

**Erwin Prieskorn American Legion Post 46
Ann Arbor, Michigan**

By-Laws

Article I

Section 1: This Post shall be known as Erwin Prieskorn American Legion Post 46, The American Legion, Department of Michigan.

Section 2: The objectives of this Post are as set forth in the Constitution.

Article II - Management

Section 1: The government and management of the Post shall be entrusted to an Executive Committee consisting of three members to be known as Trustees, and the elected Officers of the Post.

Section 2: The Executive Committee shall consist of three members-at-large (Trustees), in addition to the elected Officers of the Post. The Post Commander, Vice Commander, Adjutant, and Finance Officer, and such other Officers as the Post may elect, as well as the Trustees, shall be elected by secret ballot of the Post membership, with the candidate for each position receiving the most number of votes deemed to be elected to that position. This election shall take place annually at the May meeting, or on another date if the meeting is rescheduled, and those elected shall take office at the meeting next following that of the election. If an election is uncontested, with only one candidate for a given office, the election may be held by voice vote of the members, rather than by secret ballot. This applies to elections for Officers, Trustees and Delegates to conventions or conferences.

Section 3: The Commander is encouraged to and, at his/her discretion, may appoint Officers for any or all of the following Officer positions: Historian, Chaplain, Service Officer, Judge Advocate and Sergeant-at-Arms. Such appointments are subject to approval by the Executive Committee.

Section 4: All vacancies existing in the Executive Committee or in any office of the Post from any cause other than expiration of the term, shall be filled by a majority vote of the remaining members of the Executive Committee, and a person so elected shall hold office for the unexpired term of the Trustee or Officer so replaced. A vacancy shall exist when a Trustee or Officer is absent from the Post for a continuous period considered detrimental to the interests of the Post by the Executive Committee.

Article III - Executive Committee

Section 1: The Executive Committee shall meet for organization and such other business as may come before it at the call of the Commander within ten days after the installation of the new Officers. Thereafter the Executive Committee shall meet at the call of the Commander as he/she

may deem necessary. The Commander shall call a meeting of the Executive Committee upon the written request of three or more members of said Executive Committee; five members of the Executive Committee shall constitute a quorum thereof.

Section 2: The Executive Committee shall have the authority to contract for services as may be necessary; shall require adequate bonds for all persons having the custody of Post funds; shall hear reports of the Post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of the Post.

Article IV- Duties of Officers

Section 1: Duties of the Commander.

The Commander presides at Post meetings and has general supervision of Post business, including its correspondence. He/she has authority to spend up to \$1,000 per Fiscal Year for any single purpose meeting the objectives of the Four Pillars of The American Legion. The Commander shall also make an annual report covering the business of the Post for each fiscal year, and submit budget recommendations for the coming year.

Section 2: Duties of Vice Commander.

The Vice Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, or by request of, the Commander. The Vice Commander shall also be in charge of membership recruitment and retention, buddy checks, and shall also chair the Membership Committee. The Vice Commander shall also perform such other duties as assigned by the Commander.

Section 3: Duties of Adjutant.

The Adjutant shall be responsible for maintaining full and accurate records of all meetings, and such other records as the Department of Michigan and/or National Organization may require. The Adjutant is also responsible for the reporting of membership and Officer changes to the Department and the processing of membership dues, and shall also perform such other duties as assigned by the Commander.

Section 4: Duties of Finance Officer.

The Finance Officer shall have charge of all Post finances, and maintain funds in, and investments through, appropriate banks and investment firms. The Finance Officer shall prepare monthly financial reports for presentation to the Executive Committee and/or the Post membership on a regular basis. The Finance Officer shall also chair the Finance Committee, which is responsible for preparing a budget for the coming year, and make recommendations as appropriate for fundraising by the Post. Checks issued by the Post are to be manually signed by any two officers among the following: Commander, Adjutant, and Finance Officer, and such officers shall be furnished fidelity bonds, in addition to the bond covering member dues, as provided by the Department of Michigan. The Finance Officer shall also perform such other duties as assigned by the Commander.

Section 5: Post Historian.

The Post Historian shall be responsible for the historical records of the Post and its members, and shall also perform such other duties as may be assigned by the Commander.

Section 6: Post Chaplain.

The Post Chaplain shall be responsible for the spiritual welfare of Post members, and shall provide non-sectarian service as requested, adhering to the policies of the Department of Michigan and the National Organization, and shall also perform such other duties as may be assigned by the Commander.

Section 7: Post Service Officer(s).

The Post Service Officer(s) shall be the initial point of contact regarding Veteran benefits and issues, providing basic information and assistance. He/she shall coordinate efforts with an accredited American Legion Department Service Officer to assist the Veteran or dependent, and shall also perform such other duties as may be assigned by the Commander.

Section 8. Post Judge Advocate.

The Post Judge Advocate shall advise on the interpretation of the National, Department, or Post Constitution and By-Laws as requested and shall serve as the *ex officio* parliamentarian at all meetings, and shall also perform such other duties as may be assigned by the Commander.

