transferring member shall not be entitled to a rebate of any part or portion of dues paid.

Section 8. The annual dues of this post shall be established in April of each year by the Post Executive Committee and presented to the membership for approval/disapproval at the May Post General Meeting. The annual dues are currently set at \$55.00.

Article III – Management

Section 1. The governance and management of the post are entrusted to the Executive Committee.

Section 2. The Executive Committee shall consist of the Officers of the Post and up to three (3) additional members as selected by the Post Commander. The Executive Committee membership shall be presented in July during the July Post General Meeting.

Section 3. Any vacancies of appointed positions existing in the Executive Committee shall be replaced by the Post Commander. Any other vacancy of the post for any cause other than expiration of term shall be filled by 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 being replaced. 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.

Section 4. Bonds may be sold by the Post to both Members and "Friends of the Post". Bonds will be in denominations of \$50.00 and \$100.00 and will pay compounded interest of 4% annually. The Bonds will be used to finance construction cost and the purchase of land (as necessary) for our Post facilities. Proceeds from the sale of these Bonds shall be placed in a separate bank account for accounting purposes and the Finance Officer shall keep a record of all Bonds sold along with the Bond Owner's name and address, face value of Bond, Maturity date of Bond, and final disposition of Bond.

These Bonds shall be 10-year notes and the right of redemption lie's solely with the discretion of the Executive Committee.

The Executive Committee shall set aside a sum of money each year from the proceeds of the Post Operations (beginning with year three [3] of the Bond program) for the redemption of these Bonds. Upon maturation of the Bonds, Bond holders shall have three options (again at the discretion of the Executive Committee) as follows:

1. roll over the principal
2. cash in the Bond to include accrued interest
3. make a donation of the Bond to the Post.

Early redemption of the Bonds shall only be approved by the Executive Committee and only for purposes of hardship of the Bond owner or their representative in the case the Bond owner has deceased.

Article IV – 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 Commander within 30 days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Commander and as often as said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the joint written or verbal request of two or more members of the committee or upon the request of the Post Adjutant. Two-thirds members of the committee shall constitute a quorum thereof. Conference phone calls and email correspondence may constitute an executive meeting. Minutes of all Executive Committee meetings shall be kept and recorded and provided to the Adjutant.

Section 2. The Post Executive Committee shall hire such employees as may be necessary, shall authorize and approve all expenditures; shall require adequate surety for all persons having the custody of post funds; shall hear the reports of post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this post. The Executive Committee shall ensure an audit of the post's financial accounts and other tangible assets is completed semi-annually in July. Additionally, the Executive Committee may call for a special audit at its discretion.

Article V – Duties of Officers

Section 1. *Post Commander.* It shall be the duty of the Post 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 funds except as provided in Sections 5 and 6 below, and shall make an annual report covering the business of the post for the year, and recommendations for the ensuing year. This annual report shall be read at the regular monthly meeting no later than two months after the end of the Fiscal Year (FY). A copy of this report will be forwarded to the Department Adjutant. The Commander shall represent the post in all capacities requiring post representation; the Commander may delegate representation as required and necessary. The Post Commander shall insure that the audits are performed on accounts maintained by the Finance Officer in accordance with (IAW) Article IV Section 2 of the By-Laws, and that the audit reports are presented at the next post meeting. The Commander shall perform all such other duties as directed by the post including signature of executive officer type of correspondence.

Section 2. Post First-Vice Commander. The First-Vice Commander shall assume and discharge the duties of the office of Commander in the absence of, or when called upon by the Post Commander. The First-Vice Commander shall also perform such other duties as may be from time to time assigned by the Post Executive Committee or the Post Commander.

Section 3. Post Second-Vice Commander. The Second-Vice Commander shall assume and discharge the duties of the office of Commander in the absence of, or when called upon by the Post Commander and the First-Vice Commander. The Second-Vice Commander shall perform such other duties as may be from time to time assigned by the Post Executive Committee or the Post Commander.

