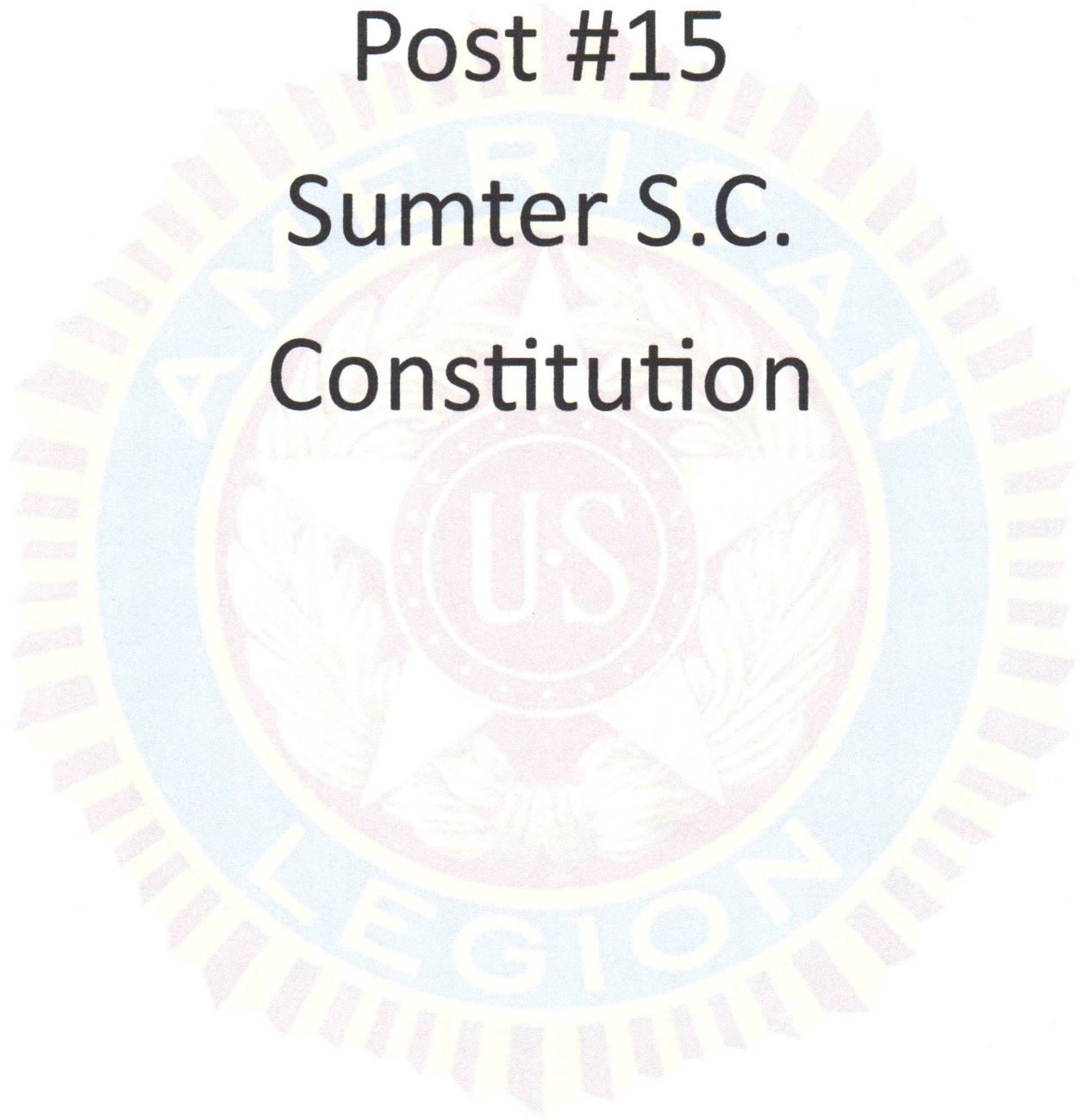


# American Legion

## Post #15

### Sumter S.C.

### Constitution



Revised February 3<sup>rd</sup>, 2025

## ***Preamble***

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America:

To Maintain Law and Order:

To foster and perpetuate a one hundred percent Americanism:

To preserve the memories and incidents of our associations in all wars:

To inculcate a sense of individual obligation to the Community, State and Nation:

To combat the autocracy of both the classes and the masses:

To make right the master of might:

To promote Peace and 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 Sumter Post 15***

## ***The American Legion***

### ***Department of South Carolina***

#### **Article I – Name**

**Section 1:1.** This Association shall be known as Sumter Post #15, The American Legion, Department of South Carolina.

#### **Article II – Objectives**

**Section 2:1.** The purpose, principles, aims and objectives of Post #15 are declared to be in conformity with those of the Department of South Carolina and of the National Body of The American Legion, of which this Post is a part, as enunciated in the Preamble to the Constitution, identical with that of the National Body of The American Legion adopted at a caucus in St. Louis, Missouri, May 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup>, 2019.

