

**CONSTITUTION OF BILL ROPER COUNTRY  
POST NO. 364  
CORPUS CHRISTI, TEXAS**

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

**ARTICLE I -- NAME**

**Section 1.** The name of this organization shall be Bill Roper Country, Post No. 364, The American Legion.

**ARTICLE II-PURPOSE**

**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 Department 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.

**Section 2.** The American Legion, Department of Texas, 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.** Rank does not exist in The American Legion; no member shall be addressed by his/her military or naval title in any meeting of this Post.

## **ARTICLE IV—ELIGIBILITY AND MEMBERSHIP**

**Section 1.** An individual is eligible for membership in The American Legion only if the individual: (1) has served in the Armed Forces of (A) the United States at any time during: (i) the period of April 6, 1917, through November 11, 1918; or (ii) any time after December 7, 1941; or (B) a government associated with the United States Government during a period of time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and (2) was honorably discharged or separated from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

**Section 2.** There shall be no form or class of membership except active membership. Membership shall be only through a Post, and dues shall be paid annually or for life.

**Section 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.** All applications for membership and transfers into this Post shall be acted upon at the next Post General Membership Meeting following the making of such application or transfer, and shall, at such meeting, be accepted, rejected, or referred for further investigation and consideration. If a majority of the members present at the Post General Membership Meeting cast their vote against the acceptance of such application, then such application shall be recorded as rejected.

**Section 5.** No person may be a member at any one time of more than one Post in The American Legion.

**Section 6.** No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been denied by such Post, he may then appeal to the Executive Committee of the department of the expelling Post for permission to be admitted to membership in another Post and shall be ineligible for membership until such permission is granted.

**Section 7.** Each Post shall be the judge of its own membership, subject only to the restrictions of the National and Department Constitution and By-Laws.

## **Article IV - Membership Transfers and Disciplinary Actions**

### **Section 8. Transfers**

Any member in good standing, including those from Headquarters Post 345, who moves or transfers to a Post closer to their residence shall be processed using The American Legion Member Data Form, completed by the new Post, without the need for additional dues payment. The new Post will determine its own membership in accordance with Article III, Section 5 of the Department of Texas Constitution and Bylaws. Dues already paid will remain with the original Post, and the transfer will be finalized upon the issuance of a new membership card.

### **Section 9. Disciplinary Actions**

A member of this Post may only face discipline in accordance with the Department Uniform Code of Procedure for Disciplinary Actions.

### **Section 10. Expulsion and Suspension**

If a member is expelled during a disciplinary process, their membership will be suspended until their final appeal is heard and a decision is made. If expelled, the individual will not be eligible for membership in this Post for one year from the expulsion date, and reinstatement will only be possible if their application is approved in line with the membership approval process.

### **Section 11. Ineligibility Notification**

If a Post determines that a member is ineligible, it must promptly notify the Department Adjutant in writing, so their name can be forwarded to National Headquarters for removal from the membership rolls. A member who fails to provide proof of eligibility within 30 days of a written request, sent via certified mail with return receipt requested, will be presumed ineligible for membership in The American Legion.

## **Article V - Officers**

### **Section 1. Post Executive Committee**

The administrative affairs of this Post of The American Legion shall be overseen by a Post Executive Committee, which will include at least two members in addition to the Post Officers, unless otherwise specified in the By-Laws. The term of office for members of the Post Executive Committee shall be one year. The Post may establish additional standing committees as needed by its business.

### **Section 2. Post Officers**

The officers of this Post shall include a Commander, a First Vice Commander, a Second Vice Commander, an Adjutant, a Finance Officer, a Judge Advocate, a Historian, a Chaplain, a Sergeant at Arms, a Service Officer, and any other officers deemed necessary by the organization.

### **Section 3. Nominating Committee**

A nominating committee shall be appointed by the Post Executive Committee to present their nominations at the regular monthly meeting prior to the annual election of officers. Nominations may also be made from the floor during that meeting and again at the annual election meeting.

