

# **CONSTITUTION AND BY-LAWS**

**OF  
THE AMERICAN LEGION  
WAYNE V. MCMARTIN  
POST 91**



922 N. Alma School Road  
Chandler, Arizona 85224

## **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 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.**

# CONSTITUTION OF THE AMERICAN LEGION WAYNE V MCMARTIN POST #91

## Article I – Name

**Section 1.** The name of this organization shall be Wayne V. McMartin Post No. 91, of The American Legion, Incorporated; Department of Arizona. And for working purposes only, shall be called Wayne V. McMartin Post No. 91.

## Article II – Objects

**Section 1.** 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 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. Military rank does not exist in The American Legion.

**Section 2.** This organization shall be absolutely nonpolitical and non-sectarian, 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.

## Article IV – Nondiscrimination

**Section 1.** We shall not discriminate based on Race, Religion, Sex, Color, or Creed.

## Article V – Membership

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

**Section 2.** There shall be no form or class of membership except an active membership as herein provided.

**Section 3.** Application for membership shall be made in writing under such regulations that may be prescribed by the Post Executive Board.

**Section 4.** All applications for membership shall be acted upon at the next Post Executive Board meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation or consideration. If a majority of the Executive Board present cast their vote against the acceptance of said application, it shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six months from the date of the rejection.

**Section 5.** No person who has been expelled by a 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, they may then appeal to the Department Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

**Section 6.** Any member of this Post may for cause, be reprimanded, suspended, or expelled by two-thirds vote of all the members of the Executive Board upon charges under oath in writing. One week's written notice of the time and place when the Executive Board will consider the charges against them, accompanied by a written specification of the charges, shall be given to the accused member, and at such time and place they shall be entitled to appear and defend themselves against such charges. Cause for reprimand, suspension, and expulsion within the meaning of this section shall consist of disloyalty, neglect of duty, dishonesty, theft or conduct unbecoming a member of The American Legion. At any time within thirty days after a sentence of dismissal or expulsion, a meeting of the Post to consider same may be called upon the written request of seven members.

**Section 7.** A member who has been expelled from the Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in Post meeting; provided, however, the member shall make payment of any arrears in their dues at the time of the expulsion, and also other regular dues which have been payable in the interval between their expulsion and reinstatement.

**Section 8.** The resignation of a member indebted to the Post shall take effect only when accepted by the Executive Board. All interest of resigning members in the property or assets of the Post, and of members ceasing to be such by dismissal, shall be vested in the Post, and such resignation or dismissal shall operate as a release or assignment to the Post of all right, title and interest of such member or members in and to the property and assets of the Post.

## **Article VI – Officers**

**Section 1.** The elected officers of this Post shall be a Commander, Senior Vice-Commander, Junior Vice-Commander, and the three Executive Committee members. The Finance Officer, Adjutant, Historian, Chaplain, Service Officer, Judge Advocate, and Sergeant-at-Arms shall be appointed by the Commander with the approval and consent of the majority of the Executive Board. All appointed officers will serve at the discretion of the Commander.

**Section 2.** Any officer or Executive Committee member may be removed for inefficiency by the Executive Board by three-fourths vote of the members present at a special meeting of the Post called to effect such removal.

**Section 3.** Every member of this Post in good standing shall be eligible to vote and to hold office in this Post unless otherwise provided herein.

**Section 4.** The duties of officers and the Executive Committee members shall be those usually pertaining to such officers and Committee members and as further provided in the Post By-Laws.

## **Article VII – Finance**

**Section 1.** The revenue of this Post shall be derived from membership or initiation fees, annual membership dues and such other sources as may be approved by the Post Executive Board.

**Section 2.** The amount of such membership or initiation fees and the amount of such annual Post dues shall be as fixed and determined by the Post.

**Section 3.** The Post shall pay to Department Headquarters the national, department and district dues received from every member of the Post.

## **Article VIII – American Legion Auxiliary**

**Section 1.** The Post recognizes an auxiliary organization known as the Wayne V. McMartin American Legion Auxiliary Unit 91.

