

AMERICAN LEGION  
YELLOWSTONE POST # 4  
BY-LAWS



1540 Broadwater Ave  
Billings MT 59102  
Revised: 20 March 2023



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# AMERICAN LEGION YELLOWSTONE POST #4 BY-LAWS

## ARTICLE 1

### Meetings

#### Section 1.01 Meeting for Election of Officers:

The annual meeting for the election of officers for this Post of the American Legion shall be the regular meeting in the month of April each year, with the installation of said officers to be held immediately following the election. The Adjutant shall give notice of the date of such meeting on the Post web site at least ten days prior to the date of such meeting.

#### Section 1.02 Regular Meetings of Post

The regular meeting of this Post shall be held on the third Monday of each month, at the Legion Post in the City of Billings, Montana, at 7:00 PM, or such other times or places as shall be designated by the Post Commander or the Executive Committee.

#### Section 1.03 Presiding Officer

The Commander, or, in his absence, the Vice Commander, shall preside at all meetings.

#### Section 1.04 Special Meetings

Special meetings of the members may be called by the Commander or by the Executive Committee, and must be called upon the written request of thirty (30) members in good standing. The adjutant, when so notified, shall give notice of the time, place and purpose of said special meeting. No business other than that for which said special meeting is called shall be transacted thereat.

#### Section 1.05 Quorum

A quorum shall consist of no less than Five (5) members in good standing.

#### Section 1.06 Attendances

A minority vote of all members present at any meeting shall prevail upon all questions, unless otherwise provided in these By-Laws or the rules of order. No person shall be allowed a voice or vote at any meeting unless he or she is in good standing as provided. No person not a member of the American Legion shall be admitted except upon a two-thirds vote of all members present except that the Commander or Executive Committee may invite persons not members to address meetings on subjects of general interest.

#### Section 1.07 Nominations

Nomination for all elective offices must be made annually at the regular meeting in the month of March, and all nominees must be members of this Post in good standing at the time of their nomination. However, nominations for elective offices shall be held open until election.

#### Section 1.08 Voting for more than one candidate

Voting shall be by written secret ballot at any election involving more than one candidate.

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## Section 1.09 Terms of Office

A member may be elected to, or hold, the same elective office, for more than two consecutive terms.

## Section 1.10 Filling Vacancy in Office

When a vacancy occurs in office, it will be filled in the following manner: The Commander shall appoint a Nominating Committee at the first meeting at which notice of resignation is received, or vacancy is otherwise created of an office. The Nominating Committee will be charged with selecting a name or names to be presented at the next regular meeting, with voting to follow at the next meeting thereafter.

## Section 1.11 Nominations Providing Evidence of eligibility

Any member nominated for any elective office and elected by the membership shall provide to the Executive Committee's satisfaction evidence of eligibility to membership in the American Legion, by displaying discharge papers or other definite evidence of such eligibility before being installed into office. .

## ARTICLE II

### Dues

#### Section 2.01 Dues

Annual dues shall become payable on or before the 20th day of October of each year. A Member whose dues for the current year have not been paid by January 1st shall be classed delinquent. If his dues are paid on or before February 1st, he shall be automatically reinstated. If he is still delinquent after February 1st, he shall be suspended from all privileges. If he is still under such suspension on July 1st of such year, his membership in the American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by payment of current dues for the year in which reinstatement occurs. Any World War I member shall pay \$10.00 per annum, unless they are fifty year members in which case they will be fully paid-up members.

## ARTICLE III

### Officers and Duties

#### Section 3.01 Eligibility

Any member in good standing shall be eligible to hold office in this Post, but no member shall continue to hold office unless he is in good standing at all times during his term. Any elected officer absenting himself or herself for more than two (2) consecutive meetings without good and sufficient excuse shall have his/her office vacated and an election shall be held to fill such vacancy.

#### Section 3.02 Obligation

All officers before entering upon the duties assigned to them under this constitution shall be required to take the following obligation, to be administered by the Commander, or by the retiring officer, or someone appointed by him as installing officer:

**"I- having been duly elected as an officer of Yellowstone Post No. 4, the American Legion, realizing the responsibility reposed in me the members of this Post, do solemnly promise to perform the duties of my office to the best of my ability and in conformity with the provisions of these By-laws and instructions from the membership; I agree to familiarize myself with the constitutional duties of my office and to turn over all books, papers and other property of the Post to my successor in office upon the completion of my term, and to properly advise and instruct him in the details of the business involved."**

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## Section 3.02 Continued

The regular manual of installation in the Post Officer's Guide, long or short form may be used at the installation ceremony.

