

CONSTITUTION

JOHN E. JACOBS AMERICAN LEGION POST 68, LELAND, NC, INC., DEPARTMENT OF NORTH 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 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 goodwill on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness."

ARTICLE I - NAME

The name of this organization shall be the **JOHN E. JACOBS AMERICAN LEGION POST 68, LELAND, NC INC., DEPARTMENT OF NORTH CAROLINA** (hereafter referred to as American Legion Post 68 or Post 68).

ARTICLE II – ORGANIZATION and NATURE

Section 1. The John E. Jacobs American Legion Post 68, Leland, NC Inc., Department of North Carolina is constituted as a charitable, not for profit, 501c-19 corporation under the laws of the State of North Carolina.

Section 2. American Legion Post 68 is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 3. American Legion Post 68 shall be non-political and non-sectarian and shall not be used for the dissemination of partisan principles or the promotion of the candidacy of any person, member or non-member, seeking public office or preferment.

Section 4. Rank does not exist in the American Legion; no member shall be addressed by his/her military title in any meeting of Post 68.

ARTICLE III - OBJECTIVES

The objectives and purposes of Post 68 shall be to promote the principles and policies as set forth in the foregoing preamble of the National and Departmental Constitutions of THE AMERICAN LEGION.

ARTICLE IV – MANAGEMENT

Section 1. The Administrative affairs of The John E. Jacobs American Legion Post 68, Leland, NC Inc. shall, except as may be otherwise provided by the By-Laws, be under the supervision of the Post Executive Committee (PEC), which shall consist of all elected and appointed Post Officers and 3 At-Large Members.

Section 2. Every member of Post 68 who is in good standing shall be eligible to hold office in the Post. The American Legion defines “member in good standing” as ‘Any Post member with a valid membership card for the current year’. This definition shall be carried through all references to “member in good standing” in both the Constitution and By-Laws of this organization.

Section 3. The following PEC members shall be **nominated and elected** annually by Post 68 members as provided in the Post 68 By-Laws:

- Commander
- 1st Vice Commander
- 2nd Vice Commander
- Chaplain
- Sergeant-At-Arms
- Finance Officer
- Historian
- 3 At-Large Members

Section 4. The following Post Officers shall be **appointed** annually by the Post Commander:

- Adjutant
- Service Officer
- Judge Advocate
- Public Relations Officer
- Logistics Officer
- Membership Coordinator

Section 5. All PEC members shall hold office until their successors are duly installed or as otherwise provided in the Post By-Laws. Any Post Officer or Advisory Board Member may be removed for inefficiency by a two-thirds vote of the PEC.

ARTICLE V - MEMBERSHIP

Section 1. Eligibility for membership in Post 68 shall be governed by the membership provisions of the National Constitution of the American Legion, which can be found at this web link:<https://www.legion.org/sites/legion.org/files/legion/publications/Constitution%20and%20By-laws.pdf>.

Section 2. Post 68 shall be the judge of the qualification of its members provided such members are eligible for membership in the American Legion and may set other reasonable standards of qualification for membership as it deems appropriate so long as those qualifications do not violate any law or the Constitution and By-Laws of the American Legion Department of NC, Inc.

Section 3. No person shall be a member at any time of more than one Post.

Section 4. There shall be no form or class of membership except an active membership; dues shall be paid annually as outlined by the National Organization.

Section 5. No individual who is otherwise eligible for membership in Post 68, shall be denied membership on the basis of race, creed, gender, religion, disability, national origin, age, or other legally protected status.

Section 6. No person shall be eligible to become or remain a member of American Legion Post 68 who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government.

Section 7. No person who has been expelled by a Post shall be entitled to membership in Post 68 without the consent of the expelling Post. In such cases where consent has been asked for and denied by the expelling Post, the applicant may then appeal to the Executive Committee of the Department of North Carolina for permission to apply for membership in another Post and shall remain ineligible for membership until such permission is granted.

Section 8. Applicants for membership in Post 68 may be presented by an active member in good standing. The applicant's eligibility for membership must be verified by a member of the Post Executive Committee in good standing in the form of either:

- Duly executed and complete DD214 or any other military document accepted by the National Organization as outlined thereto along with one other (preferred picture) ID, or
- Current non-expired active duty or retired Army, Navy, Marine Corps, Coast Guard; or Air Force ID.

