

**BYLAWS
OF
BRAXTON – PERKINS POST NUMBER 25
AMERICAN LEGION Inc.
Newport News, Virginia
DEPARTMENT OF VIRGINIA**

Adopted January 16, 1947
Amendments through February 2023

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PREFACE

It is the intention that these Bylaws be in full conformity with the National, Department of Virginia and District Bylaws. In case of any discrepancy, the National, Department and District Bylaws shall prevail.

ARTICLE I

ORGANIZATION

NAME

Section 1. The name of this Post shall be Braxton – Perkins Post No. 25, American Legion, Inc.

PURPOSE

Section 2. The purpose of this Post shall be to adopt and conduct all matters in accordance with the Preamble of the American Legion and these Bylaws in compliance with National, Department and District Constitutions and Bylaws. Any amendments to the said National, Department or District Constitutions and Bylaws that may conflict with any provisions herein shall be regarded as repealed to the extent of such conflict. All provisions not affected by any previously mentioned amendment shall remain as written.

SEAL

Section 3. The seal of this Post shall be the official seal of the American Legion, consisting of the American Legion emblem with the words “BRAXTON – PERKINS POST NO. 25 AMERICAN LEGION, INC.”

ARTICLE II

OFFICERS

ELECTIVE

Section 1. The elective officers of this Post shall be the Commander, the First Vice Commander, the Second Vice Commander, the Adjutant, the Post Finance Officer, the Post Sergeant-at-Arms, plus an additional eight (8) members of an Executive Committee.

The Commander, First Vice Commander, Second Vice Commander, and Sergeant-at-Arms shall be elected by ballot and shall serve for a term of one year or until their successors are chosen.

The office of Commander and First Vice Commander must be filled at all times.

The Adjutant and Finance Officer shall be elected by ballot and shall serve for a term of two years or until their successors are chosen. The Adjutant is elected on even years and the Finance Officer is elected on odd years.

The Executive Committee shall be elected by ballot and shall serve for a two-year overlapping term or until their successors are chosen. One half of the Executive Committee shall be elected each year as follows; election for half of the Executive Committee members whose term of office is currently expiring shall take place at the regular yearly elections, the other half shall continue in office until their term of office expires the following year. If a member is elected for the Executive Committee outside of a normal election due to a vacancy, they shall serve the balance of the term of that vacancy.

APPOINTED OFFICER POSITIONS

Section 2. On an annual basis commensurate with the Post election calendar, the presiding Commander shall appoint within thirty (30) days the following officer positions commensurate with the allowable tenure of the position(s) as follows: Post Judge Advocate, Post Chaplain, Post Historian, Post Service Officer with consent and approval of the Executive Board.

OFFICER DUTIES AND RESPONSIBILITIES

Section 3. The Commander – The Post Commander shall be the executive head of the Post with full power to enforce all Bylaws provisions herein and ensure the compliance as appropriate of the National, Department and District Constitutions and Bylaws. The Commander shall be the chairperson of the Post Executive Board and perform such other duties as are usually incident to

the office. The Commander shall, in coordination with the Finance Officer and Executive Board, monitor the expenditures of funds and countersign all checks. The commander shall be an “Ex Officio” member of all Post committees. The Commander shall preside at the meetings of the Post and the Executive Board, appoint all appointive officers; all standing and other committees and supervise the daily operations of all Post activities as deemed to be within the best interest of the Post.

First Vice Commander. The First Vice Commander’s primary mission is membership and retention. They should be familiar with the ceremonial procedures for regular meetings and will likely be called upon to conduct one or more meetings during the year due to an absence of the post commander. Knowing how to develop an agenda, run a meeting and follow protocol are useful skills to develop. The First Vice Commander should be ready to fill in for the commander at a moment’s notice.

Second Vice Commander. The Second Vice Commander is responsible for building an atmosphere in which Legionnaires have fun while accomplishing the mission of Post 25. They will contact other veterans and civic groups to verify each patriotic holiday and observance receives the respect it deserves. They should be looking for ways to involve members in post activities, operations and programs to assist the First Vice Commander by providing improved member retention.

The Vice Commanders. During the absence, or inability of the Post Commander to perform his duties, the senior of the Vice Commanders available shall perform and exercise the authority of the Post Commander.