Section 9. Sergeant-at-Arms.

The Sergeant-at-Arms shall be in charge of the colors and setup of the meeting room, preserve order at meetings, and shall perform such other duties as may be assigned by the Commander.

Article V - Delegates

Section 1: Delegates and alternates to a Department convention shall be elected by secret ballot by the membership at a regular meeting of the Post to be held at least twenty days prior to the date of such convention. The Adjutant shall be responsible for reporting the names of elected delegates and alternates to the Department.

Article VI - Appointments

Section 1. Upon taking office each year, the Commander may appoint members of the Post to serve on committees, as described in the following sections.

Section 2. The Membership Committee shall be chaired by the Vice Commander and is charged with oversight of all matters pertaining to the membership of the Post, including the recruitment and retention of members.

Section 3. The Finance Committee shall be chaired by the Finance Officer and is charged with preparation of an Annual Budget and oversight of all Post financial activities and funds.

Section 4. Other committees may be established and staffed as deemed necessary at the discretion of the Commander.

Article VII - Resolutions and Standing Orders

Section 1. All resolutions of a State or National scope presented and/or approved by this Post shall merely embody the opinion of this Post. A copy of any such resolution shall be forwarded to Department headquarters for its approval before any publicity or action other than mere passage by the Post is taken.

Section 2. At the regular meeting of the Post at which elections are conducted, a set of Standing Orders for the coming fiscal year shall be presented for discussion and approval by the members of the Post. Amendment of any Standing Order requires approval by both the Executive Committee and a majority of the Post members voting on the proposed Amendment.

Article VIII - Meetings

Section 1. Regular meetings of the Post shall be held monthly as detailed in Standing Order #1. Meetings of either or both the Executive Committee and the membership of Post 46 may be held in person, via conference call, or on a virtual basis via Zoom, Microsoft Teams, Google, or the equivalent, as the situation may warrant, at the discretion of the Commander. Votes at either or both the Executive Committee and Post 46 meetings may also be conducted in person, via conference call, or on a virtual basis via Zoom, Microsoft Teams, Google, or the equivalent.

Section 2. The Post Commander or a majority of the Executive Committee shall have authority to call a Special Meeting of the Post at any time.

Section 3. A Special Meeting of the Post may be requested at a regular meeting. A written request will be required to be approved by two-thirds of the members attending the meeting.

Section 4. Ten members, including a qualified presiding officer, shall constitute a quorum for transacting business at any meeting of the Post. A quorum for meetings of the Executive Committee shall be five members of the Committee (elected Officers and Trustees).

Section 5. The Post shall conduct, open, and close its meetings in accordance with the National "Officer's Guide and Manual of Ceremonies", or its successor publication.

Article IX - Notices

Section 1. Every member shall furnish the Post Adjutant with an email and/or mailing address for notices.

Section 2. The Post Adjutant shall give notice to all Post members of the annual election to be held at least fourteen days prior thereto, and shall also give notice to the Department of Michigan of the results of such election within fourteen days of its completion.

Section 3. For regular meetings of the Post, the Post Adjutant shall give notice to all Post members at least seven days prior thereto, including a copy of the Minutes of the preceding regular meeting.

Article X - Rules of Order

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

Article XI - Limitations of Liability

Section 1. The Post shall not incur, or cause to be incurred, any liability or obligation whatsoever which shall subject to liability the National Organization, the Department of Michigan, any Post or subdivision, members of The American Legion or other individuals, corporations, or organizations.

Article XII - Amendments

Section 1. Amendments to these By-Laws, in whole or in part, may be proposed by a majority vote of the members of the Post at a regular meeting.

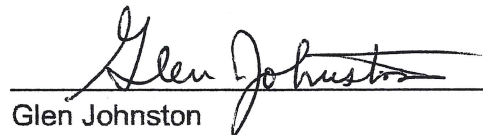
Section 2. Amendments to these By-Laws, in whole or in part, may also be proposed by a majority vote of the Executive Committee of the Post.

Section 3. In either case, a proposed Amendment shall not be effective unless approved by two-thirds of members of the Post voting at a regular meeting. At least 30 days prior to the anticipated date for voting on approval of the proposal, written notice of the proposed Amendment, including a copy of the proposed Amendment itself, shall be given to all Post members.

Note: The above have been approved by the Membership and supersedes all previous By-Laws. Effective this date: August 5, 2021.



David Draper
Commander



Glen Johnston
Adjutant

THE AMERICAN LEGION DEPARTMENT OF MICHIGAN

212 N. Verlinden Ave., Ste A, Lansing, Michigan 48915



November 29, 2021

Ronald Runyan
Department Adjutant
212 N. Verlinden Ave - Suite A
Lansing, MI 48915

Re: Post 46 Constitution and Bylaw Changes

Dear Mr. Adjutant,

I have reviewed the revised Constitution & Bylaws of Post 46 and have verified that all required changes have been made. I hereby approve Post 46's Bylaws.

Thank you Post 46 for the opportunity to serve you.

In Legion Spirit,

PDC Brett Holt
Department Judge Advocate