Section 4. Post Adjutant. The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings; keep attendance records for membership meetings; keep records of the monthly finance report and keep such other records as the Department and National Organizations may require. The Adjutant shall also render reports of membership annually or when called upon at a meeting, and shall, under direction of the Commander, handle all correspondence of the post, including ordering material needed by the Post and members of the Post except as discussed in Article V, Section 1 above. The Adjutant shall ensure that the Post is adequately insured and that such insurance covers adequate surety bonding for the Post Officers.

Section 5. Post Finance Officer. The Post Finance Officer shall have charge of all *regular* finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Executive Committee and the Post Membership the condition of the finances of the post. The Finance Officer shall make such recommendations as may be deemed expedient or necessary for raising funds with which to carry on the activities of the post. The Finance Officer shall sign all checks disbursing the monies of the post and shall keep adequate records of all debit card and other financial transactions. The Finance Officer shall also keep a copy of each months Finance Reports. The Finance Officer shall also produce an End-of-Year report providing a summary of the previous year's financial picture by July 31 and shall present a proposed Annual budget to the Executive Committee of the Post for approval in April of each new fiscal year. Regular finances shall include all monies that come in and go out for the running of the normal post activities. Regular finances shall not include monies in support of the Baseball program. These monies shall be handled and reported by the Post Athletic Officer as discussed in Section 7 below. The Finance Officer shall work with the Post Accounting Officer to ensure the yearly tax statements are properly compiled and filed by October 1st of each year.

Section 6. Post Athletic Officer. The Post Athletic Officer shall be charged with managing the Post's Baseball program and shall include all aspects of that endeavor. This includes handling all financial transactions including ensuring all baseball monies are safely deposited in some local bank or banks and signing all checks disbursing the monies of the baseball program. The Athletic Officer shall keep adequate records of all debit card and other financial transactions

and shall make monthly finance reports to the Executive Committee and the Post membership. The Athletic Officer shall also produce an End-of-Year report providing a summary of the previous year's baseball financial picture. The Athletic Officer shall work with the Finance Officer to ensure the yearly tax statements are properly compiled and filed by August 31st.

Section 7. Post Historian. The Post Historian shall be charged with the individual records and incidents of the post and post members, and shall perform such other duties as may properly pertain to the office as may be determined by the post, the Executive Committee or the Post Commander.

Section 8. Post Chaplain. The Post Chaplain shall be charged with the spiritual welfare of the post comrades and will offer divine but nonsectarian services in the event of dedications, funerals, public functions, etc., adhering to such ceremonial rituals as are recommended by the National or Department Headquarters.

Section 9. Post Sergeant-at-Arms. The Sergeant-at-Arms shall preserve order at meetings and shall check members in and out at Post Membership Meetings. The Sergeant-at-Arms shall perform such other duties as may be from time to time assigned by the Post Executive Committee or the Post Commander.

Article VI – Delegates

Section 1. This post shall be entitled to representation at District and Department Conventions as prescribed by the applicable State or National requirements.

Section 2. Delegates and alternates to represent this post at the District and Department Conventions shall be elected by ballot by the members present at a regular meeting of the post. The election is to be held at least 30 days prior to the Convention. The delegates and alternates elected shall be those receiving the greatest number of votes in descending order.

Section 3. Post members elected as delegates or alternates serving as delegates to the Conventions may be furnished expenses as determined by the Post Executive Committee and approved by the membership at a regular Post Membership meeting. At a minimum, the Post will be financially responsible for the registration fees of the delegates.

Section 4. All delegates or alternates furnished expenses to attend a Convention shall be present for all business sessions of said Convention.

Article VII – Committee Appointments and Duties

Section 1. The Post Commander, immediately upon taking office may appoint the following standing committees: Americanism, Ceremonials, Service, Children and Youth, Athletic, Finance, Membership, Public Relations, House, and other such committees as decided upon by the Post. Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the Post Commander.