## **Article VI - Governance and Finance**

### **Section 4**

All Officers and Executive Committee members shall be elected annually through a majority vote via written ballots. This election will take place during a Post meeting that occurs no less than fifteen (15) days prior to the Department Convention. The newly elected officials will be installed by the first regular Post meeting in August following their election. Only members holding current calendar year membership cards shall have the right to vote in the election. They will serve until their successors are duly installed. Any Post Officer or Executive Committee member may be removed for cause by a two-thirds (2/3) vote of the Post Executive Committee. Membership is entitled to attend the Post Executive Committee meeting without voice or vote. The decisions made by the Post Executive Committee may be approved or reversed by the Post membership during the next regular Post meeting where a quorum is present.

### **Section 5**

The duties of Officers and Executive Committee members shall include those typically associated with such positions, along with any additional responsibilities outlined in the By-Laws.

### **Section 6**

Officers and Executive Committee members are expected to attend the regular meetings of the Post and the Post Executive Committee. If any Officer or Executive Committee member fails to attend three (3) consecutive meetings without providing reasonable cause to the Post Adjutant or Post Commander, they may forfeit their office. The Post Executive Committee will determine when an Officer's absence from three (3) successive regular business meetings, without reasonable cause, warrants the forfeiture of their position. They will also decide when to declare the office vacant and when to arrange an election to fill the vacancy.

### **Section 7**

In the event of a vacancy in any office for any reason, the vacancy shall be filled during any regular meeting, provided that at least fifteen (15) days' notice of such an election has been given to the members.

## **Article VI - Finance**

### **Section 1**

The revenue for this Post will be generated from annual membership dues and other sources that receive approval from both the Post Executive Committee and the Post.

## **Section 2 - Membership Fees**

The membership or initiation fees, along with the annual dues, shall be established and determined by this Post.

## **Section 3 - Dues Payment**

The Post is required to remit the Department and National annual membership dues to Department Headquarters within thirty (30) days of receipt for each paid member of the Post.

## **ARTICLE VII - CHARTER MEMBERS**

### **Section 1**

Members who joined this Post prior to the issuance of a permanent charter are designated as charter members.

## **ARTICLE VIII - AMERICAN LEGION AUXILIARY**

### **Section 1**

This Post acknowledges the existence of an auxiliary organization known as the Auxiliary Unit of Bill Roper Country Post No. 364, The American Legion.

### **Section 2**

Membership in the Auxiliary shall adhere to the guidelines set forth by the National and Department of Texas Constitutions and By-Laws of The American Legion Auxiliary.

## **ARTICLE IX - AMENDMENTS**

### **Section 1**

This Constitution is adopted in accordance with the provisions of the National and Department Constitution of The American Legion. Any amendment to the National or Department Constitution that conflicts with these provisions will be considered to automatically repeal or modify the relevant sections of this Constitution.

### **Section 2**

Amendments to this Constitution may be made during any regular Post meeting with a two-thirds (2/3) vote from the attending members. Proposed amendments must be submitted in writing to the Post Executive Committee for approval. If rejected, either fully or partially, it may still be presented at a regular Post meeting via a minority report. Furthermore, the proposed amendment must be submitted in writing and read at the preceding regular meeting, and all members must receive written notice at least fifteen (15) days prior to the meeting where the vote will take place, informing them of the proposed constitutional amendment.

### **Section 3**

Any matters not addressed by this Constitution will be governed by the Constitution of the Department of Texas.

## **ARTICLE X- REAL PROPERTY**

**Section 1.** Real property owned by the Post or trustee of the Post may be sold, used as collateral for a loan, encumbered with a lien leased or otherwise disposed of by complying with the Department's "Guidelines for the Selling of Post Property" posted on the Department's website (which include all requirements of Texas law for a nonprofit corporation to convey real property thus protecting individual officers and members of the Post from personal liability for the transaction and the requirements of the Department and National Constitutions to protect the federal tax-exempt status of the Post).

**Section 2.** No real estate owned by this Post or trustee of this Post will be sold or used as collateral for a loan without the approval of the Department Executive Committee or where time is of the essence the Department Commander, who shall report said action to the next Department Executive Committee meeting.

**Section 3.** If Post real estate becomes encumbered with a lien, the Post will notify the Department Adjutant within 7 days of receiving notice of the lien.

**Section 4.** Upon acquiring any interest in real estate, the Post will notify the Department of Texas.

## **ARTICLE XI-PROGRAMS**

**Section 1.** This Post may sponsor a Sons of The American Legion Squadron. Such Squadron, once formed, shall be subject to the rules, regulations and supervision of this Post as may be promulgated by the Post Executive Committee and ratified by the Post Membership, and which shall not be in conflict with the rules and regulations set up for the Sons of The American Legion by the National Executive Committee, The American Legion.