**Section 2.** Membership in the auxiliary shall be as prescribed by the national constitution of The American Legion Auxiliary.

**Section 3.** The Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and the Department of Arizona, The American Legion.

## **Article IX – Sons of the American Legion**

**Section 1.** This post recognizes a subsidiary organization to be known as Sons of the American Legion Squadron No. 91 of the Wayne V. McMartin Post No. 91 of The American Legion.

**Section 2.** Membership in the Sons of the American Legion shall be as prescribed by the national constitution of The American Legion.

## **Article X – American Legion Riders**

**Section 1.** This Post recognizes a subsidiary organization to be known as American Legion Riders Chapter No. 91 Wayne V. McMartin Post No. 91 of The American Legion.

**Section 2.** Membership in the ALR shall be as prescribed by the national constitutions of the American Legion, the American Legion Auxiliary and the Sons of the American Legion.

## **Article XI – Amendments**

**Section 1.** This constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Department Constitution of the Department of Arizona, The American Legion. Any amendments 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 at any regular Post meeting by a vote of two-thirds of the members of said Post attending such meeting, providing that the proposed amendment shall have been submitted in writing and read at the next preceding meeting of said Post, and providing further that written notice shall be provided to all members at least seven days in advance of the date when such amendment is to be voted upon, notifying membership that at such a meeting a proposal to amend the constitution is to be voted upon.

**Section 3.** This constitution must be reviewed, and may be modified, if necessary, on an annual basis, as provided in Article XI section2.

## **Article XII – Charter Members**

**Section 1.** Members who joined the Post prior to issuance of the permanent charter and who signed, or whose names appear on the chart application, shall be known as charter members.

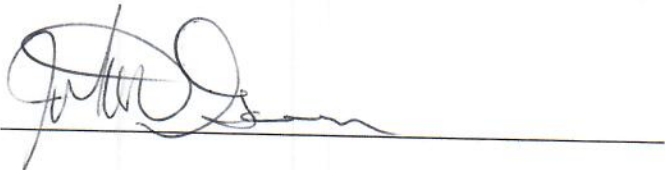
**Article XIII – Enacting Clause**

This Constitution of Wayne V. McMartin Post 91, The American Legion, Department of Arizona, approved and adopted by two-thirds affirmative vote of the Post members present at a meeting held this day

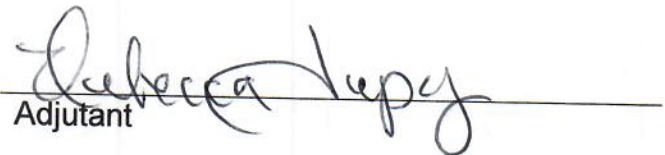
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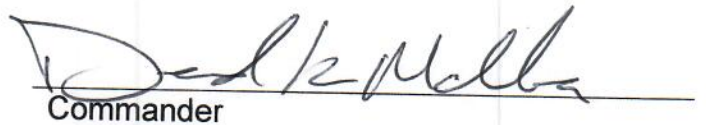
Constitution and By-Laws Committee

  
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Adjutant

  
Commander

**BY-LAWS OF  
WAYNE V. MCMARTIN POST NO. 91  
OF THE  
AMERICAN LEGION  
DEPARTMENT OF ARIZONA**

**Article I**

**Section 1.** The Post existing under these By-Laws is to be known as Wayne V. McMartin Post No.91 of The American Legion, Department of Arizona.

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

**Article II – Management**

**Section 1.** The government and management of the Post are entrusted to an Executive Board of thirteen (13) members, and are to be known as the Executive Board.

**Section 2.** The Executive Board shall consist of three (3) Executive Committee members, the Commander, Immediate Past Commander, Senior Vice Commander, Junior Vice Commander, an Adjutant, a Finance Officer, a Post Chaplain, Post Service Officer, Historian, Judge Advocate, and a Sergeant-at-Arms. Nominations and elections shall be as follows (excluding the Immediate Past Commander): Nominations for the three (3) elected Post officers (Commander, Senior Vice Commander and Junior Vice Commander) and the three (3) Executive Committee members shall be made from the floor at the March and April General Membership meetings. Nominations of officers shall be closed at the April meeting. All elected officers and Executive Committee shall be elected annually on the first Thursday of May and shall take office on the second Thursday of July. Elections will be by ballot. Names of nominees will appear on the ballot in alphabetical order. Names of nominees will not appear on the ballot for more than one elective office. If a person is nominated for more than one office, their name will appear on the ballot for the first office so nominated unless said nominee states their preference to the Commander, in writing, before the printing of the ballots. All elected officers and Executive Committee candidates receiving the highest number of votes shall be elected to the respective office for which they are candidates.