When it shall appear that the applicant is eligible for membership in Post 68 and barring any objection to membership from any member in good standing, he/she shall be considered a member of Post 68 with all the rights and privileges attendant thereto. If objected for membership in writing by a member in good standing (there is no requirement to specify the objection) then membership in Post 68 for said applicant must be voted upon by the general membership at the next regularly scheduled meeting, or in a special meeting convened expressly for this purpose. If the applicant receives 1 vote above 50% of those members voting he/she will be considered a member of Post 68 with all the attendant rights and privileges thereof. No applicant rejected for membership may be presented for membership for six (6) months following such rejection.

Section 9. Former members of other Posts may be selected for membership in the same manner as any applicant. A member in Good Standing may for any reason terminate or suspend

his/her membership. Such former members are entitled to a certificate from Post 68 stating his/her membership and the duration thereof.

ARTICLE VI - AMENDMENTS

Section 1. The Constitution is adopted subject to the provisions of the National Constitution of The American Legion, and of the Departmental Constitution of the Department of North Carolina. Any amendment to said National Constitution or Department Constitution, which is in conflict with any provisions of Post 68's Constitution, shall be regarded as automatically repealing or modifying the provisions of Post 68's Constitution to the full extent of such conflict.

Section 2. This constitution may be amended at any regular chapter meeting by a vote of two-thirds of the membership attending such regular meeting provided that the proposed amendment shall have been submitted in writing and read at the immediately preceding chapter meeting. Further, that traditional mail or electronic mail notice shall have been sent to all members' addresses of record at least 30 days in advance of the date which such amendment is to be voted upon, notifying said members that at such meeting there will be a proposal to amend the constitution.

Section 3. Any amendments will be reported to the American Legion Department of North Carolina, and such amendments will not be effective until approved by the Department.

BYLAWS
JOHN E. JACOBS AMERICAN LEGION POST 68, LELAND, NC INC.:
DEPARTMENT OF NORTH CAROLINA

ARTICLE I – POST EXECUTIVE COMMITTEE (PEC)

Section 1: As stipulated in Article IV of the Post 68 Constitution, The Post 68 Executive Committee shall consist of the elected and appointed Post Officers and 3 At-Large Members.

Section 2. The duties and responsibilities of each PEC member are as follows:

POST COMMANDER shall be the Executive Officer of the Post and the representative thereof before the public and none other than the Post Commander of Post 68, unless specifically authorized by the Post Commander and approved by the PEC, shall have the authority to speak for the Post on matters of public import. The Post Commander shall hold his/her officers and committee members accountable and responsible for the proper conduct of the affairs entrusted to them. In the event that any officer, committee, or committee member fails to function, it shall be the duty of the Post Commander to report such dereliction of duty to the PEC for such action as the PEC deems appropriate. In addition, the Post Commander shall:

1. Preside over all general meetings and PEC meetings.
2. Enforce the rules of order keeping all meetings dignified and open.
3. Serve as an ex-officio member of all standing committees.
4. Make recommendations for the next Post Adjutant, Service Officer, Judge Advocate, Public Relations Officer, Logistics Officer, and Membership Coordinator to the PEC for their approval.
5. Make an annual report covering the business of the Post for the year with recommendations for the coming year that shall be read at the meeting when his/her term expires, and the new officers are installed.

VICE COMMANDERS shall perform such duties as assigned by the Post Commander and in the absence of the Post Commander shall in the order of their succession perform the duties of Post Commander.

1st Vice Commander: Shall maintain active cooperation with the Post Commander and in the absence of the Post Commander shall perform the duties of the Post Commander. In addition, the 1st Vice Commander shall have charge of all matters pertaining to the membership of the Post including:

1. Procuring new members
2. Verifying the eligibility of applicants for Post membership
3. Recording member attendance at meetings

4. Working with the Post Adjutant to maintain and update the Membership Roster based on the most current information available on new members, transfers, etc., as well as a reconciling data recorded on *mylegion.org*.

2nd Vice Commander: Shall be concerned with patriotism of all kinds for the Post along with assisting to develop programs and activities and entertainment for Post membership..

POST ADJUTANT The Adjutant is the primary administrative officer for the Post. Post activities revolve around the Adjutant. The role of Adjutant provides continuity for a Post. While the Commander's duties are largely inspirational and executive, an Adjutant's duties are administrative and functional.