## Section 3.03 Use of Post Name

No officer or committeeman shall use the name of this Post in connection with any action, resolution or meeting not provided for in these By-Laws, without having received the approval of the majority of the members in regular meeting assembled, or the approval of the Executive Committee.

## Section 3.04 Commander

The Commander shall preside at all meetings of the Post and preserve strict order therein; have general control of all business of the Post between regular meetings of the members, subject to the approval by the Executive Committee; appoint all standing committees and fill vacancies thereon; act as Chairman of the Executive Committee, and perform such other duties as are usual to the office or prescribed in these By-Laws. He shall also be an Ex-Officio member of all committees.

## Section 3.05 Vice Commander

The Vice Commander shall assist the Commander and shall perform all the duties of the Commander in his absence, sickness, inability or refusal of the latter to act, and shall preside at all regular or special meetings of the Post whenever the Commander shall desire to address the members on any subject under debate.

## Section 3.06 Adjutant

The Adjutant shall receive all bills and communications addressed to the Post and reply to the same upon instructions from the members; keep a correct record of the proceedings of each meeting, setting forth all motions before the house and the action thereon; keep a correct roster of officers and of all committees, showing the absentees at each meeting; keep a roster of all members and their dues status; act as Secretary of the Executive Committee and keep a separate and complete minute book on that account; and perform such other duties as are here in prescribed and such as are usual to the office. The Adjutant read all communications received by him since the last regular meeting.

## Section 3.07 Finance Officer

The Finance Officer shall receive and have charge of all monies of the Post and shall disburse the same upon warrants properly approved; sign all checks drawn on the treasury; and perform such other duties as are herein prescribed and such as are usual to such an office. The Finance Officer shall give bonds for the faithful performance of his duties in an amount to be prescribed from time to time by the Executive Committee. No money shall be paid out by the Finance Officer except by check and in the manner prescribed. He shall receive and record monthly financial reports on all accounts maintained by committees or other entities of the Post and shall make periodic reports to the Executive Committee.

In addition, the Finance Officer shall be responsible for administering the Post's insurance program. He shall be custodian of all insurance policies, annuities, receipts and related documents. It shall be his responsibility, with the approval of the Executive Committee, to pay all insurance premiums as they come due and to process claims for losses incurred the Post. He shall collect from each committee or other entity within the Post its pro-rata shares of the insurance premiums in amount determined by the Executive Committee.

# AMERICAN LEGION YELLOWSTONE POST #4 BY-LAWS

## Section 3.08 Historian

The Historian shall keep a history of the Post;

## Section 3.09 Sergeant at Arms

The Sergeant at Arms shall have charge of the entrance to the meeting place; see that none but members in good standing are admitted to meetings; have charge of the flags and paraphernalia used by the Post and perform such other duties usual to the office. The Sergeant-at-Arms is charged with examination of membership cards of all persons desiring admission to meetings after they have been called to order, and to ascertain such persons are in good standing before admitting them. He/she shall assist the Commander in preserving order at all meetings.

## Section 3.10 Chaplin

The Chaplain shall perform the duties usually pertaining to this office. He or she shall be responsible for conducting all burial rites, when requested to do so.

## ARTICLE IV

### Committees and Duties

#### Section 4.01 Executive Committee

The Executive Committee is charged with the duty of administration of the affairs of the Post in the interim between meetings and in accordance with these By-Laws and the instructions of the members. It may call special meetings of the Post on its own initiative, and must, upon the written request of thirty (30) members in good standing. The Committee may, at its discretion, authorize the expenditure of money from the general funds of the Post by the Post Commander, or a duly elected officer, or a committee, in any sum not in excess of \$750.00. All proposed expenditures from general funds of the Post in excess of \$750.00. shall originate before the Executive Committee for its 'recommendation to the general membership to be finally passed upon by the general membership at a regular or special meeting The Executive Committee shall also have charge and supervision of all property of the Post. This committee is charged with the duty of devising and recommending to the members way and means for the procuring of revenues for administrative and relief purposes and for the building and procuring of a suitable home or meeting place for this Post. The Executive Committee shall also be charged with the duty of approving the selection of the Adjutant of the Post, who shall serve for such period as the Committee shall designate, subject to the Committee's supervision and subject to removal for cause by a majority vote of said Executive Committee. The Executive Committee shall hold an open meeting once month as determined by the Commander.

#### Section 4.0 2 Standing Committees Appointed by Commander

The following Standing Committee shall be appointed by the Commander: Americanism, Auditing, Judiciary and Nominating. Each Committee shall consist of not less than three (3) or more than seven (7) members in good standing. Committee appointments shall be subject to approval of the Executive Committee. Notice of appointment to a committee shall be made by the Commander to the membership at the regular scheduled Post meeting following approval of the appointment by the Executive Committee.



# AMERICAN LEGION YELLOWSTONE POST #4 BY-LAWS

## Section 4.02 Continue

Each Committee person shall hold office subject to these By-Laws and until his/her successor is appointed and qualified. Members may serve on more than one committee at the discretion of the Commander, but no Member shall serve as the Chairman of more than one committee. The first named of my Committee shall be the Chairman thereof and be responsible for the duties of such Committee. Any member failing to perform the duties assigned him on any Standing Committee or absenting himself from more than two consecutive meetings without sufficient excuse alter notice thereof shall have his position vacated by the Commander. In the interim between meetings, all Committees are under the supervision of the Executive Committee; nothing herein contained is to be construed as preventing assignment to any committee of further duties not inconsistent with the prescribed duties of such Committee.

## Section 4.03 Judiciary Committee

The Judiciary Committee shall render opinions upon any questions of law or legal procedure which may arise in the business of the Post and be referred to it. This Committee shall also interpret and construe these By-Laws, such interpretation and construction to be subject to review by the members present at any meeting, and to a reversal by a majority vote of those present. It shall also have charge of all legislative matters submitted to it by the members, and shall keep a record book of all correspondence and business conducted by it on behalf of the Post. All agreements and contracts, before being entered into by any officer or committee of the Post, shall be referred to this Committee for its approval and confirmation, as shall all questions of the legal rights and obligations of any officer or committee.

## Section 4.04 Public Relations Committee

A standing Public Relations Committee shall be appointed to act as a public affairs committee of the Post in the promotion of public support of Legion programs and activities through publicity in local newspapers, radio, television and any other means available. Through contact with the American Legion News Service and Department Headquarters information on Legion programs shall be made available to the members. Also, all special Post activities shall be promoted by working and cooperating with the appointed committees for such events.

## Section 4.05 Auditing

The Auditing Committee shall have supervision over the record books of the Post and shall make a complete written report at least once each year.

## Section 4.06 Americanism Committee

The Americanism Committee shall encourage education of foreigners and assist aliens in matters of naturalization; encourage and assist in proper observance within all schools, public and private, in the community of all patriotic holidays; and carry out, generally, the policies of the Department Americanism Committee. The Chairman shall report in writing upon the activities and business of this committee to the Department Chairman at least four weeks prior to any State Convention, and at such other time or times as such report or recommendation may be called for by the Department Chairmanship.

# AMERICAN LEGION YELLOWSTONE POST #4 BY-LAWS

## Section 4.07 Nominating

The Commander of Yellowstone Post No. 4, The American Legion, shall, at least thirty (30) days preceding the opening of the annual nominations for office in Yellowstone Post No. 4, appoint a committee consisting of five members of whom at least one (1) and not more than two (2) shall be members of the Executive Committee. The Nominating Committee shall present and place in nomination to the membership, at the meeting in March, one or more names for every office or position to be filled." Nominations from the floor for any office may be made at any Post meeting and shall be kept open up to and including election night. It shall be further provided that nominations for all offices or positions shall be kept open until the office immediately preceding it in rank shall have been filled. The Adjutant shall read this Bylaw to the membership in open meeting on the nights that nominations for office are opened and on election night.

## Section 4.08 Meetings, Calling for.

The Chairman or any three (3) members of any committee, standing or special, may call meetings thereof; upon personal notice of the time and place of holding the same to each and every member of such committee accessible to such notice.

## Section 4.09 Appointments

The Commander shall appoint members in good standing to fill vacancies in any committee except the Executive Committee.

## Section 4.10 Special Committees

At any regular or special meeting, any special committee of not less than three (3) or more than seven (7) may be created, with prescribed duties. Committee persons thereon may be selected by members or appointed by the Commander and the first named shall be the Chairman, every such committee is subject to the provisions of these By-Laws.

## Section 4.11 Solicitation by Committee

No officer or member of this Post, or any committee or member thereof, or any organization, association or society auxiliary thereto, or any member, officer or committee thereof, shall solicit money, merchandise, contributions or aid of any kind or character for any purpose, until authorization from the Executive Committee has been obtained.

## Section 12 Reports

Reports of all committees, standing or special, shall be reduced to writing and delivered to the Adjutant at the earliest possible moment.

# AMERICAN LEGION YELLOWSTONE POST #4 BY-LAWS

## ARTICLE V

### Salaries & Expenses

#### Section 5.01 Rules Governing Salaries

No salary shall be allowed to any officer or committeeman of this Post. The Adjutant may be paid such salary as, in the opinion of the Executive Committee, is necessary and when approved by a majority of the members present at any regular Post meeting. Expenses incurred by any officer or committee, at the direction of the Post, shall be submitted in detail to the Post meetings, audited and approved in the regular manner.

## ARTICLE VI

### Discipline

#### Section 6.01 Charges and Fair Trial and Suspension.

The executive committee, after a notice and hearing, may suspend any member of the Post upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, and conduct unbecoming a member of the American Legion. All charges must be made under oath in writing by the accusers and no member in good standing shall lose his membership until given a Fair trial.

#### Section 6.02 Right of Appeal by Suspended or Expelled Member

Any suspended or expelled member has the right of appeal to its Department Executive Committee, or to the Department Convention, according to procedure prescribed by the Department Judge Advocate.

## ARTICLE VII

### Rules of Procedure

#### Section 7.01 Governing

The rules of procedure at all meetings of the Post shall be those set forth in Robert's Rules of Order (Revised) when not in conflict with these By-Laws or such special rules as may hereafter be adopted by the Post.

#### Section 7.02 Designation as Past Commander

A commander who shall have served as such until the expiration of his/her term of office shall be designated as Past Commander.

#### Section 7.03 Privilege of Speaking on the Floor

Members desiring the privilege of the floor shall rise and address the Commander as "Commander".

#### Section 7.04 Time Limit for Discussion

The floor shall be permitted to each member but twice on any one subject, and limited to three minutes each time, except by consent of two-thirds (2/3) of the voting strength of the meeting.

# AMERICAN LEGION YELLOWSTONE POST #4 BY-LAWS

## Section 7.05 Fiscal Year

The fiscal year of this Post shall be from July 1 through June 30 of the succeeding year, both dates inclusive.

## ARTICLE VIII

### Conventions and Delegates

#### Section 8.01 Delegate, Nominations, and Elections

In the event this Post shall decide to send delegates to the Annual Convention of the Department of Montana and such meeting has been called and the number to be elected has been defined, at the first regular meeting in the month previous to that which said Convention is to be held, nominations shall be in order and the election of Convention Delegates conducted as in the case of officers, except that both nominations and elections shall be held at the same meeting. Each nominee shall be voted upon separately and individually. Each nominee must have attended at least six (6) Post regular meetings prior to nominations of a Convention Delegate. Qualifying dates shall be the first regular meeting following the nomination and election of delegates to the Annual Convention of the Department of Montana, up to and including the regular meeting at which nominating and election of delegates to the Annual Convention of the Department of Montana takes place the following year.

#### Section 8.02 Automatic Delegates

The Commander, Adjutant and Immediate Past Commander shall be automatic Delegates to the Department of Montana Annual Convention. The Immediate Past Commander shall be Chairman of the Delegation. If the Immediate Past Commander is unable to attend the Department Convention, he shall appoint a Chairman of the Delegation.

#### Section 8.03 Expense Allowance Call-ins

No expense shall be allowed a Delegate to the Department Convention who is paid by the Department as a call-in.

## ARTICLE IX

### Amendments

#### Section 9.01 Procedure

These By-Laws may be rescinded, amended, added to or modified by a vote of two thirds (2/3) of the members present at any regular or special meeting, provided the exact wording of the proposed revision, amendment, addition or modification has been presented in writing and read at the regular meeting immediately preceding the meeting when it is brought upon the floor for a vote by the membership.

# AMERICAN LEGION YELLOWSTONE POST #4 BY-LAWS

## Section 9.02 Repeal of Previous

All By-Laws, rules and resolutions heretofore adopted, in conflict with any provision herein, shall be deemed as an amendment to these By-Laws.

## Section 9.03 Department and National Rulings


Any rule of the Department or National Organization which shall affect or conflict with any provision herein, shall be deemed an amendment to these By-Laws.

## Section 9.04 Constitution and By-Laws displayed on premises


A copy of the Constitution and By-Laws of Post No. 4 shall be displayed at all times on Post premises.

## Date and Time Effective

These By-Laws and all Articles and Sections thereto shall have full force and effect on and after the 20<sup>th</sup> day of January, 2014 at 12:01 AM. By-Laws heretofore duly adopted and all Articles and Sections thereof, together with all Amendments thereto, are hereby repealed and shall cease to be effective on and after the 20<sup>th</sup> day of January 2014, at one minute after midnight, (12:01 AM).



Donald R Clair, Adjutant

  
Jason Adams, Commander