Section 2. *Americanism Committee.* The Americanism Committee is to promote an understanding and appreciation of American government, the rights and responsibilities of American citizenship, and activity in the American way of life through youth activities, community service, instruction of prospective citizens and legal immigrants, education and educational facilities, and protection of the U.S. flag from physical desecration. Accordingly, this committee is responsible for such programs as Palmetto Boys State, the Oratorical Contest, and the Nathan Wolf Law Academy. It shall be responsible for teaching the proper flag etiquette for various occasions, and for the proper disposition of worn and tired flags.

Section 3. *Ceremonials Committee.* The principal duty of the Ceremonials Committee is to insure all new members are properly initiated. The committee also concerns itself with proper presentation of other rituals outlined in the Manual of Ceremonies – burial detail and the wearing of Legion regalia.

Section 4. *Service Committee.* This committee shall assist the Service officer as required in providing assistance to veterans and their families. This may entail, but is not limited to such things as ensuring that those veterans and their families most needing of support receive whatever aid the Post may be able to provide. While the majority of the service officer’s work involves referral for VA disability benefits, this compassionate professional also provides information, referrals and resources on education, employment and business, death benefits and other important topics. This committee is tasked with assisting the service officer in carrying out the duties of the position.

Section 5. *Children and Youth Committee.* This committee is charged with the strengthening of families, providing services to young people, and to assist in meeting the physical, intellectual, emotional and spiritual needs of the youth in our community. This committee will be an intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion’s pledge that “no child of a war veteran shall be in need of the necessities of life” and “a square deal for every child.”

Section 6. *Athletic Committee.* This committee is responsible for ensuring that the athletic functions of the post, such as American Legion Baseball, are carried out with the professionalism and sportsmanship expected of a function representing the American Legion. It shall be responsible for ensuring that the athletic functions are provided with the necessary tools to accomplish the job. Currently, our Post supports the American Legion Baseball program. This committee shall work with the Athletic Officer to insure it functions to full capacity.

Section 7. *Finance Committee.* The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations; supervision of receiving, disbursing, and accounting of all post funds, including both the regular finances and baseball program finances. Membership in this committee shall include the Finance Officer, the Athletic Officer, and 2-3 other post members.

Section 8. *Membership Committee.* The Membership Committee shall have charge of all matters pertaining to the membership of the post, including the procuring of new members, reinstatement and eligibility of members.

Section 9. *Public Relations Committee.* The Public Relations Committee shall be charged with the promotion of public support of the Post's programs by the establishment of proper contact with the local and regional newspapers, and TV and Radio outlets for the publicity of the Post's programs and activities.

Section 10. *House Committee.* The House Committee shall be responsible for the Post's building, grounds and tangible assets. In the event that the post does not own its own facility, this committee shall search out and find adequate facilities for which to meet and serve the community.

Article VIII – Meetings

Section 1. The regular meeting of the post shall be held on the second Monday of each month, at which may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the Executive Committee.

Section 2. The current meeting location is 3003 Highway 701 N, Conway, SC 29526.

Section 3. The Post shall maintain quarters within the Postal Zip Code areas of Conway, SC. This is not to exclude a physical location within the City limits of Conway nor is it to exclude a physical location outside of the City limits. However, the meeting establishment of this post shall be within a physical area near enough to the city limits as to be accessible by the majority of members.

Section 4. The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the post at any time. Total membership must be notified of a special meeting or of a proposed time change. Notice must be given a minimum of ten days prior to the meeting and said notification shall be by the Post's Phone Tree, e-mail notification, and the Post's website.

Section 5. A quorum for holding elections and transacting other business of this post shall consist of, at least, 15 members whose dues have been paid and who are in good standing.