The Adjutant is the personnel officer and personal point of contact for individual members of the Post. The Adjutant checks up on and assists the work of the other officers and committees, and publishes official orders, announcements and communication with Post members.

All Post, Department, and National records should be maintained and accessible by the Adjutant, in a comprehensive filing system. In addition, the Post Adjutant's duties shall include:

1. Recording the minutes of Officer and membership meetings, keeping record of all the minutes of every meeting of the Post and the Post's Executive Committee and report by the reading of such minutes all topics, votes, policy decisions, and any and all other matters discussed and/or voted upon at the meeting(s) which are germane to the purpose of the meeting. The Post Adjutant is responsible for the proper notification of all applicable members of the time and place (if other than the Post) of an emergency or not regularly scheduled general or PEC meeting. The Adjutant will cooperate with the Post Commander as his/her chief assistant in carrying out the work of the Post.
2. Following the Commander's approval of the draft Minutes, the Adjutant will e-mail the Meeting Minutes to the membership and make those Minutes available on the Post website.
3. Collecting annual membership dues.
4. Transmitting all necessary documentation of new members and membership renewals to the Department.
5. Collecting, recording, maintaining, and safeguarding all member DD-214 forms and other proof of eligibility documents as set forth by the National Organization.

Three (3) At-Large Members of the PEC: Shall be responsible for:

1. Preparing for, conducting and reporting on the annual financial audit

2. Analyzing Post processes and procedures, as directed by the Commander, to identify areas ripe for improvement and oversee the implementation of ratified improvements
3. Performing other analysis and oversight tasks as directed by the Commander and the PEC
4. Serving as members of the Election Committee, if so appointed by the Commander and approved by the PEC
5. Providing At-Large member meeting minutes to the Post Adjutant.

POST FINANCE OFFICER shall have charge of all finances from whatever source received and for whatever purpose expended. He/she shall ensure that all finances are safely deposited in the Post bank account. No member or officer of the Post shall hold any funds coming into his/her possession that belong to the Post from any source(s) whatsoever. Such funds must be immediately turned over to the Post Finance Officer. The Finance Officer shall keep proper financial records for the Post following commonly accepted accounting procedures, distribute receipts and disbursements under appropriate headings in order that the financial status of any part of the Post's work may be available at all times. In addition, the Finance Officer will:

1. Prepare and report at PEC meetings and general membership meetings the financial status of the Post to include any special or emergency disbursements made during the reporting period. Such report shall be filed with the applicable meeting minutes as recorded by the Post Adjutant.
2. On a schedule approved and mandated by the PEC prepare the Post's financial records for either an audit or opinion finding and cooperate fully with such accounting personnel performing such duties to assure an accurate and prompt conclusion.
3. Prepare all checks drawn against the Post account(s). All checks drawn against the Post bank account(s) must be signed by two (2) of the following three (3) Post Officers: Finance Officer, Commander, Adjutant.
4. Perform such other duties as assigned by the PEC.

POST SERVICE OFFICER is responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted them by law. The Post Service Officer shall be charged with the administration of aid to veterans and their families in the filing of claim papers and pension applications, assisting veterans in identifying and applying for benefits, identifying veterans and veteran's families in need, visiting families of recently deceased veterans. The Service Officer shall also cooperate with the NC Veterans Commission and the Veterans Administration and have such other duties as may be assigned him/her by the PEC or the Commander.

POST CHAPLAIN shall perform all religious services in a non-sectarian manner as may be necessary and appropriate, making use of such ritual as may be recommended from time to time by the National Headquarters of the American Legion. In the performance of his/her duty as Chaplain, he/she shall in no way attempt to impose his/her religious tenets upon the members of the Post. He/she shall keep a record of the graves of all veterans and shall be ex-officio chairman of the Funeral Committee.

POST HISTORIAN shall collect from year to year all records and data of value and interest concerning the activities of the Post and shall compile and keep a record of same and shall perform such other duties as may properly pertain to the office as may be determined by the Post, Post Commander, or PEC.

POST JUDGE ADVOCATE shall advise the Post, its officers and PEC on all legal matters including the instruction and interpretation of the Post Constitution and By-Laws and shall perform such other duties as are usually incident to the office.