**Section 2:2.** This Post is further dedicated to the promotion of the welfare, prosperity and happiness of all people of the Sumter Community, to the preservation of the ideals and traditions of the Sumter community and of the State of South Carolina, and pledge our single-minded adherence to the hallowed faith of our fathers.

#### **Article III – Nature**

**Section 3:1.** This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

**Section 3:2.** This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

**Section 3:3.** Rank does not exist in the American Legion; no legionnaire, shall be addressed by their military or naval title or rank in any meeting of this post.

## Article IV – Membership

**Section 4:1.** Except where hereinafter specifically delegated, all power and authority are lodged in the membership.

**Section 4:2.** Eligibility for membership in this Post shall be as prescribed by the National Constitution of The American Legion. Except as provided hereinafter, membership is open to all persons who meet the eligibility criteria prescribed in said National Constitution.

**Section 4:3.** Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

**Section 4:4.** The Post Commander or the Post Adjutant shall act upon all applications for membership expeditiously following the making of such application, and shall accept, reject or refer for further investigation and consideration such applications.

**Section 4:5.** Any Legionnaire or Prospective Member of Post #15, convicted of a Felony by a Duly Constituted Court shall be prohibited from holding any Elected Position or serving on the Executive Committee except as allowed herein; If sentenced to one (1) year or less (upon the completion of all court ordered sentencing) after five (5) years with 51% approval from the Executive Committee will be allowed to hold an Elected Position. If sentenced to greater than one (1) year, (upon the completion of all court ordered sentencing) after fifteen (15) years with 100% approval of the Executive Committee will be allowed to hold an Elected Position. The guidelines mentioned will also be applicable for all Appointed Positions on the Executive Committee. If currently on the Executive Committee, the position shall be declared vacant and forthwith filled as provided by the Constitution and By-Laws as in the case of any other vacancy.

**Section 4:6.** Any member of this Post may be expelled for cause by a two-thirds (2/3<sup>rd</sup>) vote of the Post Executive Committee after charges are preferred under oath in writing and a fair trial had upon the same.

**Section 4:7.** A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds (2/3<sup>rd</sup>) vote of the membership present in a Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

**Section 4:8.** 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, such person may the appeal to the State 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 4:9.** The quorum for any meeting of the membership for the purpose of electing officers or conducting any business shall be one-twentieth (1/20<sup>th</sup>) of the membership. The membership will hold regular monthly meetings at the Legion Home, 34 South Artillery Drive, Sumter, South

Carolina, as prescribed in the Bylaws. The Post Executive Committee may call a special meeting of the membership at any time circumstances warrant. The Post Adjutant shall ensure that all members receive at least two weeks written notice of any special meeting of the membership at the mailing address or email address provided by the member.

## **Article V – Officers**

**Section 5:1** The Executive Committee is hereby invested with the power to appoint such committees and to make such arrangements as may be necessary or desirable for conducting the details of Post #15's affairs, except as herein otherwise provided. The hiring and termination of all Post #15's paid employees, is the responsibility of the Executive Committee. All appointees serve at the will of the Commander and/or Executive Committee and can be remove at any time for cause.

**Section 5:2.** The administrative affairs of this Post the American Legion shall, except as may be otherwise provided by the Bylaws be under the supervision of an Executive Committee which shall consist of the officer of the Post and six (6) members appointed pursuant to Section 5.5. The term of office for members of the Post Executive Committee shall be for one year. This Post, by its Bylaws, shall provide for such other standing committees as the business of the organization may require. Such other standing committees shall include and Americanism Committee, a Home Committee, a Fair Committee, Legion Riders and a Baseball Committee.

**Section 5:3.** The Officers of this Post shall be, a Commander, a First Vice-Commander, five (5) Second Vice-Commanders, the Immediate Past Commander, an Adjutant, a Finance Officer, a Service Officer, a Historian and a Chaplain, all of whom shall be elected in accordance with the advice and consent of the Post Executive Committee, the Post Commander shall appoint the Judge Advocate who will have a voice and a vote and the Sergeants at Arms and such other officers as he may deem necessary from time to time, who will have a seat and voice without vote at meetings of the Post Executive Committee.

**Section 5:4.** All officers shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or Executive Committee person may be removed for inefficiency by the Post Executive Committee, a two-thirds (2/3<sup>rd</sup>) vote of said committee being necessary to affect such removal.

**Section 5:5.** The officers shall be elected at the regular meeting of the membership on the first Monday of May. The membership shall first elect a Commander and Vice-Commanders. Nominations from a nominating committee and from the floor will be in order. Upon election, the Commander-elect shall place in nomination the names of members to serve as the Post Adjutant, Post Finance Officer, the Post Service Officer, the Post Historian and the Post Chaplain. Nominations from the floor shall not be in order for these offices, unless a nominee fails to

receive a majority vote. The Officers shall be installed at the regular meeting of the membership in June of each year.