Article IX – Notices

Section 1. Every member shall furnish the Post Adjutant with an address for mailing as well as a phone number for addition to the Post's phone tree. If the member has an email address, this

address is requested so that the post may use electronic media for notification purposes as much as possible so as to enable us to minimize impact on the post finances for mail outs.

Section 2. The Post Adjutant and Webmaster shall cause notice of the annual elections to be given at least two weeks prior thereto.

Article X – Annual Election of Officers

Section 1. The Post Commander shall appoint a Nominations Committee consisting of three members no later than the February General Membership Meeting. The committee will report on candidates at the General Membership Meeting in April of each year. Additional nominations from the floor may be made at this time. If absent, candidates may accept the nomination for any office by written or verbal notice to the Nominations Committee. The candidates for Post Officers will be voted on at the May General Membership Meeting. The Post Commander, all Vice Commanders, and Adjutant positions shall be for a period of two (2) years in order to provide continuity in the programs. All other positions shall be elected annually. Any vacancies which may occur during a calendar year will be filled according to Article V (Post Officers) of the Posts Constitution. Once the new Commander and other officers have been sworn in, the new Commander will appoint three additional at-large members to the Executive committee. The entire Executive Committee will be approved by a simple majority of the members present at the General Membership Meeting in July of each year.

Section 2. Annual election of Post Officers will be by secret ballot of the attending membership who are in good standing. In general, the term “members in good standing” means their dues are paid and current. Only members present during the General Membership Meeting each May will be eligible to cast a ballot.

Section 3. Certification of eligibility to vote will be the responsibility of the Adjutant. In the event of a dispute as to eligibility to vote, the post Membership Records shall prevail.

Article XI – Installation and Initiation

Section 1. Installation of all the officers shall take place during the June General Membership Meeting. They shall assume the responsibility of their offices on July 1st which is the beginning of the Post’s Fiscal Year.

Section 2. Initiation of new members shall be conducted at the discretion of the Post Commander.

Article XII – Discipline

Section 1. Members may be suspended or expelled from Post 111 only upon proper showing for cause based on disloyalty, neglect of duty, dishonesty, and conduct unbecoming a member of The American Legion.

Section 2. All causes must be made under oath and in writing by the accusers and served on the accused either by personal service or by certified mail of a certified copy of same to him/her by registered mail at his/her last known address at least thirty (30) days prior to the date set for his/her hearing.

Section 3. No member in good standing shall lose his/her membership until given a fair hearing in such manner and form as the Post By-Laws shall prescribe.

Section 4. The hearing of a member shall be held before the Executive Committee of the Post, the Commander presiding, and he/she shall be the sole judge of the admissibility of evidence.

Section 5. Any member who has been suspended or expelled has the right to appeal to the Department of South Carolina Executive Committee, and its decision shall be final.

Article XIII – Rules of Order

Section 1. All proceedings of this post shall be as set forth in the Officers Guide and Manual of Ceremonies, The American Legion, or, when not covered by such manual, as provided by the latest revision of Roberts' Rules of Order.

Article XIV – Limitations of Liabilities

Section 1. The post shall not incur, or cause to be incurred, any liability or obligation whatsoever which shall subject to liability any other post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

Article XV – Amendments

Section 1. These By-Laws may be amended or repealed at any regular post meeting by a vote of two-thirds of the members present. The proposed amendment or repeal shall have been submitted in writing and read at two preceding regular meetings of the post and provided further, that written notice shall have been given to all members via email, website, or written correspondence at least 10 days in advance of the date of the first reading of the proposed amendment/repeal of a By-Law(s).

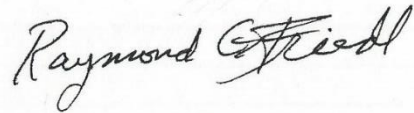


David M. Goodman

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David Goodman
Adjutant

Date Signed: May 18, 2017



Raymond Friedl

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Raymond Friedl
Commander

Date Signed: May 18, 2017