SERGEANT-AT-ARMS knows how to arrange the meeting hall and assists the Post commander and adjutant in preliminary arrangements for meetings, including leading the color detail during presentation and retirement ceremonies. He or she is the expert on flag etiquette and should know proper flag display and procedures in operating a meeting. The Sergeant-at-Arms should also play a leading role in the Post color guard, burial detail and other pageantry. He or she shall also preserve order at all meetings and shall perform such other duties as may be assigned to them by the Commander or PEC.

PUBLIC RELATIONS OFFICER shall maintain and enhance the reputation of the Post. The Public Relations Officer's responsibilities may include, but are not limited to:

1. Planning publicity strategies and campaigns, writing and producing presentations, press releases, reports, articles, leaflets, journals, and brochures for both external and internal distribution.
2. Dealing with enquiries from the public, the press, and related organizations.
3. Organizing and attending promotional events such as press conferences, open days, exhibitions, tours and visits.
4. Speaking publicly at interviews, press conferences and presentations;
5. Analyzing media coverage.
6. Undertaking relevant market research.
7. Ensuring management, maintenance, and oversight of the Post website.

MEMBERSHIP COORDINATOR shall assist the 1st Vice Commander with all matters pertaining to the membership of the Post.

LOGISTICS OFFICER is responsible for a wide variety of duties that help maintain the operation of the Post. He/she shall work closely with the Commander to coordinate the administration of the Post's physical resources and assets. Typically, the Logistics Officer shall be responsible for purchasing, receiving, storing and issuing of all materials in support of the Post's mission and activities under the direction of the Post Commander, Finance Officer and PEC.

ARTICLE II- POST 68 GOVERNANCE

Section 1. The government and management of Post 68 are entrusted to the PEC to be formed as hereinafter set forth and as stipulated in Article IV of the Post 68 Constitution. The PEC is the coordinating body that assures, by the exercise of good sound fiscal and business practices, the successful, profitable, and harmonious conduct of all Post 68 business transactions, in addition to the management of any and all real properties and all equipment therein.

Section 2. To facilitate its work in improving and preserving Post 68 assets the PEC is specifically authorized by these By-Laws to:

1. Exercise all such powers and do all such lawful acts as are ordinarily vested in the board of directors of a corporation, insofar as the same is not in conflict with the charter of this Post or the laws of the State of North Carolina.
2. Prepare and ratify a balanced program of Post activities based upon the recommendation(s) of the various standing committees.
3. Act on behalf of the Post in any emergency that may arise and by unanimous vote take those necessary actions to protect life, property and assets of the Post. Should such an emergency arise, and the PEC feels justified to act such actions should be reported along with their outcome to the general membership at the next regularly scheduled meeting. The PEC has full discretion to act and report as it deems to be in the best interest of Post 68.
4. Prefer written charges, as assembled, against any officer or committee member when it shall appear that it is the best interest of Post 68 that said officer or committee member no longer occupy, hold or exercise the functions of his/her respective office. If after the charges have been read no satisfactory explanation to the charge is made the Post Commander or the officer presiding over the meeting shall immediately declare the office of the said officer or committee member vacant. The vacancy will be filled at the next scheduled general meeting as provided for in these By-Laws. The officer or committee member whose office was vacated for cause may appeal to the general membership and if an affirmative vote of 1 more than 50% of those members voting said officer or committee member will be reinstated provided a seven-day written notice is given to the general membership of the purpose of the vote.

ARTICLE III – DISCIPLINE OF POST MEMBERS

Section 1. No member of Post 68 may be suspended or expelled from membership except pursuant to the provisions of Article IV, Sections 2 and 3 of the By-Laws of The American Legion and in conformity with the *Practice and Procedure in the Expulsion or Suspension of a Member of The American Legion* as it presently exists or as this Practice and Procedure may be revised and changed by subsequent action of the National Executive Committee. Reference: National American Legion Constitution:<https://www.legion.org/publications/247099/national-constitution-and-laws>

Section 2. Each Post of The American Legion shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of The American Legion.

Section 3. Members may be suspended or expelled from the Legion only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose his membership until given a fair trial by the Post or Department in such manner and form as the Department By-Laws and Department Executive Committee shall prescribe.

Section 4. Any member who has been suspended or expelled has the right of appeal to his Department Executive Committee, according to the provisions in the By-Laws of such Department. The decision of the Department shall be final.

