

THE BY-LAWS OF ERWIN PRIESKORN POST NO. 46  
ANN ARBOR, MICHIGAN

ARTICLE I

SECTION 1. The Post existing under these by-laws is to be known as The Erwin Prieskorn Post No. 46, The American Legion, Department of Michigan.

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

ARTICLE II

SECTION 1. The government of the Post and its Home Association is entrusted to an executive committee consisting of the Post officers and three members-at-large.

SECTION 2. The Post officers shall consists of the Commander, Senior Vice-Commander, Junior Vice-Commander, Adjutant, Finance Officer, Chaplain, Historian, Sergeant-At-Arms, Service and Welfare Officer, and Judge Advocate.

SECTION 3. The three members-at-large each serve for a term of three years. Their term in office is staggered so that each year one new member is elected to replace that member whose term in office has expired.

SECTION 4. Election of the members of the executive committee shall be held annually at a regular monthly meeting not more than sixty nor less than thirty days prior to the Department of Michigan annual convention.

SECTION 5. All members of the executive committee shall be eligible for re-election.

SECTION 6. Post officers shall be installed the night of the election and shall immediately enter upon their duties. They shall hold office for a term of one year or until their successors have been duly elected and installed.

SECTION 7. Any member of the executive committee having unexcused absences from three consecutive meetings of the Post and Executive Committee shall automatically be removed from office. Absence may be excused by the Post Commander. Any vacancy existing on the executive committee will be filled by election at a regular Post meeting.

SECTION 8. The Service and Welfare Officer and the Post Judge Advocate shall be appointed annually by the Post Commander.

ARTICLE III

SECTION 1. The Post executive committee shall meet for organization and such other business that 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 once every thirty days and as often as the 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. Five members of the committee shall constitute a quorum thereof.



SECTION 2. The Post executive committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds for all persons having custody of Post funds; shall hear the reports of the Post committee chairman; and generally, shall have charge of and be responsible for the management of the affairs of this Post.

#### ARTICLE IV

SECTION 1. DUTIES OF THE 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 said officer shall be the Chief Executive Officer of the Post. He shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the past year and recommendations for the coming year. Said report shall be read at the annual June meeting and a copy thereof forwarded to the State Department Adjutant. He shall perform such other duties as directed by the Post membership.

SECTION 2. DUTIES OF THE SENIOR VICE-COMMANDER. The Senior Vice-Commander shall assume and discharge the duties of the office of the Commander in the absence or disability of or when called upon by the Post Commander. He shall also serve as chairman of the Membership Committee.

SECTION 3. DUTIES OF THE JUNIOR VICE-COMMANDER. The Junior Vice-Commander shall perform such duties as may be required by the Commander and the Executive Committee. He shall also serve as the Chairman of the Welfare and Rehabilitation Committee.

SECTION 4. DUTIES OF THE POST ADJUTANT. The 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, render reports of membership annually or when called upon at a meeting, and under the direction of the Commander handle the correspondence of the Post.

SECTION 5. DUTIES OF THE FINANCE OFFICER. The Finance Officer of the Post 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 Executive Committee the condition of the finances of the Post with such recommendations as he may deem expedient or necessary for the raising of funds with which to carry on the activities of the Post. He shall furnish such surety bonds in such sums as shall be fixed by the Post Executive Committee. He shall also serve as Chairman of the Post Finance Committee.

SECTION 6. 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 other duties as may properly pertain to the office as may be determined by the Post or Executive Committee.

SECTION 7. DUTIES OF THE POST CHAPLAIN. The Post Chaplain shall be charged with spiritual welfare of the Post Comrades and shall offer divine 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.

SECTION 8. DUTIES OF THE 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 Executive Committee.



SECTION 9. DUTIES OF THE JUDGE ADVOCATE. The Post Judge Advocate shall perform such duties as may be ordered by the Commander and Executive Committee. He shall also serve as Chairman of the Legal Committee.

## ARTICLE V

SECTION 1. The Post Commander, immediately upon taking office each year shall appoint the following standing committees: Membership, House and Entertainment, Finance, Legal, Welfare and Rehabilitation, VAVS. There shall be a Life Membership Committee as provided in Section 8, Article V.