**Section 2.** Said SAL Squadron 364 may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until SAL Squadron 364 adopts its own Constitution and By-Laws, it shall be governed by this Post rules and regulations, and by the recommended Constitution and By-Laws of a SAL Squadron as has been approved by the Department Executive Committee, The American Legion, Department of Texas.

**Section 3.** Once created, this Post may cease its sponsorship of SAL Squadron 364 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

**Section 4.** This Post may sponsor a Legion Riders Chapter. Such Chapter, once formed, shall be subject to the rules, regulations and supervision of this Post as may be promulgated by the Post Executive Committee and ratified by the Post Membership.

**Section 5.** Said Legion Riders Chapter 364 may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until Legion Riders Chapter 364 adopts its own Constitution and By-Laws, it shall be governed by Post 364 rules and regulations.

**Section 6.** Once created, this Post may cease its sponsorship of Legion Riders Chapter 364 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

**Section 7.** The Legion Riders Chapter shall elect a Director from its membership. There shall be a member of the Post appointed Liaison to the Legion Riders Chapter. Any Liaison appointed shall report as directed by the Post Executive Committee concerning the Legion Riders Chapter activities.

## **ARTICLE XII-SOCIAL MEDIA AND THE INTERNET**

**Section 1.** Social Media Guidelines. All members of this post and all participants in the programs of this post are required to adhere to the Social Media Guidelines promulgated by the Department of Texas.

**Section 2.** Ownership of Domain Names and Social Media Accounts. Applicants for social media accounts and registrants of domain names for this post or its programs are serving as agents of this post and ownership of these account and domain names are vested in the post. Applicants or registrants should obtain approval from the Post Executive Committee to establish a domain name or social media account. Applicants or registrants shall, upon demand, transfer the account or domain name to another individual designated by the Post Executive Committee.

**BY-LAWS OF BILL ROPER COUNTRY  
POST NO. 364  
CORPUS CHRISTI, TEXAS.**

**ARTICLE I -- NAME**

**Section 1.** The Post existing under these By-Laws is to be known as Bill Roper Country Post No. 364, The American Legion.

**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 is entrusted to a Post Executive Committee which shall consist of two (2) members in addition to the Officers of this Post. They shall be elected annually as provided in Article V, Section 4, of this Constitution, and all shall take office immediately upon installation.

**Section 2.** The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten days after the installation of the new officers. Thereafter, the Post Executive Committee shall meet at the call of the Post Commander at least once a month and as often as said Post Commander may deem necessary. The Post Commander shall call a meeting of the Post Executive Committee upon the joint written request of three (3) or more members of said Post Executive Committee. A majority of the members of the Committee shall constitute a quorum thereof.

**Section 3.** The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require and approve adequate bonds from all persons having the custody of Post funds; shall cause all funds to be placed in the hands of the Post Finance Officer for deposit and accounting purposes; shall hear the reports of Post Committee Chairmen, and generally, shall have charge of and be responsible for the management of the affairs of this Post. At the end of each fiscal year, a review committee shall be appointed with the Post Judge Advocate as Chairman to conduct a complete review of Post records before turning them over to the new Post Finance Officer. Except for hiring and firing of employees, all actions of the Post Executive Committee shall be submitted for approval to the membership at the next regular membership meeting, in alignment with our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

## **ARTICLE III - DUTIES OF OFFICERS**

**Section 1.** Duties of Post Commander — It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such officer shall be the 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, and 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 see that this Constitution and By-Laws is observed. The Post Commander shall perform such other duties as are directed by the Post.

**Section 2.** Duties of Post 1st Vice Commander — The Post 1st Vice Commander shall assume and discharge the duties of the office of Post Commander in the absence or disability of, or when called upon by the Post Commander and shall be fully involved in, and responsible for, all aspects of Post Membership. The Post 1st Vice Commander may be assigned other such duties and assignments as deemed necessary by the Post Commander.