**Section 3.** All vacancies in the Executive Board, for any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the Board on which the vacancy occurs. An Executive Committee member shall fill the vacancy of any Post officer, and a person so appointed shall hold office for the unexpired term of the officer, or the member of the Board, of whom they succeed. A vacancy shall exist when a member of any committee, or any officer of the Post, is absent from three consecutive regular meetings of the Post without a reasonable excuse being presented to the Post Commander prior to the third consecutive meeting. A vacancy shall also exist immediately after the resignation of a Post



Officer or Committee Member, or if his or her absence from the community will prevent such member from handling the duties of the position to which elected or appointed.

**Section 4.** The Executive Board shall have general charge of all affairs and business of this Post; and shall adopt all rules and regulations necessary for the affairs and conduct of this Post; shall authorize all expenditures and contracts necessary in the conduct of the affairs of the Post; and shall receive and disburse all moneys derived from or pertaining thereto, and in general shall constitute the ruling and governing power of the Post for the purpose aforesaid, as well as in matters affecting policy, finance, discipline, decorum, and harmony, except as hereinafter provided, pending General membership approval.

### **Article III – Post Executive Board**

**Section 1.** The Post Executive Board shall meet for organization and such other business as may come before it at the call of the Post Commander within ten (10) days after the installation of the new officers. Thereafter, the Post Executive Board shall meet at the call of the Commander at least every month and as often as said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Board upon the joint written request of three or more members of said Post Executive Board; seven (7) members of the Post Executive Board shall constitute a quorum thereof.

**Section 2.** The Post Executive Board may, from time to time, as needs of the Post require, appoint assistants to officers. The Post Executive Board shall authorize and approve all expenditures; shall require adequate bonds from all persons having custody of Post funds; and shall have charge of and be responsible for the management of the affairs of the Post, except as otherwise provided in these By-Laws.

### **Article IV – Duties of Officers**

**Section 1.** Duties of Post Commander: It shall be the duty of the Post Commander to preside at all post meetings, meetings of the Executive Board and to have general supervision over the business and affairs of the Post. Such officer shall be Chief Executive Officer of the Post. The Post Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, to include recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant.

The Post Commander shall perform such other duties as directed by the Post, shall execute jointly with the Post Adjutant without personal liability, all contracts, bonds and other instruments in writing provided and required by the Executive Committee or Executive Board.

The Post Commander, upon election to office, will appoint a three (3) member committee, under the direction of the new Post Commander, to audit the Post's financial accounts. The audit report results shall be read into the minutes at the general membership meeting of July.

The Post Commander may issue blanket warrants to specific persons for the payments of standard or routine operations, these shall be cosigned by the Post Adjutant.

**Section 2. Duties of Senior Vice-Commander:** The Senior Vice-Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by, the Post Commander. The Senior Vice-Commander shall also act as chairperson for the Membership Committee.

**Section 3. Duties of Junior Vice-Commander:** The Junior Vice-Commander shall assume and discharge the duties of the office of the Commander in the absence or disability of the Commander and Senior Vice-Commander, or when called upon by the Post Commander. The Junior Vice-Commander shall also act as chairperson for the Programs, Fund Raising and House Entertainment Committee.

**Section 4. Duties of the Adjutant:** The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, and keep such records as the Department or National organizations may require, render reports of membership annually or when called upon at a meeting; shall have general charge of books and accounts of the Post, save those in the custody of the Post Finance Officer; shall submit a statement of accounts and proceedings monthly to the Executive Board; shall render an annual account to the Post; and shall perform such other duties and acts as shall be required by the Executive Board and under the direction of the Commander, and handle all correspondence of the Post.