Section 5. A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If the member's dues are paid on or before February first, he/she shall be automatically reinstated. If the member is still delinquent after February first, he/she shall be suspended from all privileges. If he/she is still under such suspension on June thirtieth of such year, his/her membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs. Provided, however, that the Post, Departments and the National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

Section 6. A member who has been expelled or suspended from Post 68 pursuant to the provisions of Article IV, Sections 2 and 3 of the By-Laws of The American Legion may be reinstated by an affirmative and unanimous vote of the PEC of Post 68, provided that payment be made to Post 68 of any dues in arrears at the time of expulsion or suspension, and/or any dues which became payable from the time of his/her expulsion or suspension. If a suspended or expelled member fails to obtain a unanimous affirmative vote of PEC, he/she may appeal orally or in writing to the total membership within 10 days of the PEC's refusal to reinstate. A regular or special meeting of the general membership will be held to vote on the appeal for reinstatement provided that a notice in writing is given to all members of Post 68 at least 7 days in advance of said meeting. A quorum of at least 5% of the Post members, having been established, reinstatement may be approved by a 2/3rds vote of all members present and voting, and again is subject to payment in full of all dues in arrears.

ARTICLE IV - DELEGATES

All delegates which Post 68 may be entitled to have as representatives at the Department Convention under the rules and provisions of the American Legion, Department of North Carolina, shall be elected at a meeting of the members of Post 68 at a regularly scheduled meeting of the Post. This meeting shall be held at least twenty-days (20) prior to the date of such convention. Immediately following said election, it shall be the duty of the Post Adjutant to submit a list of the

elected representatives and delegates to the Department Adjutant, The American Legion, Raleigh, North Carolina.

ARTICLE V - STANDING COMMITTEES

Post 68 may provide for such standing or other special committees as the business of the Post may require. The Post Commander shall make every attempt to name a chairperson and members of those selected committees, subject to the approval and ratification of the PEC deemed necessary for operation of the Post by the PEC:

Americanism	Public Relations
Entertainment	Publicity
Athletic	Resolutions
Finance	Welfare
Funeral	Employment
Housing	Sons of the American Legion
Legal	Rehabilitation and Service
Membership	Security

Or such other committees as the PEC may deem advisable.

ARTICLE VI - AMERICAN LEGION RIDERS

Section 1. Post 68 recognizes an auxiliary organization known as **THE AMERICAN LEGION RIDERS (ALR)**. Membership is limited to current members of The American Legion, American Legion Auxiliary, and Sons of the American Legion. The ALR of North Carolina are members of the American Legion who are also motorcycle enthusiasts. As such, they shall abide by all Post 68 Rules and the Department Constitution. They are part of the American Legion's nationally sanctioned network of state and local chapters. They participate in parades, motor cycling events, and other ceremonies that support the communities in which they live, work, and play, and are in keeping with the aims and purposes of the Legion. The ALR also promotes motorcycle safety programs, provides a social atmosphere for American Legion members who share the same interests, and uses their association to promote and support programs of the American Legion. The ALR is family oriented as is the parent organization, the American Legion. Family members and friends are always welcome to ride along.

ARTICLE VII - MEETINGS

Section 1. Post 68 shall meet once a month in regular session. This meeting schedule may be amended for any reason that affects the health and welfare of the membership of Post 68 at the discretion of the majority of the PEC.

Section 2. The PEC shall meet in regular session every month prior to the monthly membership meeting.

Section 3. Special meetings of Post 68 may be called at the discretion of the Post Commander or a simple majority of the PEC at any time. Such meetings should be planned to allow a maximum of time to notify the active membership of such meeting with at least 10 days advance notice, and the PEC should assist the Adjutant in every possible way to assure such notification of the general membership in a timely fashion.

Section 4. 5% of the Post membership shall constitute a quorum for any duly called meeting, regular or special of Post 68.

Section 5. Upon the request of any ten percent (10%) of Post 68 members, the PEC shall call a special meeting of Post 68. As in section 3, all members calling the special meeting shall assist the Adjutant in every way possible to assure the timely and widest dissemination of the date, day, and time of the meeting with at least 10 days advanced notice.

ARTICLE VIII-FINANCE

Section 1. The revenue of Post 68 shall be derived from annual membership dues paid on a calendar year basis and from other sources as may be approved by the PEC.