**Section 3.** The second 2nd Vice Commander — is responsible for building an "I like my post because..." atmosphere in which Legionnaires have fun while doing the work of the Legion. The commander depends on the second vice commander to help run the programs that spice up meetings and attract attendance. The social calendar should be filled months in advance with activities that will bring out the active members, as well as those who are just member card carrying Legionnaires. One of the second vice commander's first duties should be to contact other veterans and civic groups to see that each patriotic holiday and observance receives the attention it deserves. He or she will be concerned with the pageantry so closely associated with the Legion. The second vice commander may not be in charge of the color guard or firing squad, but must promote it. In the pursuit of "justice," the second vice commander is concerned with the welfare of all veterans. The 2nd Vice Commander may be assigned other such duties and assignments as deemed necessary by the Post Commander.

**Section 4.** Duties of the Post Adjutant — The Post Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National Organizations may require, issue membership cards, handle certificates of transfer, render reports of membership annually or when called upon at a meeting, and under direction of the Post Commander, handle all correspondence of the Post. The Post Adjutant shall comply with Article V, Section 5, Department Constitution. The Post Adjutant may be assigned other such duties and assignments as deemed necessary by the Post Commander.

**Section 5.** Duties of the Post Finance Officer – The Post Finance Officer shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Post Executive Committee and the Post, in writing, the condition of the finances of the Post, with such recommendations as the Post Finance Officer may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Post Finance Officer shall sign all checks disbursing the moneys of the Post, such checks to be countersigned by the Post Commander, as authorized by the Post Executive Committee. The Post shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee and approved by the Post Judge Advocate and the Post Executive Committee. The Post Finance Officer may be assigned other such duties and assignments as deemed necessary by the Post Commander.

**Section 6.** Duties of Post Judge Advocate – The Post Judge Advocate shall supply professional advice in the conduct of the Post business, or to retain proper counsel. The Post Judge Advocate shall be the Chairman of any committee concerning the amendment of the Post Constitution or By-Laws. The Post Judge Advocate shall be in charge of the annual review of the Post financial accounts as set out in Section 3, Article II of these By-Laws and, together with the Post Executive Committee, shall approve bonds required for Post officials handling Post money. The Post Judge Advocate shall be responsible for the orderly conduct of disciplinary procedures. The Post Judge Advocate may be assigned other such duties and assignments as deemed necessary by the Post Commander.

**Section 7.** Duties of the Post 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 Post or Post Executive Committee. The Post Historian may be assigned other such duties and assignments as deemed necessary by the Post Commander.

**Section 8.** Duties of Post Chaplain – The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time. The Post Chaplain may be assigned other such duties and assignments as deemed necessary by the Post Commander.

**Section 9.** Duties of Post Sergeant at Arms – The Post Sergeant at Arms shall preserve order at all times and meetings and shall perform such other duties as may be from time to time assigned to the Post Sergeant at Arms by the Post Commander or Post Executive Committee. The Post Sergeant at Arms shall have charge of the Post Colors and shall not display or permit them to be displayed without specific authority of the Post Commander. The Post Sergeant at Arms maybe assigned other such duties and assignments as deemed necessary by the Post Commander.

**Section 10.** Duties of Post Service Officer -- The Post Service Officers shall comply with the Service Officer's Manual and Post Officers Guide of The American Legion, and recommendations of National and Department Headquarters, and needs of this Post. The Post Service Officer maybe assigned other such duties and assignments as deemed necessary by the Post Commander.

## **ARTICLE IV - DELEGATES**

**Section 1.** Delegates and alternates to a Department, Division, or District Convention shall be elected by the Post at a regular meeting of the Post to be held not less than fifteen (15) days prior to the date of such convention. However, the Post, by two-thirds (2/3) vote of members present may authorize the Post Commander to appoint said delegates. The Post Commander shall, immediately upon their election or appointment, designate the chairman. Alternates for delegates shall have all the privileges of registered delegates except that of voting. A registered delegate is one who has received his/her credentials after his/her registration fee has been paid.

**Section 2.** Each duly registered delegate shall be entitled to one vote. At the time the delegates are elected, the Post will select either the Pro-Rata Rule or the Modified Unit Rule, as described below, as the method of voting for those delegates who do not attend the convention.

a. Modified Unit Rule Each duly registered delegate shall be entitled to one vote, unless there are less delegates than votes. Under those circumstances, each delegate will cast one vote, then any votes of absent delegates will be cast, in their entirety, in accordance with the majority of the delegates in attendance.

b. Pro Rata Rule Each duly registered delegate shall be entitled to one vote, unless there are less delegates than votes. Under those circumstances, each delegate present will be entitled to a portion of the total number of votes allocated to the Post that is directly proportionate to the percentage that the delegate represents of the total delegation present.

**Section 3.** The chairman of the delegation shall cast the entire delegate vote on any convention matter, after first polling the delegates present, so as to reflect the vote of each delegate present.

## **ARTICLE V - DUES FISCAL YEAR**

**Section 1.** Annual dues shall be as prescribed by the Post and shall be payable on or before October 20th of each year for the succeeding calendar year. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If dues are paid on or before February 1st, the member shall be automatically reinstated. If still delinquent after February 1st, the member shall be suspended from all privileges. If under such suspension on June 30th of that year, the member's membership in The American Legion shall be forfeited. A member so suspended or whose membership has been forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the years in which reinstatement occurs.

**Section 2.** The Chairman of the membership committee may recommend to the Post Executive Committee the names of members whose dues shall be paid by the Post, with reasons for such recommendation. The Post Executive Committee shall have the power to approve or reject such recommendations except for new members and transfers.

## **ARTICLE VI - POST COMMITTEES APPOINTMENTS**

**Section 1.** The Post Commander, immediately upon taking office each year, shall appoint such standing committees as deemed necessary for the efficient operation of the Post, such as those listed in the Post Officers Guide; the Post Commander shall also appoint other committees as deemed necessary from time to time. All of these committees shall consist of members and the chairman thereof as designated by the Post Commander and confirmed by the Post Executive Committee.

**Section 2.** The duties and functions of the respective Post committees shall be in accordance with the current Post Officers Guide of The American Legion and with the recommendations of National and Department Headquarters.

## **ARTICLE VII - RESOLUTIONS**

**Section 1.** All resolutions of State or National scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject, and a copy 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 VIII - MEETINGS**

**Section 1.** The regular and special meetings of the Post shall be held at Bill Roper Country Post 364, located at 5323 Kostoryz Road, Corpus Christi, Texas, or as otherwise designated by the Post Commander. At these meetings, business may be transacted, minutes of the previous meeting and all Post Executive Committee meetings since the last regular meeting may be approved. Meetings can be converted into entertainment meetings as deemed advisable by the officers of the Post. Regular meetings shall follow the procedures outlined in the current Manual of Ceremonies.

**Section 2.** The regular business meetings of the Post shall be as determined by the Post. Other business or social meetings may be held as directed by the Post Commander and the Post Executive Committee.

**Section 3.** The Post Commander or a majority of the Post Executive Committee shall have the power to call a special meeting of the Post at any time.

**Section 4.** Upon the written request by signed petition of at least five (5) members in good standing of this Post delivered to the Post Commander, requesting a special meeting of the Post, the Post Commander shall call the special meeting within not less than seven (7) days, nor more than fourteen (14) days after receiving the petition. The petition must state the purpose for which the meeting is requested, and matters not related to this purpose shall not be considered. Notices given to the membership of the meeting shall state the subject matter to be discussed. The Post Commander or a majority of the Post Executive Committee may call a special meeting of the Post, and the notice of the meeting sent to the membership shall include the subject matter to be discussed, and other unrelated matters shall not be discussed.

**Section 5.** At least four (4) members in good standing shall constitute a quorum at any regular or special meeting of the Post.

**Section 6.** In the event of a public emergency or natural disaster that makes holding an in-person meeting unlawful or impossible, the Post may conduct its meeting by electronic or other remote access means as reasonably necessary for the duration of the emergency or disaster. The Post shall use its best efforts to implement any such virtual meetings with full regard for the need to maintain as much as possible.

"Accessibility for all members, including those with disabilities and those who lack access to sophisticated technology.

Any action that could be taken at an in-person meeting, such as the amendment of the constitution and by-laws, may also be taken at a virtual meeting held pursuant to this provision.

Any action taken at such a virtual meeting shall be ratified at the first regular in-person post meeting.

During a virtual meeting, the post adjutant shall ensure that all participants are members in good standing and that a quorum is present.

The post commander shall determine the need for a virtual meeting.

If there is a vote, the Adjutant must make a record of the vote and ensure that every voter is sufficiently identified and a member of the Post in good standing.

## **ARTICLE IX - NOTICES**

**Section 1.** Current Address Policy - Every member shall furnish the Post Adjutant with their address for mailing purposes. Notices sent to the last known address shall constitute sufficient legal notice.

**Section 2.** Annual Election Policy - The Post Adjutant shall cause written notice of the annual election to be given at least one (1) regular Post meeting prior to the election date, but in no event less than fifteen (15) days prior to the election date. Announcement of the election should also be made public by posting said notice on the Post's website, monthly newsletter, local newspaper covering the Post's membership area, email, or other electronic communications, presently existing or existing in the future; however, this shall not relieve the Post of sending postcards, by United States Mail, postage prepaid, as previously stated above.

**Section 3.** Statement of Nondiscrimination - In its efforts to promote nondiscrimination, the Post does not discriminate on the basis of race, religion, color, national origin, gender, sex, or disability in accordance with Title VI of the Civil Rights Act of 1964, as amended.

**Section 4.** Whistleblower Protection Policy - Neither the Post Commander, Post officers, nor Post Executive Committee shall unlawfully retaliate against any member for bringing a grievance or complaint under these By-Laws."

**Section 5.** Conflict of Interest Policy – No person in a position of authority over the Post, such as the Post Commander, Post Officers, or members of the Post Executive Committee, may benefit personally from a decision they could make.

Section 6. Written Documentation Retention/Destruction of Confidential and Sensitive Documents Policy – Any person that possesses or maintains such information is required to take reasonable measures to protect against unauthorized access to, or use of, the information in connection with its disposal. In addition, Sarbanes-Oxley requires that records be retained for all audits and legal proceedings.

**Section 6 a.** Record Types and Retention Periods:

- Accounts Payable/Receivable Ledgers – 7 years
- Audit Reports of Accounts – Permanently
- Bank Statements – 7 years
- Contracts and Leases – Permanently
- Correspondence (Legal) – Permanently
- Membership Applications – 3 years
- Insurance Records – Permanently
- Tax Returns – 7 years
- Training Manuals – Permanently

**Section 7.** IRS Authority to Request Information (Public Disclosure Policy) – The Post must make available for public inspections IRS annual returns and applications for exemption, and must provide copies of such returns and applications to individuals who request them. Copies usually must be provided immediately in the case of in-person requests, and within 30 days in the case of written requests. The tax-exempt organization may charge a reasonable copying fee plus actual postage, if any.

**Section 8.** IRS 990 Compliance Policy – The IRS Form 990 must be filed annually by the 15th day of the 5th month after the close of the tax year. The Pension Protection Act requires the IRS to revoke the tax-exempt status of any organization that fails to meet its annual filing requirement for three consecutive years.

**Section 9.** Review of Form 990 by Executive Committee – The Post Finance Officer will create a timeline for compliance in February following the previous tax year. Data will be gathered to complete the IRS Form 990 and shared with the Post Executive Committee no later than the Post Executive Committee meeting preceding the next general meeting. The Post Executive Committee will review the completed IRS Form 990 annually before it is sent to the IRS.

## **ARTICLE X — RULES OF ORDER**

**Section 1.** All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, Newly Revised, except as herein otherwise provided.

## **ARTICLE XI — LIMITATIONS OF LIABILITIES**

**Section 1.** This Post shall incur, or cause to be incurred, no liability, nor obligations whatsoever which shall subject to liability any other Post, subdivision, group of men or women, members of The American Legion, or other individuals, corporation, or organization.

## **ARTICLE XII — AMENDMENTS**

**Section 1.** These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Post Executive Committee in session and approved by it; or if rejected in whole or in part, it may be taken to a regular Post meeting on a minority report; and 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 amendment is to be voted upon, notifying all said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

## POST CERTIFICATION

The following officers of Bill Roper Country, Post No. 364, The American Legion, hereby certify that the foregoing Constitution and By-Laws, after the notice was given to all members, was adopted at a regular meeting of this Post held on the 6 day of November, 2024, A. D.



**POST COMMANDER**



**ATTESTED: POST JUDGE, ADVOCATE**

## DEPARTMENT CERTIFICATION

Approved by the Department Judge Advocate on the 28th day of February, 2025, A. D.



**DEPARTMENT JUDGE, ADVOCATE**