

**J.W. Mathers, Jr.
Post 163, INC.
AMERICAN LEGION
DEPARTMENT OF FLORIDA**

**CONSTITUTION
AND
BY-LAWS**

**J.W. MATHERS, JR.
POST 163 INC.
AMERICAN LEGION
DEPARTMENT OF FLORIDA**

**CONSTITUTION
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 association 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 good will on earth; To safeguard and transmit to prosperity the principles of justice, freedom and democracy; To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

**Constitution
ARTICLE I
NAME**

The name of this organization shall be the J.W. Mathers Jr. Post 163 Inc., The American Legion, Department of Florida.

**ARTICLE II
NATURE AND PURPOSE**

1. The object and purpose of this Post shall be to promote the principles and policies set forth in the foregoing Preamble and the Department of Florida and the National Constitution of the American Legion.
2. - The American Legion is a civilian organization; membership therein does not exist in the Legion; no member shall be addressed by his/her military title in any meeting of this post.
3. - While requiring that every member of this Post performs his/her full duty as a citizen according to his/her own conscience and understanding, the Post shall be nonpartisan in politics, and shall not be used for the dissemination of partisan principles.

**ARTICLE III
MEMBERSHIP**

1. - Eligibility to membership in this Post shall be as prescribed by the National Constitution of the American Legion.
2. - There shall be no form or class of membership except an action membership, and dues shall be paid annually of for life.
3. - No person may be a member at any time of more than ONE POST.
4. - No person, who has been expelled by a post, shall be admitted to membership in this Post without consent of the expelling Post, except that where such consent has been asked for and denied by such Post, he/she may then appeal to the Executive Committee of the Department of Florida, for permission to be admitted to membership in this Post, and shall be ineligible for membership until such permission is granted.
5. - Any Officer or Executive Committeeman may be reprimanded, suspended, removed from office, or expelled from this Post and the American Legion in accordance with Article X, Paragraph 14, of the Constitution, American Legion, Department of Florida.

**ARTICLE IV
OFFICERS**

1. - The administrative affairs of the Post of The American Legion shall, except as may be otherwise provide by the By-Laws, be under the supervision of an Executive Committee which shall consist of the officers of the Post as listed below. The term of office of members of the Executive Committee shall be for one (1) year. This Post, by its By-Laws, may provide standing committees as the business of the organization may require.
2. - The Officers of this Post shall be:

Post Commander
Post First Vice Commander
Post Second Vice Commander
Post Third Vice Commander
Post Finance Officer
Post Sergeant=At-Arms
Post Assistant Sergeant-At-Arms
Post Historian
Post Chaplain
Post Jr. Past Commander
Two (2) Executive Committeemen
Post Adjutant
Post Service Officer
Post Judge Advocate

3. - All the Officers of this Post, except the Post Adjutant, Post Service Officer, Postjudge Advocate and Post Jr. Past Commander, shall be elected and certified to the

Department of Florida Adjutant, no more than fifty (50) days, nor less than (10) days, prior to the Annual Department of Florida Convention; certification to be made on forms furnished or prescribed by the Department of Florida Adjutant. Post Adjutant, Post Service Officer, and Post Judge Advocate shall be selected by the Commander and approved by the membership.

4. - No person will be elected or hold an appointed office in this Post unless he/she can provide legal proof of eligibility for membership as required under ARTICLE III of this Constitution at the time of nomination or election.

5. - Every member of this Post, in good standing, shall be eligible to hold office in this Post as further provided in the By-Laws.

6. - The duties of Officers and Executive Committeemen shall be those usually pertaining to such Officers of Executive Committeemen as further provided in the Post By Laws.

7.

ARTICLE V FINANCE

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

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

3. - The Post shall pay to the Department of Florida, the National and Department annual membership dues for every member of the Post except "Paid Up for Life members."

4. - There shall be a complete audit of the finances, accounts, property and business affairs of the Post, made at least once annually and at such other times as the By-Laws provide.

5. The Post shall furnish adequate bond for all members handling funds belonging to the Post.

6. - No one person of the Post will have unaudited (in house) control of all Post monies, nor be on more than one (1) committee responsible for funds, except for the Post Commander, Ex Officio on all committees.

7.

ARTICLE VI CHARTER MEMBERS

1. - Members who join this Post prior to the issuance of the Charter shall be known as Charter Members.