SECTION 2. MEMBERSHIP COMMITTEE. The Membership Committee shall have charge of all matters pertaining to the membership of the Post including the procuring of new members, reinstatement and eligibility of members. The Senior Vice-Commander shall act as Chairman. The Post must be the judge of this membership and all applicants must be voted on at a regular Post meeting. After the applicant is approved, the Adjutant will mail membership card and will notify the member to appear to take the American Legion obligation and receive lapel button. This attendance shall be requested for all new members.

SECTION 3. WELFARE AND REHABILITATION COMMITTEE. The Welfare and Rehabilitation Committee shall supervise the raising and disbursement of all funds used for welfare and rehabilitation and relief of those in need. This Committee will further be charged with care of the sick or bereaved and may be charged with aid and service to all children of veterans. Request for aids of all types shall be handled by this Committee. Disbursement from the Welfare Fund shall be approved by this Committee subject to further approval by the Executive Committee. The annual Poppy Sale shall also be under this Committee's direction. The Junior Vice-Commander shall act as Chairman and the Post Service and Welfare Officer shall act as Vice-Chairman.

SECTION 4. FINANCE COMMITTEE. The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, distributing, and accounting of all Post funds. The three members-at-large of the Executive Committee shall conduct an annual audit of the Finance Officer's records and report on same at the regular June meeting. The Finance Officer shall serve as Chairman of the Post Finance Committee.

SECTION 5. HOUSE AND ENTERTAINMENT COMMITTEE. The House and Entertainment Committee shall promote and supervise all activities which bring the Post or its Members in contact with the public. It shall prepare programs of all Post meetings, formal events and pass on all money-making projects except as provided by the By-Laws. It shall further be charged with the development of an adequate athletic and recreation program. A member of the Executive Committee shall act as Chairman.

SECTION 6. PUBLICITY COMMITTEE. The Publicity Committee shall prepare and disseminate all proper news concerning the Post and its activities to the fullest extent possible. It shall also assist the Post Adjutant in preparing the regular monthly bulletin and of special notices that may be required by the Commander and Executive Committee. It shall also be charged with the development of an Americanism Program for the education of the general public in American ideals. The Post Historian or a member of the Executive Committee shall act as Chairman.



SECTION 7. LEGAL COMMITTEE. The Legal Committee shall perform such duties as may be ordered by the Commander and the Executive Committee and shall act as legal advisor on any problem that arises in the Post. It shall be charged with the development of the program pertaining to National Civilian and Home Defense. The Post Judge Advocate shall act as Chairman.

SECTION 8. LIFE MEMBERSHIP COMMITTEE. The Life Membership Committee shall consist of all the Life Members of the Erwin Prieskorn Post #46 and shall act as nominating committee to select members whom it feels are eligible to become life members of the Post.

At the October meeting of the Erwin Prieskorn Post #46, the membership present at the Post meeting shall decide the number of Life Memberships to be awarded during the current year, and the Life Membership Committee shall be notified by the Adjutant as to the number of Life Memberships to be awarded. At the first meeting of the Life Membership Committee it shall elect a Chairman and a Secretary. The Life Membership Committee shall then select more than the number of persons decided upon by the Post. Each person so selected shall be thoroughly investigated and a written report on each member so selected shall be submitted to the Post members at the regular December meeting. This report shall show the number of years membership in the American Legion, the minimum being fifteen consecutive years and five of which must be as a number of Post #46. Also the nominee must have been elected and served at least one year on the executive board of American Legion Post #46. The report shall further show all offices held and activities participated in on a Post and/or District, State and National level, any Community Service, and/or any other information which will thoroughly inform the membership as to the eligibility of the person so selected for the Life Membership award. Nothing herein contained shall prohibit the membership from nominating selections for Life Membership from the floor providing a written report as outlined above must be submitted at the December meeting. A secret ballot shall be taken by the membership present at the January Post meeting and the number of awards previously decided upon by the Post for Life Membership will be granted to the nominee/nominees who receive the highest number of votes. Life Membership awards shall be presented on a date selected by the Executive Committee.