**Section 5. Duties of the Finance Officer:** The Finance Officer of the Post shall have charge of all finances and see that all funds are safely deposited into a local national bank or banks which are members of the Federal Reserve System. The Finance Officer shall report the condition of the Post finances to the Executive Board once a month. Recommendation shall be made as they may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer shall verify all means and amounts of disbursements of Post moneys, along with one of the following Post Commander, Senior Vice-Commander or Junior Vice-Commander. The Finance Officer shall also act as chairperson for the Finance Committee.

**Section 6. Post Chaplain:** The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine service in the event of dedications, funerals, public functions, etc., and adhere to such ceremonial rituals as are recommended by National or Departmental Headquarters, as required.

**Section 7. Duties of the Service Officer:** The Service Officer shall supervise all matters pertaining to the needs of ex-service persons in their dealings with the United States Veterans Bureau or any other bureau or related department of the United States Government or any agency of the State of Arizona affecting the dealings with ex-service persons. The Service Officer shall also have supervision over the employment of needy Legion members in outside work and shall supervise the giving of relief to indigent, the funerals of members and the care of the families of ex-service men and women. The Service Officer shall also act as chairperson for the Veterans Affairs and Rehabilitation Committee.

**Section 8.** Duties of the 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 Commander or the Executive Board.

**Section 9.** Duties of the Sergeant-at-Arms: The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may be assigned to them by the Post Executive Board.

**Section 10.** Duties of the Post Judge Advocate: The Post Judge Advocate shall advise the Post officers and Executive Committee on the interpretation of the Post Constitution and By-Laws and on parliamentary procedures in accordance with Robert's Rules of Order. The Commander shall appoint a Judge Advocate to advise as to all questions of procedure which may arise.

## **Article V – Removal from Office**

Section 1. The Post shall have the power of vacating the office of any member of the Executive Committee or of any officer, for good cause shown, by the vote of three-fourths (3/4) of the members present at a special meeting of the Post called for that purpose.

## **Article VI – Delegates**

**Section 1.** Delegates and alternates to the annual Department Convention shall be elected by the Post at a regular meeting to be held at least sixty (60) days prior to Convention. The Post Commander is automatically a delegate.

## **Article VII – Committees**

**Section 1.** Appointments: The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Americanism, Membership, Program and Entertainment, Finance, Public Relations, Children and Youth, Veterans Affairs and Rehabilitation, Sons of the American Legion. The American Legion Riders Committee and a Past Commanders Committee.

**Section 2.** Membership: Such standing committees shall consist of such members, and the chairman thereof, as shall be designated by the Post Commander.

**Section 3.** Americanism Committee: The Americanism Committee shall have jurisdiction over the counteracting of anti-American activities and the education of both the native and foreign born as pertaining to the community, state and nation; and to attend to the enforcement of all laws, national and state, and of city ordinances in any way affecting ex-service persons.

**Section 4.** Membership Committee: The Membership Committee shall have supervision over the procuring of new members, reinstatement of members and eligibility of members.

**Section 5.** Program and Entertainment Committee: The Program and Entertainment Committee shall have charge of all entertainment, dances, club shows and performances, and shall supervise the activities of all other entertainment.

**Section 6.** Finance Committee: The Finance Committee shall have general supervision over the finances of the Post, shall devise ways and means of raising finances and shall arrange for the authorization thereof; shall audit the accounts of the Finance Officer, supervise expenditures, and prepare the budget.

**Section 7.** Public Relations Committee: The Public Relations Committee shall be charged with the promotion of public support of the Legion's program by the establishment of proper contact with The American Legion Magazine, Department and National Legion news service and by local publicity of Post programs and activities.

**Section 8.** Children and Youth Committee: Shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community, laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. The Children and Youth Committee shall act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of war veteran shall be in need of the necessities of "life" and "square deal for every child".

**Section 9.** Veterans Affairs and Rehabilitation Committee: The Veterans Affairs and Rehabilitation Committee shall supervise all matters pertaining to Service to Comrades in the prosecution of all just claims against the United States and state governments, employment, relief, etc. This committee shall function under the Service Officer.