Section 2. The amount of such annual dues shall be determined by the PEC

Section 3. The Post 68 Fiscal Year runs from January 1st to December 31st

Section 4. No purchases shall be made except by the Finance Officer or Post Commander or as authorized by these Officers. Regardless of who makes the authorized purchase(s), all purchases must be recorded by the Finance Officer or reported to the Finance Officer in the form of a dated receipt with a brief description of the item(s) or service purchased. No expenditure exceeding \$500.00 shall be made without the prior express consent of the PEC. Emergency expenditures in amounts of \$100.00 or more and less than \$499.00 can only be made by the Finance Officer or Post Commander and reported to and subject to the ratification of the PEC at the earliest practicable date, and time.

ARTICLE IX - POSTING OF CONSTITUTION, BY-LAWS, AND RULES

The Constitution and By-Laws with Appendices of Post 68 must be available and accessible at all times to any Officer, PEC Member, or General Member. In addition, the "House Rules" shall be typed and displayed in a conspicuous place within the public area(s) of the Post.

ARTICLE X – AVAILABILITY OF THE CONSTITUTION AND BY-LAWS

It is the duty of all PEC members to know, understand, and uphold the Post 68 Constitution and By-Laws. Therefore, at each year at the first meeting of the PEC after the installation of new Officers and Advisory Board Members, it shall be the duty of the Post Adjutant to provide them with copies of the Post 68 Constitution and By-Laws to assure they are familiar with their duties. The Adjutant shall also furnish to the members of each committee a copy of that part of the By-Laws that pertains to the duty of that committee upon his/her appointment to such committee.

ARTICLE XI - POSTING OF OFFICIAL PERSONNEL ROSTER

A roster of the current Officers of the Post, members of the PEC and members of standing committees shall be maintained at all times on the Post 68 website.

ARTICLE XII - ELECTION OF OFFICERS AND EXECUTIVE COMMITTEE ADVISORY BOARD MEMBERS

Section 1. Every member of Post 68 who is in good standing, shall be eligible to hold office in the Post. Candidates for elective Post Officer and Executive Committee Advisory Board positions shall be nominated at the regular post meeting preceding the last regular meeting of the month which precedes the scheduled statewide convention of the Department of North Carolina. The annual regular elections for the Post Officers and Advisory Board Members shall be held at the last regular monthly membership meeting preceding the scheduled statewide departmental convention. All Post 68 members in good standing in attendance at said monthly membership meeting shall be eligible to vote in the annual regular elections. The Officers and Executive Committee Advisory Board members shall be voted upon and elected in the following order:

1. Post Sergeant-At-Arms
2. Post Historian
3. Post Chaplain
4. At-Large Members
5. Post Finance Officer
6. Second Vice-Commander
7. First Vice-Commander
8. Post Commander

Section 2. Candidates for elected Officer and Executive Committee Advisory Board positions shall be nominated and elected by a simple majority vote of the members present at the membership meetings stipulated in Article XII Section 1 of these By-Laws.

Section 3. The Post Commander shall recommend a five (5) member Election Committee to be approved by the PEC at an earlier enough date to assure adherence to all of the eligibility criteria contained herein.

Section 4. The five (5) member Election Committee shall be composed of 4 past or present PEC Members who are NOT seeking election or re-election and one non-PEC Post member who is not seeking election.

Section 5. The members of the Election Committee shall solicit the names of potential candidates from the general membership. The Committee members shall compile a list of candidates then meet at least seven days prior to the regular membership meeting designated as the meeting to nominate candidates for the elected PEC positions. Prior to this membership meeting, the members of the Election Committee shall certify to the Post Commander the names of nominees for each elective office of the Post.

Section 6. The Election Committee shall also have the responsibility of supervising all election procedures and for counting ballots cast, provided however, that each candidate for the office of Post Commander will appoint some Post member of his/her choice to represent him/her and be present at and assist the Election Committee in the examination of the counting of ballots cast. Such representative of a candidate for the position of Post Commander shall have the right to challenge any ballot cast by reason of mutilation, improper markings, or any other reason(s). Upon the challenging of any ballot, the election committee shall pass on said challenge by vote before the announcement of voting results and said decision shall be final and binding on said challenge.

Section 7. The members of the Election Committee shall be responsible for the production and distribution of ballots to be cast at the election(s). It is also the responsibility of the Election Committee to display and or place a sample ballot on the bulletin board of the Post at least seven (7) days prior to the date of the election. The Election Committee is responsible for the custody of all ballots and to distribute these ballots at the election meeting.