ARTICLE VII THE AMERICAN LEGION AUXILIARY

1. - This Post recognizes an auxiliary to be known as the J. W. MATHERS, JR. Unit 163, The America Legion Auxiliary

**ARTICLE VIII
AMERICAN LEGION PROGRAMS**

1. (a) This Post recognizes the Sons of the American Legion.
(b) This Squadron to be known as the J. W. Mathers, Jr., Squadron 163, Sons of the American Legion.
1. - The Squadron sponsored by this post shall be governed by the Post Constitution and By-Laws.
2. - Qualification for membership in the Sons of the American Legion shall be prescribed by the National Organization of the American Legion.
3. - (a) This Post recognizes the American Legion Riders.
(a) This Chapter to be known as the J. W. Mathers Jr. Chapter 163, American Legion Riders.
4. - The Chapter sponsored by this Post shall be governed by the Post Constitution and By-Laws.
5. - Qualification for membership in the American Legion Riders shall be prescribed by the National Organization of the American Legion.

**ARTICLE IX
AMENDMENTS**

1. - This Constitution is adopted, subject to the provisions of the National Constitution of The American Legion and the Department Constitution of the Department of Florida, The American Legion. Any amendments to said National Constitution, which is in conflict with any provisions thereof, shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.
2. - This Constitution may be amended at any regular Post meeting by a vote of two thirds (2/3) of the members of this Post attending such regular meeting, provided that the proposed Amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and providing further, that written 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 on.

**BY-LAWS
ARTICLE I**

1. - The Post existing under these By-Laws is to be known as J. W. Mathers Jr., Post 163 Inc. The American Legion, Department of Florida.
2. - The objects of this Post are set forth in the Preamble of the Constitution of the American Legion.

ARTICLE II MANAGEMENT

1. - The government and management of this Post is entrusted to and Executive Committee of fifteen (15) members, to be known as the “Executive Committee”
2. - The Executive Committee shall consist of members as prescribed in Article IV, Section 2m of the Constitution.
3. - The Post Commander, Post First Vice Commander, Post Second Vice Commander, Post Third Vice Commander, Post Finance Officer, Post Sergeant-at-Arms, Post Assistant Sergeant-at-Arms, Post Historian, Post Chaplain and two (2) Executive Committeemen will be elected annually. The Post Adjutant, Post Service Officer and Post Judge Advocate will be appointed by the Commander and approved by the membership.
4. - All Executive Committeemen and newly elected Post Officers will meet as soon as possible after election to promote beneficial transition of the Officers. The newly elected Officers or Executive Committeemen will have no voting power unless they be a member of the existing Executive Committee. The Commander elect shall call meetings of the incoming Executive Committee for planning and appointments of the incoming Adjutant, Service Officer, judge Advocate and committee chairmen for the ensuing year. The newly elected Commander shall present all appointments to the floor at a regular meeting for approval by the membership, but no later than ten (10) days prior to the Department Convention.
5. - All vacancies existing in the Executive Committee or any Officer of the Post from any cause other than expiration of the term shall be filled by the recommendation of the remaining members of the committee, and a person recommended shall be voted upon at the next regular membership meeting. A person so elected by a majority of the membership present succeeds.
6. - The Post Executive Committee shall meet for such business as may come before it at the call of the Post Commander within (10) days after the installation of the new Officers. On this date, a time and day for monthly meetings will be set. A special meeting of the Executive Committee may be called by the Post Commander or upon the joint written request of three (3) or more members of the Executive Committee.

The Post Commander shall notify all members of the Executive Committee. The call or notice shall include the reason for the special meeting.
7. - Eight (8) members of the Committee shall constitute a quorum.
8. - The Post Executive Committee shall recommend approval of all expenditures except regular routine operating and maintenance expenses; shall require bond for all persons having custody of Post funds; shall hear the reports of the Post Committee Chairmen; and generally, have charge of and be responsible for the management of all of the affairs of the Post within the guide lines approved by the Executive Committee and the Post. All known pertinent business of the Post will be discussed in order to keep the general membership informed and keep the general meeting available for more pressing business.

9. - The Post Commander shall present all unfinished business to the Executive Committee for recommendation or disposition.
10. - The Commander shall report all Executive Committee recommendations to the next regular Post meeting for action by the membership.

ARTICLE III NOMINATION & ELECTION OF OFFICERS

1. - The following Officers shall be elected annually by the Post: Post Commander, Post First Vice Commander, Post Second Vice Commander, Post Third Vice Commander, Post Finance Officer, Post Sergeant-At-Arms, Post Assistant Sergeant-At-Arms, Post Historian, Post Chaplain and two (2) Executive Committeemen.
2. - All elected officers of this Post shall be elected and certified to the Department Adjutant, not more than fifty (50) days nor less than ten (10) days prior to the annual Department Convention. Certification to be made on forms furnished or prescribed by the Department Adjutant.
3. - Time and place of elections shall be set by the Executive Committee and approved by the membership at a regular meeting of the membership. A thirty (30) day notice of the election will be given to the membership.
4. - No candidate will be place on the ballot until he/she proves his/her eligibility for membership in the American Legion in accordance with the provisions of Article III of the Post Constitution. Proof of eligibility will be cleared by the Post Judge Advocate and/or the Post Adjutant.
5. - All elected Officers will be nominated from the floor on dates set by the Executive Committee and approved by the membership.
6. - There will be two (2) meeting set for nominations.
7. - Only members of this Post, in good standing, will make nominations.
8. - All nominees that are not present at the time of nominations will be contacted by the Post Judge Advocate as soon as possible to determine if said nominee will accept the position nominated to. If the said nominee shall decline the position and shall not attend the next meeting, the nominee may authorize the Post Judge Advocate to decline for him or her.
9. - Commander shall have the Judge Advocate announce the duties of each officer prior to the commencement of nominations for each office. Nominations will then be opened and announced three (3) consecutive time and if no response, nominations for the office will be closed.
10. - A member may be nominated for more than one (1) office. If elected to more than one (1) office, the member must choose immediately in which office he or she will serve. The office shall be filled by the member on the ballot for that office, receiving the next highest vote.
11. - At a general meeting proceeding the election, the Commander shall appoint up to three (3) Tellers for the purpose of counting ballots and fulfilling other duties as required by the By-Laws. Those nominated for Commander may appoint one (1) Teller each. A

minimum of three (3) Tellers will be approved by the general membership after appointment.

12. - The Sergeant-At-Arms will be responsible for seeing that no one, other than the Tellers and the Judge Advocate are present in the area where the ballots are being counted.

13. - The Tellers have no authority to make any changes in the election ballot or mark it in any manner.

14. - The Tellers will verify each ballot after being called by the Judge Advocate of his/her designated representative.

15. Every member of the Post, in good standing, at the close of business as of the day prior to the election, will be entitled to vote.

16. - Polarity votes are necessary to be elected to office, unless otherwise stated.

In the event of a tie, a runoff election will be held after notification of the members is given through announcement at the first meeting after election, and by posting on the Post bulletin board.

17. - Election will be by ballot (SECRET), unless otherwise stated.

18. - Instructions will be given by the Judge Advocate, or his/her designated representative, concerning the marking of the ballot. An unmarked ballot or incorrectly marked ballots is just a scrap of paper and is not counted in the election. The Judge Advocate will have the only key to the ballot box. The ballot box will only be opened at the conclusion of the election, in the presence of the Tellers.

19. - Ballots shall be given to the voting members only. The names of those persons nominated for each office shall appear on each ballot. The identity of the voter must not be indicated in any manner or marking of any sort, as the ballot is a SECRET vote.

20. - The membership chairman, or his/her designee, will check members current card against the official membership roster before issuing a ballot.

21. The Sergeant-At-Arms, or his/her assistants, will be responsible to see that no one loiters in the voting area.

22. - Absentee ballots must be requested in writing to the Judge Advocate, who shall determine if the member is eligible to vote. The Judge Advocate shall provide a sealed envelope to the member for the return of the ballot. The ballot must be received prior to election day. The Judge Advocate shall deliver to the ballot box, all absentee ballots that are eligible at the opening of the election.

23. - If a tie exists, and there are more than two (2) candidates, the person(s) receiving the lowest number of votes will be dropped for the runoff election.

24. - The vote cast for each office shall be preserved in such a manner that if the election is questioned, the vote may be verified by recount. The Tellers shall place the marked ballots in a sealed packet, together with their report (signed by all Tellers) and the Judge Advocate shall deliver the sealed packet to the Adjutant. The sealed packed shall not be opened except by order of the membership or the Executive Committee for the purpose of verifying the vote by virtue of a worthwhile challenge.

25. The Tellers shall use one (1) official tally sheet, marking the total vote for each a candidate. The official tally sheet shall be placed in the sealed packet with the marked ballots. All other working copies of the Tellers tally sheet will be destroyed immediately.

When the official tally sheet is complete (all ballots counted) the names only (no tally), on a separate sheet, of the nominee for each office being elected by a plurality vote, shall be handed to the Commander who shall announce those elected to their respective offices. The sealed placket shall not be destroyed until certified by the membership at the next regularly scheduled meeting. The Commander shall order this sealed packet destroyed by burning. The destruction shall be in the presence of at least three (3) current officers and reported to the members at the next regular meeting.

26. - All irregular or peculiar questions shall be presented to the Judge Advocate for a ruling which will be binding as to a final decision.

27. - The Adjutant or any other person shall not cast a ballot for membership. The ballot is a secret vote. Each voter must cast his/her own vote on a ballot. There shall be no proxy vote.

28. - Newly elected and appointed officers will that their respective seats at the time and place of mutual agreement by the immediate Commander, the newly elected Commander, and the Twelfth District Commander, but not later than sixty (60) days after the adjournment of the annual Department Convention.

ARTICLE IV ELECTION OF DELEGATES

1. - Election of Delegates to attend the District Constitutional Conference and the Department Convention will be by nomination and ballot, if nominations exceed the required number.

2. - Election will be held no later than the preceding meeting before the Constitutional Conference.

3. The election date will be published in the Post Bulletin and delivered at least two (2) weeks before the meeting date of the election.

4. - The outgoing and incoming Commanders are automatic delegates unless so declined.

5. - Delegates will be elected to attend the Constitutional Conference and the Department Convention respectively.

6. - The Post Commander will be authorized to post monies for a hospitality room at the Department Convention. Amounts will be determined by the Executive Committee with concurrence of the Finance Officer and approved by the membership. Delegates to the Constitutional Conference and the Department Convention shall be paid a set fee, as determined by the Executive Committee, with the Finance Officer's concurrence and membership approval. Delegates must attend three (3) meetings each; one (1) must be the election.

ARTICLE V DUTIES OF OFFICERS

Duties of Post Officers shall be as defined in the Officer's Guide and Manual of Ceremonies and as amended by Post Operating Procedure approved by the Executive Committee.

ARTICLE VI DISCIPLINE

1. - Members may be reprimanded, suspended or expelled from this Post upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and/or conduct unbecoming a member of the American Legion.
2. - The procedures to be followed in disciplinary actions are those set forth in Article X. Paragraph 14, of the Constitution, American Legion, Department of Florida, including the Rules for Trials.
3. - Any member who has been suspended or expelled shall have the right to appeal to the Department Executive Committee or to the Department Convention. The decision of Department shall be final. (Provisions of numbers 1 and 2 do not apply to disciplinary procedures carried out in compliance with any state or local law, not affecting the right of the member to attend Legion meetings.)
4. - The Post has the authority to drop from the membership roll, the name of any member not paying his/her annual dues.
5. -Post Officers may be reprimanded, suspended, removed from office, or expelled from this Post and the American Legion in accordance with Article X, Paragraph 14, of the Constitution, American Legion, Department of Florida
6. -Any disciplinary action in relation to the lounge shall be governed by the House Rules.

ARTICLE VII APPOINTMENTS

1. - The elected Post Commander shall appoint chairmen of such committees as are deemed necessary for Post operation in support of The American Legion.
2. - The duties of all committees shall be as delineated in the Officer's Guide and manual of Ceremonies. Committee chairmen shall be responsible for filling their respective committees with the approval of the membership
3. - No member shall serve on the Bar Committee and the Executive Committee at the same time.

ARTICLE VIII RESOLUTIONS

All resolutions of State or National scope presented to the Post by a member, are reported to this Post by a committee, shall merely embody the opinion of this Post on the subject and a copy of same shall be forwarded to the Department of Florida for its approval before any publicity is given or action taken, other than mere passage by the post is taken.

ARTICLE IX MEETINGS

1. - The regular membership meetings of the Post shall be held on the second Thursday of each month, at which time such business may be properly brought up for action, such meeting may be converted into an entertainment meeting, as may be deemed advisable by the Officers of the Post.
 2. - The Post Commander of a majority of the Executive Committee shall have power to call a special meeting of the Post at any time. Upon written request of ten (10) members the Committee shall call a special meeting of the Post. The reason must be stated in a written request; after which a written notice to all members, U.S. Postmarked, no less than five (5) days prior to the meeting date, shall be sent.
 3. - any Post membership meeting may be cancelled with prior approval by the membership at a regular meeting.
 4. - Fifteen (15) members shall constitute a quorum of which a minimum of five must be Officers of the Post.
2. - The lounge will remain open, except where the By-Laws of a member's association deems that there be no lounge privileges during meetings.

ARTICLE X NOTICES

1. - Every member shall furnish the Post Adjutant with his/her address for meeting purposes.
2. - The Post Adjutant shall cause notice of the annual election to be given in accordance with Article III, Nomination & Election of Officers.
3. - The membership chairman will ensure all new members and transfers receive a condensed copy of the House Rules.

ARTICLE XI RULES OF ORDER

1. All proceedings of this Post shall be conducted in accordance with the Parliamentary Procedure section of the Officer's Guide and Manual of Ceremonies.
2. - If additional knowledge of parliamentary procedure is deemed necessary, refer to "Robert's Rules of Order Revised."

ARTICLE XII LIMITATIONS OF LIABILITY

This Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other post, subdivision, group of men, members of The American Legion, or other individuals or organizations.

**ARTICLE XIII
AMENDMENTS**

These By-Laws may be amended at any regular Post meeting by a hand vote of two thirds (2/3) of the members of this Post attending such meeting; provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and provided further that written notice shall have been given to all members at least fifteen (15) days in advance of the date when such meeting of a proposal to amend the By-Laws is to be voted upon.

This Constitution and By-Laws were approved by a regular membership meeting following due notice of such meeting on November 9 2017

Submitted _____
Richard Ungerer
Judge Advocate

Approved _____
ROBERT HUGHES
Commander