**Section 10.** Sons of the American Legion Committee: This committee shall have supervision over the operations of the Post's Squadron of the Sons of the American Legion.

**Section 11.** The American Legion Riders Committee: This committee shall have supervision over the operations of the Post's Legion Riders Chapter.

**SECTION 12.** Past Commanders Committee. This Shall give the Commander and E Board advice on Post operations and interactions.

## **Article VIII – Budget**

**Section 1.** The budget so prepared shall cover the period to the end of the current fiscal year and shall allocate the proportion of the income of the Post, or state the sources of the funds, which may be used for any given purpose. The budget so prepared shall be submitted to the Executive Committee for approval or amendments. The Executive Committee shall then submit the approved or amended budget to the Post where any changes or additions or deductions may be made. When the budget shall have been finally adopted by the Post it shall become a part of these By-Laws for the period covered thereby and may not be varied form, altered or changed except in the manner provided for the amendment of these By-Laws.

**Section 2.** The Finance Officer shall keep a set of books showing distribution of receipts and disbursements of the Post crediting receipts and charging disbursements of the proper items of the budget. No disbursements shall be made by the finance office from any other funds on hand when the funds allocated by the budget for a certain purpose are exhausted. Nothing contained herein shall prevent the Post from engaging in any proper activities to raise funds for a special purpose not provided for by the budget or for the purpose of increasing the funds allocated by the budget for a particular purpose.

## **Article IX – Resolutions**

**Section 1.** All resolutions of state or national scope presented to this Post by a member or reported to the Post by a committee shall merely embody the opinion of this Post on this subject and copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

## **Article X –Rules of Order**

**Section 1.** The regular meetings of the Post shall be held at the Post home on the date stated within the standing rules each month at which time any business as may properly be brought up and be transacted for action. The first Wednesday night of each month may be reserved for the Executive Board meetings.

**Section 2.** The Post Commander or a majority of the Executive Board shall have power to call a special meeting of the Post at any time.

**Section 3.** Upon the written request of five (5) members, the Executive Committee shall call a special meeting of the Post.

**Section 4.** Seven (7) members of the Executive Board shall constitute a quorum at both general and special membership meetings.

**Section 5.** A quorum must exist prior to the conduct of any official business. If a quorum is not present, another meeting will be scheduled within fifteen (15) days. If a quorum is still not present, the members present may suspend the quorum by two-thirds (2/3) vote and proceed with the business of the meeting. The suspension will be effective for the one (1) meeting only.

**Section 6.** All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order Revised except as herein otherwise provided.

## **Article XI**

**Section 1.** Every member shall furnish the Post Adjutant with an address for mailing purposes along with an email address, if available.

## **Article XII – Limitation of Liabilities**

**Section 1.** Neither the Post nor any individual member shall incur or cause to be incurred, any liability or obligation whatsoever which shall subject to liability any other Post, sub-division, group of men or women, members of The American Legion, (members of this Post or otherwise) or other individuals, corporations or organizations.

**Section 2.** Only the Post Commander, Adjutant, and the Finance Officer may sign any binding contracts for this Post.

## **Article XIII– Amendments**

**Section 1.** These By-Laws may be amended at any regular Post meeting by a two-thirds (2/3) vote of the members of said Post attending such regular meetings: Provided; that the proposed amendment shall have been submitted in writing and read at a preceding meeting of said Post; and provided, further, that written notice shall have been given to all members at their last known address at least seven (7) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

**Section 2.** This constitution must be reviewed, and maybe modified if necessary on an annual basis, as provided in Article XIII Section 1.

**Article XIV – Enacting Clause**

These By-Laws of Wayne V. McMartin Post 91, The American Legion, Department of Arizona, approved and adopted by two-thirds (2/3) affirmative vote of the Post members present at a meeting held

May 16, 2021

Constitution and By-Laws Committee

W. B. [Signature]

[Signature]

Debra Lupy  
Adjutant

[Signature]

[Signature]  
Commander