Section 8. The nominee receiving a simple majority of all ballots cast for any elective office of the Post shall be certified as the duly elected incoming PEC member. (A simple majority is defined as one (1) more vote than 50% of all the ballots cast.) If there are three (3) or more candidates for any one elective office of the Post, and no candidate receives a simple majority, the name of the candidate receiving the fewest number of votes shall be deleted from the list of candidates on the ballot and the vote taken again repeating this procedure until one of the remaining candidates receives a simple majority of the votes cast and is certified as the elected incoming PEC member. In the event of a tie in any ballot cycle, the Post Commander shall cast the tie-breaking vote for one of the two candidates tied with the same number of votes. The Post Commander's vote cannot be challenged.

Section 9. It is legal for a member to write in the name of any member of the Post in good standing on any ballot for any elective office of Post 68, and in the event that any write-in candidate receives a simple majority of all votes cast he/she shall be deemed elected and certified as the duly elected incoming officer or executive committee member..

Section 10. All vacancies for elective office of the Post and or Executive Advisory Committee may be filled by recommendation of the Post Commander and approved by the PEC provided that the term of appointment does not exceed the next scheduled election for the vacancy. If the vacancy exists on the PEC and the vacated term does not expire at the next annual elections, then in that event, an election shall be held at the annual elections to fill the unexpired term of one (1) year. In the event of a vacancy of the Post Commander's position, the First Vice-Commander will assume the office of Post Commander for the remainder of the Post Commander's unexpired term. In the event that the First Vice-Commander for any reason cannot assume the Post Commander's vacancy then the Second Vice-Commander will assume the duties of the Post Commander until a Post Commander can be elected by the general membership for the unexpired term of the vacated Post Commander position. Be it further provided that the Second Vice-Commander will within 7 days of assuming the Vacated Post Commander position call for a total membership meeting expressly for nominations and voting to fill the vacated Post Commander

position. Said election shall be carried out in the same manner with respect to voting as in the regular annual elections.

*Section 11. **Term of Office:*** Post 68 PEC Members are elected to a term of one (1) year. No elected Post 68 PEC Member may serve more than two (2) consecutive one (1) year terms of the same office. However, the Post membership, by majority vote, may waive this restriction if there are no viable candidates for the position. Officers who have served two (2) consecutive one (1) years terms may not stand for election to the same office for a period of two (2) years. If no viable candidates come forth, the PEC, by majority vote, may waive the two-year restriction. However, said PEC members, having completed two consecutive terms in the same position, may stand for election to a different Post 68 PEC position once their previous term of service has expired. Post membership must approve all elected and appointed positions via quorum.

ARTICLE XIII - ARREARAGES

Members in arrears four (4) months in payment of dues shall be classed as delinquent (April 30th), and six months arrearages (June 30th) shall automatically impose a suspension from all privileges of the Post 68.

ARTICLE XIV - USE OF POST 68 FACILITIES AND SERVICES

Not Used at this time.

ARTICLE XV - INDEBTEDNESS

The highest amount of indebtedness or liability to which this Post may at any time subject itself shall be \$1,000.00. No amount which would place this Post in debt shall be authorized unless by a two-thirds vote of the members present at a regular meeting of the Post.

ARTICLE XVI - RULES OF ORDER

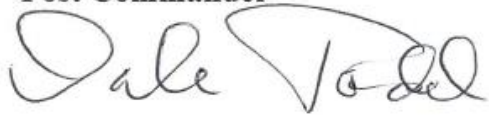
All proceedings of Post 68 regular and special, and all meetings of standing committees will be conducted as set forth in Roberts' Rules of Order, (<http://robertsrules.com>) except as may otherwise be expressly provided herein.

Having been duly approved by a two-thirds vote in the affirmative of all members of John E. Jacobs American Legion Post 68, Leland, NC this _____day of _____(Month) _____(Year) the foregoing Constitution and By-Laws are adopted to supersede and replace all preceding Constitutions and By-Laws of Pfc. John E. Jacobs American Legion Post 68, Leland, NC

District 9, The American Legion Department of North Carolina.

Attested to and certified

Post Commander

Handwritten signature of Dale Todd in cursive script.

Post Adjutant

Handwritten signature of Daniel E. Dodge in cursive script.