In the absence of the Commander and Vice Commanders, the duties of the Post Commander shall be performed, temporarily, by a director to be appointed by the Executive Board.

The Adjutant. The Adjutant shall give timely notices of all regular or special meetings of the Post and Executive Board. He shall keep the minutes of such meetings in a permanent record and have custody of the records which together with the correspondence of his office shall always be open to inspection by the members of the Executive Board, but to no other without the authority of the Executive Board, or the Commander. The Adjutant shall submit and process receipt of membership dues as prescribed by National, Department, and District Bylaws. The Adjutant’s salary, if any, shall be set by the Executive Board. The Adjutant shall be bonded in accordance with Section 4 of this Article.

The Finance Officer. The Finance Officer shall be the custodian of all financial records and assets of the Post. The Finance Officer in coordination with the Executive Board shall collect and disburse funds of the Post as required to satisfy Post business transactions, fees, bills, and taxes.

At monthly meetings, the Finance Officer shall brief the Executive Board on the financial health and condition of the Post. The Finance Officer shall make available to the membership a general overview of the financial health of the Post. The Finance officer shall make available to membership as requested; detailed financial reports showing receipts, expenditures, outstanding obligations, and balances of the Post. The Finance officer shall also perform such other duties not mentioned above that are usually incident of the office. The Finance Committee assigned by the Commander shall assist the Finance Officer as deemed appropriate by the Finance Officer with the performance of his or her responsibilities. The Finance Officer's salary, if any, shall be fixed by the Executive Board. The Finance Officer shall be bonded in accordance with Section 4 of this Article.

The Sergeant-at-Arms. The Post Sergeant-at-Arms shall manage the colors in accordance with the Legion ritual. He shall have the custody of the colors and other equipment related to his office. During Post meetings the Sergeant-at-Arms shall be responsible for the orderly conduct of all persons, shall see that all persons present are members of the American Legion in good standing, and those present are entitled or duly invited guests. The Sergeant-at-Arms shall also perform such duties as are usually prescribed by the office that may include but not limited, when present at the Post, the general monitoring of orderly conduct of all persons during activities other than meetings.

All Elective Officer and Executive Committee members are responsible for the good order and discipline of the post.

The Chaplain. The Post Chaplain shall within the limits of his/her qualifications give spiritual guidance to the Post; take part in Post functions, such as initiations, dedications, commemorative and funeral service, and assist in social activities and other duties as are usually incident to the office.

The Historian. The Post Historian shall maintain a current history of the Post and its activities, from the time of its organization, and at the end of the year submit to the Post for its approval, the history record of the Post for the past year which upon the Post's approval shall become an official permanent part of the complete history of the Post.

The Service Officer. The Post Service Officer shall in general perform the duties of assisting veterans, their families, and dependents in obtaining the benefits allowed them under the State and Federal legislation and perform duties relative to the office which may be assigned to him by the Post Commander.

The Judge Advocate. The Post Judge Advocate shall advise the officers and the Executive Board on all legal matters including the construction and interpretation of the Post charter and Bylaws and shall perform such other duties as are usually incident to the office.

BONDING

Section 4. All Post elected officers, committee members and employees who manage funds, as deemed appropriate by the Executive Board, shall be bonded with surety. In the case of a delinquency, the Post Commander shall act at once to bring about a complete settlement.

ABSENTEEISM

Section 5. It is the responsibility of Officers and Executive Committee members to attend all regularly scheduled Executive Board and General Membership meetings of the Post. The office of any Post Officer or any member of the Executive Committee shall be declared vacant upon the absence of the member from any three (3) consecutive meetings of the Post or three (3) consecutive meetings of the Executive Board, or any combination of meetings thereof, without an excuse. Accordingly, the Officer or Executive Committee member should resign in such cases as extended absences.

REMOVAL FROM OFFICE

Section 6. Any elective officer of the Post or the Executive Committee may be impeached and removed for *supportable and verified cause* after charges have been preferred and the individual has been notified of the same in writing. Such charges shall be investigated by a committee of three (3) Post members assigned by the Commander. The investigating committee shall report their finding(s) back to the Executive Committee no later than the next Executive Committee meeting. After charges have been preferred and 30 day written notice has been provided to the charged member, the member shall be given an opportunity to be heard in their own defense before the Post membership. At such a membership meeting, a seventy-five percent (75%) majority vote of members in good standing shall make a final determination if the charged individual shall be removed as an Officer or Executive Board member. Any appointed officer position may be removed from office at any time, at the sole discretion of the Post Commander. This authority does not include actions against a member's Legion membership.

REPLACEMENT OF OFFICERS

Section 7. In the event the office of the Post Commander becomes permanently vacant, the First Vice Commander shall temporarily assume the duties of Commander and only upon ratification

by the Post at the NEXT regular meeting from the time such office becomes officially vacant and after being duly sworn in, shall he become the Post Commander. In such case he shall resign as First Vice Commander to accept his new office and thus the office of First Vice Commander shall become vacant.

Whenever the office of First Vice Commander becomes vacant it shall be filled by the advancement of the Second Vice Commander to First Vice Commander.

If the office of Second Vice Commander becomes vacant during the first half of the term of office, it may be filled by election as prescribed in this Article.

If this vacancy occurs after the first half of the term, the office may remain unfilled for the remainder of the term, or as provided in this Article.

In the event the Post body refuses to ratify the advancement of the First Vice Commander to Commander, a general election for the offices of Commander, First Vice Commander and Second Vice Commander shall then be ordered by the acting Commander. The election shall take place according to the rules specified for annual elections as prescribed in this Article, with notification of the nominations and election meeting.

Any member, including an incumbent officer, without first resigning from his (or their) present office may compete in these elections.

In the case of vacancies in any other elective office at any time, the office shall be filled for the unexpired term by a nomination at the next General Membership meeting, with ratification from the Post body and of the Executive Board. If the vacancy of one or more of the eight (8) Executive Committee members is less than twelve (12) months from the start of their two (2) year term, the vacancy may be filled by the by the Post Commander with concurrence of a majority vote of the Executive Board and ratification from the Post Body. An Executive Committee member vacancy with more than twelve (12) months remaining in the two (2) year term shall be filled during the next election cycle.

HOLDING OTHER OFFICE

Section 8. No Post Officers shall hold office of Commander, (any) Vice Commander, Adjutant, Finance Officer, or their equivalent offices in any other Veterans' Service organization during such person's term.

AUTHORITY TO CONTRACT

Section 9. No Post Officer, Executive Committee Member, Committee Chairmen or any members of any committee or any members of the Post shall have the authority to enter into or obligate the Post to a written or verbal contract concerning Post or Club operations without the express written prior approval of the Executive Board. Upon approval of such actions, any written or verbal contract affecting Post or Club operations, shall be accomplished in full coordination and knowledge of the Finance Officer, Club Manager and Post Commander. Any contractual terms and conditions, *prior to written execution of the same*, shall be reviewed for risk mitigation and negotiation to preclude any unfair terms that may not be in the best interest to the Post.

POST EMPLOYEE

Section 10. No member of the Post who holds an elective position shall at any time serve in the capacity of a full time or regular employee of the Post or the Club, with the exception of the Adjutant and Finance Officer as prescribed in Article II of these Bylaws.

ARTICLE III

MEMBERSHIP

ELIGIBILITY

Section 1. Eligibility for membership in the Post shall be governed by the membership eligibility of the National Constitution of the American Legion.

CLASS

Section 2. All members meeting eligibility, per Article III Section 1, of this Post shall be known as active members and/or "Paid Up For Life" (PUFL) members, and there shall be no other class or form of membership in the Post proper.

ADMISSION

Section 3. All applicants for membership shall be investigated as to their eligibility, by the Executive Committee, preferably by examination of discharge papers, and recommendation resulting from such examination shall be submitted to the Post for proper action.

VOTE UPON ADMISSION

Section 4. An eligible applicant may be accepted for membership on a three-fourths (3/4) vote of the members present and voting.

TRANSFER-RENEWALS

Section 5. Transfers: Transfer of membership from one post to another shall be accomplished upon proper submission of an application and acceptance by the gaining Post. The Post Adjutant shall re-verify the individual's eligibility for membership as dictated by National.

Renewals: With the exception of Paid Up For Life (PUFL) members, all annual membership renewals shall be accomplished commensurate with the normal renewal period as established by National.

POST LIFE MEMBERS

Section 6. The provisions of Section 2 of this article to the contrary notwithstanding, there is herewith created a class of membership known as "Post Life Member."

PURPOSE – The purpose of bestowing a "Post Life Member" status upon an eligible Legionnaire shall be a gesture on the part of the Post to bestow recognition and honor upon deserving and eligible Legionnaires.

ELIGIBILITY – To be eligible for consideration as a "Post Life Member" said candidate shall be a present member of this Post and shall have held continuous membership in good standing in the American Legion for a period of at least fifteen years, a majority of said years having been Spent as an active participant in furthering the objectives and purpose of the American Legion.

SELECTION – All prospective candidates for "Post Life Membership" shall be recommended by a committee of no less than five Post Life Members appointed by the Commander for that purpose, said recommendations of the committee shall be by majority recommendation to the Executive Board at a regularly or specially convened meeting of the Executive Board. If said report is voted upon and accepted by majority vote of the Executive Board, then said report and recommendation, then being made on behalf of the Executive Board, shall be reported, and voted upon by the general membership at the next regularly convened Post meeting. A majority vote of the members of the Post in good standing, present at this meeting, shall then be the final action which bestows the honorary status of "Post Life Member" upon said deserving Legionnaire(s). At no time shall the number of Legionnaires enjoying a "Post Life Member" status exceed ten.

TERMINATION – The termination of a "Post Life Member" status shall only be by (1) the death of said "Post Life Member," or (2) the voluntary surrendering of the "Post Life Member" card by such "Post Life Member" accompanied by expression of his intent to relinquish said status.

The bestowing of the honor of "Post Life Member" shall be by presentation of a gold embossed "Post Life Member" card upon the recipient by the Commander during a regularly convened meeting of the Post and thereupon and henceforth the Post shall pay out on its own funds on behalf

of said "Post Life Member" all membership dues and/ or assessments to Department and National Headquarters which would otherwise be payable by said "Post Life Member."

Any time a "Post Life Member" becomes a Paid Up For Life (PUFL) member, the "Post Life Member" loses membership as a "Post Life Member."

ARTICLE IV

DISCIPLINE

CHARGES

Section 1. An American Legion member may be suspended or expelled only after the presentation of charges that are in violation of the American Legion Bylaws and conviction of those charges by a fair trial of his or her peers. Charges for suspension or expulsion shall be based on disloyalty, neglect of duty, dishonesty, or conduct that is unbecoming a member of The American Legion. All charges brought against any Legionnaire shall be made under oath and in writing. The charge or charges shall be specified with an accurate description or listing of the violation or infraction that defines the offense with an accompanying statement of time and place of the violation or offense. No Legionnaire in good standing shall lose his or her membership until given a fair trial as set forth in this ARTICLE.

INVESTIGATION

Section 2. Charges brought against any member shall be presented to the Post Commander of the Post that the Legionnaire is a member, or in whose jurisdiction they may reside. Accordingly, the Post Commander shall assemble an impartial committee of three (3) members of the Post. The Post Commander shall present the charge or charges as described to the committee of three (3) members and authorize them to investigate the charges. Should the charges be brought against the Post Commander, then the Post First Vice Commander shall appoint the three (3) member committee to investigate. The three-member committee shall attempt to reconcile the parties making the charge or charges and the accused. If the charge or charges are of a personal nature and an amicable agreement can be reached, then the charges should be dismissed. Accordingly, if the charges are of such a nature as they require action of the Post, the committee shall report to the Post Commander for further action.

When the appointed three (3) member team has reported that a trial is necessary, the Post Adjutant shall serve the accused a copy of the charges and summons the accused to appear before the Post Adjutant and the three (3) member committee to answer to the specified charge or charges in writing within ten (10) days of the date of the summons. The accused shall be provided the names of the witnesses relied upon to prove the specified charges. The accused shall provide the names and addresses of witnesses that he or she may desire to appear on the behalf of the accused in their

defense. The Post Adjutant shall sign, date, and specify the manner of delivery of the summons to the accused. The Post Adjutant shall approve and authorize the charges identified in the summons and the time and manner of notification.

After the expiration of ten (10) days, whether the accused has answered or not, the Post Adjutant shall establish a date and time for a trial and summon all members of the Post then living in its jurisdiction, members of the Post Executive Board, the party accused, and all the witnesses who are members of The American Legion, to appear at the appointed time. Notification of the trial shall be placed in a print and electronic format or other designated means. Should there be witnesses, who cannot attend the meeting, or if there are non-member witnesses, the Post Commander shall appoint a committee of three (3) members to take and record the testimony of the witness. This committee shall give due notice to the accused of the time and place of taking such testimony, shall transcribe the testimony in writing, and cause it to be sworn to by the party giving it.

TRIAL IN ABSENTIA

Section 3. Whenever the accused cannot be readily found, fails to answer, or appear after reasonable communication and notification efforts have been made, the Post Adjutant shall send a "registered" letter and/or "return receipt required" letter to the member's address as listed with the Post Membership Roll. This will satisfy all requirements for notification of the accused. The Post Commander shall appoint three Post members to appear and stand for the accused and the proceedings shall continue without the accused. Upon return of the accused, the accused may request a new trial because of legitimate circumstances outside of the accused member's control. The Post Adjutant may or may not grant a new trial at his or her discretion. A transcript of proceedings of the trial shall be made and transcribed in writing or an electronic format and become a part of the Post records.

TRIAL

Section 4. The Post Judge Advocate shall preside at the trial. The Post Judge Advocate shall have the authority to rule upon the materiality and relevance of all evidence presented and shall have general power to prescribe the necessary and reasonable rules and regulations for the orderly proceeding of a trial. In the event of vacancy, resignation, removal, or death of the Post Judge Advocate, it shall be the duty of the Post Commander, when duly notified by the Post Adjutant, to appoint a special Judge Advocate, who shall have the powers and authority of a duly appointed Post Judge Advocate.

The Post Judge Advocate shall first determine by a majority vote of the bona fide members (in possession of a current membership card) present at a general membership meeting the authority

to proceed with a trial by a voice vote or by ballot, after which the trial shall begin. After the charges shall have been read and all the testimony heard of the witnesses named and of such others as may have been discovered, the accused shall be allowed to speak in their defense or avail themselves for the assistance of a Legionnaire to speak on behalf. The accused shall then retire. The Post members present shall proceed at once without debate, to vote on the guilt or innocence of the accused, taking a separate vote on each specific charge.

PENALTY

Section 5. If the accused is found guilty by a simple majority vote of the bona fide members present and voting, a second vote will be taken to determine if the accused will be (A) permanently expelled from The American Legion, (B) suspended from The American Legion, or (C) a lesser punishment as determined by majority vote. In no case shall a member be permitted to vote who was not present at the commencement and during the whole progress of the trial. Expulsion means no longer eligible to be a member of The American Legion and requires seventy-five percent (75%) of the members present and voting to affirm the expulsion. Suspension means suspended from The American Legion for the remainder of the current membership year in which dues have been paid and the following membership year.

APPEAL

Section 6. When any member shall have been convicted and sentenced, they shall, on giving notice in writing, if within thirty (30) days after receiving notice of the sentence, be allowed an appeal to the Department Executive Committee. They shall immediately forward to the Department Adjutant the grounds upon which they rely on for a reversal of the verdict and sentence of the Post. The Post Commander shall proceed as required by the Department.

REVERSAL BY THE DEPARTMENT

Section 7. If a sentence of expulsion or suspension be reversed and annulled by the Department Executive Committee, it shall restore the party to membership in the Post. A member who has been expelled and the sentence affirmed cannot be restored to membership except by the Department Executive Committee and only upon a written recommendation with the rationale and justification for the expulsion from the Post that voted for the expulsion based on the evidence and testimony provided. Upon agreement with the Department Executive Committee, an application for reinstatement may be offered that shall be read at a special meeting to the members of the Post of the intended action.

CLUB SUSPENSION

Section 8. Suspension or expulsion from privileges of a Post club or other non-Legion activity for disciplinary reasons does not constitute suspension or expulsion from The American Legion. Accordingly, the member that is suspended or expelled does not lose any of the rights or privileges that accompany membership in The American Legion, including the right to access to the American Legion premises to attend meetings, or participate in American Legion activities, to be a candidate for or serve as an officer of the Post (other than a position that pertains exclusively to a non-Legion activity), and to serve on or chair a committee of the Post (other than a non-Legion committee.) No member that is suspended or expelled from the Post may serve as an employee or on the house committee. Nothing herein shall preclude the offense resulting in the suspension or expulsion from non-Legion activity from serving as a basis for a trial and punishment under this ARTICLE for an offense under Section 1.

ARTICLE V

EXECUTIVE BOARD

ORGANIZATION

Section 1. The voting members of the Executive Board shall be composed of the Post Commander, First and Second Vice Commanders, Adjutant, Finance Officer, Sergeant-at-Arms, eight (8) elected Executive Committee members, and the immediate past commander ex officio.

DUTIES

Section 2. The government and management of the Post are entrusted to the Executive Board. The Executive Board, while in office, shall have the power to manage the affairs of the Post, control its property, and enforce the preservation of order and obedience to its rules. All appropriations of funds shall be made by the Executive Board, seventy-five percent (75%) majority vote of the members present being necessary and voting. This Board shall have authority to delegate the control and details of the expenditure of such funds in accordance with its direction.

MEETINGS

Section 3. The Executive Board shall meet the second Thursday of the month for the transaction of business. Proper notice shall be given to all members thereof and seventy-five percent (75%) of filled positions constitute a quorum. There will be no consumption of alcohol and/or the use of tobacco or tobacco alternative products while the Executive Board meeting is in progress.

Special meetings of the Executive Board may be called by the Post Commander or by three (3) members of this committee signing the call for a special meeting. Each meeting shall have a presiding officer as per Article IX and a secretary chosen or appointed from those present. A quorum must be met.

COMMITTEE RULES

Section 4. The Executive Board shall establish rules and procedures for all standing committees.

HOUSE RULES

Section 5. The Executive Board shall establish such house rules as may become desirable or necessary for the welfare of the Post Membership and establish the necessary means for enforcing these rules.

REPORTS

Section 6. The Executive Board and Optional/Discretionary Committees, appointed by the Post Commander, shall submit a report to the Post on the affairs of the Post, through the Adjutant, at least at the last regular meeting of the Post's fiscal year with such suggestions or recommendations as it may deem necessary and proper.

EDUCATIONAL INFORMATION

Section 7. The Executive Board shall encourage the reading of Communications and papers, also constructive discussions of matters pertaining to the principles for which the Post was organized and may extend invitations to and entertain persons not members of the Post to address the Post body or participate in such discussions.

ARTICLE VI

DUES

FISCAL YEAR

Section 1. The fiscal year for Braxton-Perkins Post 25 membership dues shall be July 1st through June 30th of the following calendar year.

DUES

Section 2. Dues, member transfers and initiation fees, if any, of Braxton-Perkins Post 25, shall be reviewed annually at the March Executive Board meeting. The review shall be accomplished in coordination with and input from the Post Finance Committee and the Executive Board. Recommendations for changes in dues shall be reported and voted on by the General Membership at the next general membership meeting. A majority vote by members in good standing shall be final for the succeeding membership year.

Any member transferring from another Post shall pay to Post 25 the difference in membership fee to the extent that the dues of Post 25 exceed those of the Post transferring from.

NON-PAYMENT OF DUES

Section 3. The Executive Board shall have the power to take such action as necessary regarding suspension of members for non-payment of dues as authorized in accordance with the provisions of the National and Department Constitution and Bylaws of the American Legion.

ARTICLE VII

ELECTION OF OFFICERS

TIME

Section 1. The regular election of officers of this Post shall be held at the general membership meeting in June. The polls shall open at 12:00 noon and close fifteen (15) minutes after the start of the regular membership meeting.

Nominations shall be held at two meetings preceding the election meeting.

It is mandatory that the election meeting be a regular meeting and not a specially called meeting. One of the nominating meetings may, however, in case of necessity be a specially called meeting.

OFFICERS TO BE ELECTED

Section 2. The officers to be elected at the regular election shall be as designated in Article II of these Bylaws.

NOMINATING COMMITTEE

Section 3. The Commander shall appoint a nominating committee, composed of all past commanders with the most recent past commander as chairman. The nominating committee will be appointed at the March meeting. This committee shall report in writing its recommendations and nominations for officers for the ensuing year at the first nomination meeting. This action of the nominating committee will in no way preclude nominations from the floor.

NOTIFICATION

Section 4. All the membership shall be notified in advance and in writing of the nomination and election meetings, time, and place. This may assume the form of a single notice.

PROCEDURE

Section 5. The Executive Committee may approve the use of the "Absentee Ballots" and "extend the hours of voting" as appropriate and necessary. This change shall not violate nor compromise any of the members voting rights and is included in the notification as required by this Article.

All voting shall be done by secret ballots. Ballots shall be printed as the nominations stand after the second nomination meeting. There shall be no further nominations. Write-in votes will be allowed. In the event of a write-in vote, they must be written in by hand on the ballot. No stamp or other device is permitted.

No member shall be a candidate for more than one office at any one election. Except, however, that the name of a candidate for other offices may also appear on the Executive Committee ballot.

If a member is elected to an office and to the Executive Committee, the vote electing such a member to the Executive Committee shall be declared void. The next highest votes will be elected to the Executive Committee.

There shall be one printed ballot for the entire election.

Election of Officers shall be determined by majority vote except the Executive Committee which is to be determined by the highest number of votes on open positions.

TELLERS AND TABULATION

Section 6. The Post Commander will appoint an Election or Poll Committee of three (3) members to oversee the election. This committee will consist of three (3) members of the Executive Board who are not on the ballot for the current election.

A head teller shall be designated from the three (3) member committee at the conclusion of the second round of nominations.

The Head Teller is responsible for the security and integrity of the ballots and tabulation.

ABSENTEE BALLOTS

Section 7. A member in good standing may apply for an absentee ballot two (2) weeks prior to the general election. All requests for absentee ballots must be in writing and must be sent to the Head Teller.

Ballots must be received by close of election per Article 7 Section 1. It will be the responsibility of the member requesting an absentee ballot to return the ballot to the Head Teller by the specified time.

INSTALLATION

Section 8. Installation of officers shall take place at the conclusion of the regular general membership meeting for the following year.

ELECTION OF DELEGATES

Section 9. The election of delegates to the Department Convention shall take place in time to meet the credential requirements set up by the Department.

Nominations shall be open at the regular meeting preceding the election meeting. Nominations shall be continued at the next meeting which shall be the election meeting.

The number of delegates is determined by the Department Constitution based on the membership of the Post.

ARTICLE VIII

COMMITTEES

POST COMMITTEES

Section 1. The Post Commander shall “within 30 days of the time of his taking office appoint the following committees and from time-to-time other committees providing herein to be in the best interest of the Post and supported community.

STANDING COMMITTEES

Section 2.

(a) An Audit Committee of three (3), whose duties shall be to review, in conjunction with the Executive Committee, the financial transactions of the Post.

(b) A Finance Committee to assist the Finance Officer as deemed appropriate by the Finance Officer with the performance of his or her responsibilities as outlined in Article II Section 3 and Article VI, Section 2.

(c) A Membership committee under the First Vice Commander as per ritual.

(d) A Sick and Relief committee under the First Vice Commander as per the ritual. This committee shall have such working funds as the Executive Committee may direct.

(e) A Nominating Committee as prescribed in Article VII.

(f) A Junior ROTC Committee

(g) A Scholarship Committee

(h) A Boys State Committee

(i) An Oratorical Committee

(j) A Veterans Affairs Committee

(k) A House Committee to advise the Executive Board on any issues involving the Social Quarters as so deemed to be in the best interest of the Post. None of the following officers: Commander, First Vice Commander, Second Vice Commander, Adjutant, or Finance Officer shall serve as Chairman of the House Committee.

OPTIONAL COMMITTEES

Section 3.

(a) An Entertainment Committee under the Second Vice Commander.

(b) An Athletic Committee under the Second Vice Commander.

ARTICLE IX

POST MEETINGS

REGULAR GENERAL MEMBERSHIP MEETINGS

Section 1. The regular general membership meetings of the Post shall be held at 7:00 PM on the third Thursday of each month. All regular meetings will be held at the regular meeting place (at this time the Legion Home at 7609 Marshall Avenue, Newport News, Virginia). The Social Quarters will be closed to all American Legion Post 25 members with the exception of American Legion Auxiliary members and Sons of The American Legion members. There will be no consumption of alcohol and/or the use of tobacco or tobacco alternative products while the Regular General Membership meeting is in progress.

SPECIAL MEETINGS

Section 2. Special meetings may be called at any time by the Post Commander or by three (3) members of the Executive Board signing the call. There will be no consumption of alcohol and/or the use of tobacco or tobacco alternative products while the special meeting is in progress.

No other business shall be transacted in a special called meeting except that for that business identified in the call. An exception may be made by unanimous vote of the members present, in good standing.

Written notices shall be given to all members at a minimum of twelve hours in advance of a special meeting, stating the time, place, and purpose of such meeting.

QUORUM

Section 3. During Regular General Membership and Special meetings, a quorum shall consist of nine (9) members of the Post in good standing and *Roberts Rules of Order*, newest edition, shall be the Parliamentary Standard on all points not covered by Legion Constitution and Bylaws.

ALTERNATIVE MEETING OPTIONS

Section 4. When circumstances prevent meeting in person, electronic or other appropriate means will be authorized to conduct scheduled Post meetings and/or elections as covered by these Bylaws. The Post membership must be notified by either mail or electronic mail at least 10 (ten) days prior to said meeting and the same quorum as for all other meetings required to conduct business.

MEETINGS OPEN TO MEMBERSHIP

Section 5. All post meetings, such as the Executive Board, House Committee, and other committees, are open to all members in good standing. Only elected officers or committee

members may present business before the meeting and vote. Members in attendance may be called upon for comment.

ARTICLE X

AMENDMENTS

PROPOSAL

Section 1. Any amendment(s) to these Bylaws shall be proposed in writing at a regular general membership meeting by any Post member in good standing. Upon approval by the majority of the members present, shall be submitted to the Executive Board. The Executive Board shall review the amendment(s) and submit its recommendations at the next regular general membership meeting from the time the amendment(s) were submitted to the Executive Board.

NOTICE

Section 2. The Post membership shall be notified 10 days in advance, in writing, of the regular general membership meeting of changes to the Bylaws to be considered. The “Braxton-Perkins News” shall be the official means of membership notification.

VOTE

Section 3. After due notice and hearing the report of the Executive Board, a two-thirds (2/3) vote of members of the Post in good standing, present and voting at this regular general membership meeting, shall be a required to amend these Bylaws.

ARTICLE XI

MISCELLANEOUS

CUSTODY OF BYLAWS

Section 1. A master copy of these Bylaws shall be kept by the Post Adjutant in the Post records. One copy of the Bylaws shall be placed in the hands of the Post Commander, the Finance Officer, and the Judge Advocate who shall turn same over to their successors. The Post Adjutant will post one copy of the Bylaws in the Social Quarters.

EFFECTIVE DATE

Section 2. Bylaws become effective on the first of the month following their passage by the Post membership.

BY-LAW AMENDMENTS

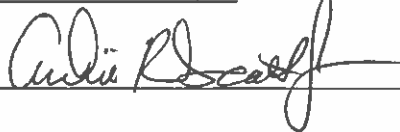
ARTICLE I	08/89	07/20	11/23	
ARTICLE II	07/48 12/68	08/75 08/89	06/98 06/18	11/23
ARTICLE III	03/61 12/68	08/75 08/89	06/98 07/20	11/23
ARTICLE IV	11/23			
ARTICLE V	09/61 12/68	08/89 04/95	06/98 04/15	11/23
ARTICLE VI	12/68 11/71	08/89 06/98	11/23	
ARTICLE VII	03/61 08/89	04/95 07/20	11/23	
ARTICLE VIII	08/89	06/98	06/18	11/23
ARTICLE IX	08/89 04/95	06/98 04/15	10/18 04/19	07/20 11/23
ARTICLE X	04/95	11/23		
ARTICLE XI	11/23			

Date Approved by Post 25 General Membership: February 15, 2024

Printed Name of Post 25 Commander: Robert C. Simmons

Signature of Post 25 Commander: 

Printed Name of Post 25 Adjutant: Archie R. Scott, Jr.

Signature of Post 25 Adjutant: 

Printed Name of Post 25 Bylaws Committee Chairperson: Walter F. Deal, II

Signature of Post 25 Bylaws Committee Chairperson: 