**Section 5:6.** In addition to the officers, there shall be six (6) Executive Committee members. The chairperson of the Fair Committee, Legion Rider Director and the Baseball Committee Chairperson shall serve *ex officio* with full voting rights and there shall be three (3) at-large Executive Committee persons appointed by the Post Commander for one-year terms.

**Section 5:7.** If for any reason, the office of Post Commander becomes vacant, the First Vice-Commander shall assume the office of the Commander with full authority of that office for the remainder of the Commander's term of office. In such event, the Post Executive Committee will elect one of the Second Vice-Commanders to assume the office of the First Vice-Commander. In the event of a vacancy in any other office, the Post Executive Committee shall fill the vacancy for the remainder of the term of office.

**Section 5:8.** Every member of this Post in good standing shall be eligible to hold office in this Post. Except as prohibited in **Article IV Section 4.5.**

**Section 5:9.** The duties of Officers and the Post Committee shall be those usually appertaining to such Officers or Committees and as further provided by in the By-Laws. In the Post Commanders absence the First Vice-Commander, shall chair all meetings of the Post Executive Committee. The Post Executive Committee shall meet not less than once each calendar quarter.

**Section 5:10.** The required quorum for the conduct of business by the Post Executive Committee shall be one-half plus one (1/2) of the voting members. (50%+1)

## **Article VI – Finance**

**Section 6:1.** 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 6:2.** The amount of such annual Post dues shall be fixed and determined by this Post.

**Section 6:3.** The Post shall pay to Departmental Headquarters, the National and Departmental annual membership dues for every member of the Post.

**Section 6:4.** The Post Executive Committee shall approve the annual budget of the Baseball, Fair, Legion Riders and General Fund, and such other committees authorized in the Bylaws to maintain separate funds. No committee, treasurer of committee funds or custodian of a Post fund may expend any monies from such funds, except in accordance with such approved budget, without the approval of the Post Commander or Executive Committee. (Reference By-Laws Sec.3.5/3.6)

**Section 6:5.** All financial records maintained by a committee and accounts of the Post and its

committees will be maintained in accordance with generally accepted accounting principles and will be open to the Post Finance Officer for inspection at any time.

**Section 6:7.** Each fund maintained by a committee, in accordance with the Bylaws, shall be subject to an annual audit under the direction of the Post Finance Officer. Custodians or treasurers of committee funds shall be placed under bond in such sum and with such surety as the Post Executive Committee shall direct.

## **Article VII – Affiliated Organizations of Post #15**

**Section 7.1.** This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Sumter Post #15, The Department of South Carolina, The American Legion.

**Section 7.2.** Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

**Section 7.3.** Post #15 recognizes Legion Riders of Sumter Post #15, The Department of South Carolina, and The American Legion.

**Section 7.4.** Membership in the Legion Riders of Sumter Post #15 is pursuant to membership and good standing in Sumter Post #15 or the Auxiliary Unit of Sumter Post #15 and in compliance with Sumter Post #15 Constitution and By-Laws, and The Department of South Carolina Constitution and By-Laws. Members of another American Legion Post may request in writing to the Sumter Post #15 Commander permission to join Legion Riders of Sumter Post #15. Members of other American Legion Post have no voting rights in Sumter Post #15.

**Section 7.5.** The members of the Legion Riders of Sumter Post #15 are required to pay their own Legion Riders yearly dues.

## **Article VIII – Amendments**

**Section 8:1.** 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 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 of this Constitution to the extent of such conflict.

**Section 8:2.** This Constitution may be amended at any regular Post meeting by vote of two-thirds (2/3<sup>rd</sup>) of the members of said Post attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and providing, further, notice shall have been given to all members at least thirty (30) 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 Constitution is to be voted upon.

**Section 8:3** The Bylaws of this post may be amended at any regular Post meeting by vote of two-third (2/3<sup>rd</sup>) majority of the members of said Post attending such regular meeting, providing the proposed amendment shall have been submitted in writing to all members at least thirty (30) 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 Bylaws is to be voted upon.

**Section 8.4.** Within thirty (30) days of being sworn in, The Commander, First Vice, Adjutant and Judge Advocate shall review and sign and date the original and all true copies of Sumter Post #15 Constitution and By-Laws. The original Constitution and By-Laws shall be kept in the Post #15's safety deposit box maintained by the Post Adjutant.

PROPOSED



The forgoing Constitution was duly adopted by the members of Sumter Post #15, The American Legion, Department of South Carolina at its regular meeting this 3<sup>rd</sup> day of February, 2025.

\_\_\_\_\_  
Commander Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
First Vice Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Adjutant Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Judge Advocate

\_\_\_\_\_  
Signature

Constitution and By-Laws Committee Members:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature