

POST BY-LAWS

**CUSTER POST NUMBER FORTY-SIX
DEPARTMENT OF SOUTH DAKOTA**

Commander:_____Date:_____

Adjutant:_____Date:_____

Approved and Adopted April 11th, 2023

ARTICLE I
NAME AND OBJECTIVES

SEC. 1. The Post existing under these By-laws is to be known as Custer Post Number Forty-Six, The American Legion, Department of South Dakota.

SEC. 2. All pronouns within these by-laws shall be considered gender neutral.

SEC. 3. The objectives of this Post are as set forth in the Constitution.

ARTICLE II
MANAGEMENT

SEC. 1. The governance and management of this post is entrusted to an Executive Committee of up to Nine (9) members, to be known as “THE EXECUTIVE COMMITTEE”.

SEC. 2. The Executive Committee shall consist of the various elective officers, and the appointive post adjutant, and one additional member at large to be elected biannually. All of said officers, with the exception of the post adjutant who shall be appointed, by the commander, shall be elected at the April meeting and shall take office at the meeting next following that of the election. The elections of officers and of the executive committeeman shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

SEC. 3. All vacancies existing in the Executive Committee, or in any office of the Post, from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the Executive Committee, and a person so appointed shall hold office for the unexpired term of the member of the

committee or officer whom he succeeds. A vacancy shall exist when a member or officer is absent from his post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

ARTICLE III

EXECUTIVE COMMITTEE

SEC. 1. 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 Commander at least every year, and as often as the said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee. Four members of the committee shall constitute a quorum thereof.

SEC. 2. The Post Executive Committee shall hire such employees as they may deem necessary. They shall authorize one-time post expenditures; may require adequate bonds from all persons having the custody of post funds; shall hear the reports of Finance committee chairmen; and, generally, shall have charge of and be responsible for the management of the affairs of this Post.

ARTICLE IV

DUTIES OF OFFICERS

SEC. 1. 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 shall be its chief executive officer. 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 immediately forwarded to the Department Adjutant. He shall perform such other duties as directed by the Post.

SEC. 2. Vice Commanders: The first vice-commander shall assume and discharge the duties of the office of commander in the absence of, disability of, or when called upon by the post commander. The second vice-commander shall perform like duties only in the case of the absence of, or disability of the first vice-commander.

SEC. 3. Post Adjutant: The adjutant shall have charge of and keep a full and complete record of all proceedings of all meetings, keep such records as the Department and National Organizations may require, render reports of membership annually or when called upon at a meeting, and under direction of the commander handle all the correspondence of the post.

SEC. 4. Finance Officer: The finance officer of the Post shall have charge of all finances and see that they are safely deposited in some local financial institutions, and shall report once a month to the Executive Committee on the condition of the finances of the Post.

SEC. 4.1 He shall sign all checks disbursing the money of the Post.

SEC 4.2. He may be required to furnish such surety bond in such sum as shall be fixed by the Executive committee.

SEC. 4.3. Signatory Authority: In addition to the finance officers' signatory responsibilities, it shall be required that additional Officers be on file with the financial institution or banks of deposit, as having signatory authority on all checks, Debit Cards or other financial documents as required. Those Officers possessing signatory authority, in addition to the Finance Officer are the Post Commander and Adjutant.

SEC. 5. 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 by the Executive Committee.

SEC. 6. 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 of Department headquarters from time to time.

SEC. 7. Sergeant-at-Arms. The sergeant-at-arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to him by the Post Executive Committee.

A R T I C L E V

DELEGATES

SEC. 1. Delegates and alternates to a Department convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at least twenty days prior to the date of such convention.

A R T I C L E VI

APPOINTMENTS

SEC. 1. The Post Commander, immediately upon taking office, shall appoint a Post Adjutant, and may appoint the following standing committees:

(a) Membership Committee: Which shall have charge of all matters pertaining to the membership of the Post, including the recruiting of new members, make recommendations on reinstatement and eligibility of members.

(b) House and Entertainment Committee: Which shall have charge of all matters pertaining to the care of the Post quarters, promotion of club advantages and arrangements for social activities.

(c) Finance Committee: Which shall be charged with the administration of the financial policy, preparation of budget recommendations and accounting of all Post funds.

(d) Legal Committee: Which shall be charged with the legal direction of all Post affairs and audit of Post financial accounts.

(e) Public Relations Committee: Which shall be charged with the promotion of public support of the Legion's program by establishment of proper contact with the AMERICAN LEGION MAGAZINE, department and national news service and by local publicity of post program and activities.

(f) Rehabilitation and Service Committee: Which shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state governments, employment, relief, etc.

(g) Visiting Committee: Which shall be charged with the visiting and comforting of members and their families when sick or bereaved and with visiting ex-service men in nearby hospitals.

(h) Americanism Committee: Which shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instructions in schools; Americanization of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

(i) Athletic Committee: Which shall be charged with the promotion of physical development and clean sports by the organization of Post athletic teams,

recreation, etc., and by cooperation and support in the general recreational and athletic program of the community.

(j) Disaster Relief Committee: Which shall, with the consent and advice of the constituted public authorities and in cooperation with them, assist in all matters of disaster relief and home defense.

(k) Sons Of The American Legion Committee: Which shall oversee the operations of the Post's Squadron of the Sons of The American Legion.

(l) Child Welfare Committee: Which shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy children of veterans to ensure no child of a veteran shall be in need of, the necessities of life.

(m) Defense Committee: Which shall work with and coordinate Legion efforts with all Local Defense Councils on matters pertaining to National, Civilian, and Home defenses. To assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.

(n) Legion Riders Committee: Which shall oversee the operations of the Post's chapter of the American Legion Riders.

(o) Graves Registration Committee: The duties of this committee involve recording of grave sites and complete information on veterans' burial in cemeteries assigned to the Post.

A R T I C L E V I I
RESOLUTIONS

SEC. 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 of the same shall be forwarded to the Department headquarters for approval before any publicity is given or action other than the mere passage by the Post is taken.

A R T I C L E V I I I
MEETINGS

SEC. 1. The regular meetings of the Post shall be held at the Post home on the second Tuesday of each month, at which may be transacted such business as may properly be brought up for action. Such meetings may be converted into entertainment meetings when deemed advisable by the officers of the Post.

SEC. 2. The Post Commander, or a majority of the Executive Committee, shall have the power to call a special meeting of the Post at any time.

SEC. 3. Upon the written request of members, the Executive Committee shall call a special meeting of the Post.

SEC. 4. Five members shall constitute a quorum.

A R T I C L E I X
NOTICES

SEC. 1. Every member shall furnish the post adjutant with his or her current contact information consisting of but not limited to : mailing address, telephone number, and e-mail address for official correspondence purposes.

SEC. 2. The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

A R T I C L E X
RULES OF ORDER

SEC. 1. All proceedings of this post shall be conducted under and pursuant to Robert's Rules of Order, except as herein otherwise provided.

A R T I C L E XI
LIMITATIONS OF LIABILITY

SEC. 1. The Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other post, subdivision, group of men, members of The American Legion, or other individuals, corporations or organizations.

SEC. 2. Liability Insurance: The Post Commander shall direct the Adjutant or an appropriately appointed committee, to obtain Liability Insurance, to cover the operations and activities of Post 46. This policy shall be reviewed yearly or sooner as required.

A R T I C L E TWELVE
AMENDMENTS

SEC. 1. These by-laws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting: Provided, that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post: and provided, further, that written notice shall have been given to all members at least twelve (12) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the by-laws is to be voted upon.