## ARTICLE VI

SECTION 1. All resolutions of State or National scope presented to this Post by members 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 taken other than mere passage by the Post.

## ARTICLE VII

SECTION 1. The regular meeting of the Post shall be held at the site, time, and dates designated in the Post Newsletter on the first Monday of each month at which time may be transacted such business as may be brought up for action. All meetings will be conducted, opened and closed as per National Manual of Ceremonies and Post Commander's Guide. Such meetings may be converted to entertainment meetings if deemed advisable by the officers of the Post. The regular Post meeting held no more than 60 days and no less than 30 days prior to the Department of Michigan Annual Convention will be the meeting for election and installation of officers.

SECTION 2. The Post Commander or a majority of the Executive Committee may call a special meeting of the Post.

SECTION 3. Ten members of which four shall be officers shall constitute a quorum for post meeting.

### ARTICLE VIII

SECTION 1. Every member shall furnish the Post Adjutant with his or her address for mailing purposes.

SECTION 2. The Post Adjutant shall cause notices of all regular and special meetings to be given to all members at least seven days prior thereto.

### ARTICLE IX

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

### ARTICLE X LIMITATIONS OF LIABILITIES

SECTION 1. This Post shall incur, or cause to be incurred no liability nor obligation whatsoever which shall subject to liability any other Post subdivision, group of men, members of the American Legion, or other individuals, corporations or organizations.

### ARTICLE XI DUES

SECTION 1. The annual dues of this Post shall be determined by the Executive Committee, with approval of the membership.

SECTION 2. All members who have been suspended or have forfeited their membership because of failure to pay dues in accordance with Department and National Rules may be reinstated in accordance with the rules contained in Article IV, Section 5, or the Post Constitution.

### ARTICLE XII POST PROPERTY

SECTION 1. All of the real estate and permanent fixtures used in connection with such real estate shall be owned by the American Legion Memorial Home Association of the Erwin Prieskorn Post #46 of the American Legion, Incorporated. This is a non-profit corporation and all members in good standing of this Post shall automatically be members of the Home Association.

SECTION 2. All other equipment and assets now owned by the Post or its Home Association shall remain the property of the Post.

### ARTICLE XIII ELECTIONS

SECTION 1. The Post Commander shall appoint a nominating committee of three member at least sixty days prior to the date of the annual Post election.



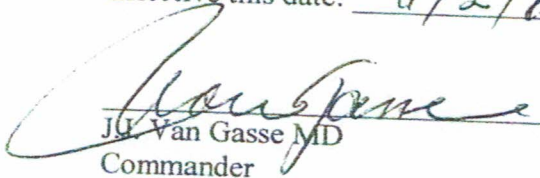
SECTION 2. The nominating committee shall report at the next regular Post meeting preceding the annual election. The membership shall have the right to nominate from the floor at any time.  
SECTION 3. The annual election shall be held not more than sixty nor less than thirty days prior to the Department of Michigan annual convention.

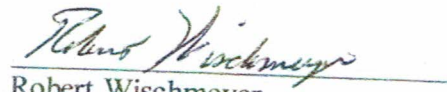
#### ARTICLE XIV AMENDMENTS

SECTION 1. These By-Laws may be amended at any regular meeting by a vote of two-thirds of the members of the 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 the post, and Provided further, that written notice shall have been given to all members at least ten days in advance of the date when such amendment is to be voted upon, notifying said members that at such a meeting a proposal to amend the By-Laws is to be voted upon.

SECTION 2. The newly elected Commander shall appoint a three (3) man By-Laws Committee within sixty days after taking office. This Committee will report to the Legion meeting within ninety days after being appointed. This committee will review the By-Laws and recommend any necessary changes in order to keep the By-Laws current.

Note: The above have been approved by the Membership and supercedes all previous By-Laws.  
Effective this date: 6/2/03

  
JG Van Gasse MD  
Commander

  
Robert Wischmeyer  
Adjutant

