

THE AMERICAN LEGION
DEPARTMENT OF CALIFORNIA
CAPTAIN ROYCE WILLIAMS POST 416
BYLAWS

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 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 Veterans organization shall be AMERICAN LEGION CAPTAIN ROYCE WILLIAMS POST NO. 416, DEPARTMENT OF CALIFORNIA. Hereafter referred to as “Post”.

Section 2. The Post is located in Encinitas, California.

Section 3. The mailing address shall be 210 West F Street, Encinitas, California 92024.

ARTICLE II – OBJECTS

The objects and purpose of the Post shall be to promote the principles and policies as set forth in the foregoing Preamble, and in the Articles of Incorporation of this Post, and in the National and Department Constitution of the American Legion.

ARTICLE III – NATURE

Section 1. This Post is a civilian organization. Rank does not exist in the Post. All references to rank or military titles shall be avoided in meetings to promote equality among members.

Section 2. This Post shall be absolutely non-political and shall not be used for the dissemination of partisan principles.

Section 3. Each member shall fulfill their civic duties with integrity and respect for others, regardless of background or identity.

ARTICLE IV – MEMBERSHIP

Section 1. The eligibility for membership in this Post shall be from those dates and conditions outlined in Article IV, Section 1, of the National Constitution of the American Legion. As of the LEGION Act (2019), eligibility includes all honorably discharged or currently serving U. S. Armed Forces members from December 7, 1941, to the present.

Section 2. There shall be no form nor class of membership except active membership.

Section 3. Candidates for membership shall make application upon a form prescribed by the Executive Committee of this Post; shall pay therewith the initiation fee and dues for the current calendar year; and shall furnish official evidence of eligibility, such as a DD-214.

Section 4. All membership applications

shall be referred to the Membership Committee, which shall, at each regular meeting of the Post, report upon all applications received during or after the previous regular meeting. A majority vote of those present and voting shall elect or reject a candidate. No member shall be elected who is currently a member of another Post. Reapplication is permitted without delay.

Section 5. No person who has been expelled by a Post shall be admitted to membership in this Post without the consent of the expelling Post, except where the consent has been asked for and denied by such Post, they may then appeal to the Department Executive Committee for permission to be admitted to membership to the Post, and shall be ineligible for membership until such permission is granted.

ARTICLE V – OFFICERS

Section 1. a.) The Officers of this Post shall be the Commander, the Vice Commanders, the Adjutant, the Finance Officer, the Chaplain, the Judge Advocate, the Service Officer, the Historian, and the Sergeant-at-Arms.

b.) The elective officers of the Post shall be the Commander, the Vice Commanders, the Adjutant, and six (6) members of the Executive Board (E-Board). The Commander shall appoint all other required officers. The Commander may appoint such other officers as he deems necessary for the good order of the Post.

c.) Any officer other than the Commander and Vice-Commanders may hold two or more of the above offices.

Section 2. Nomination of elective officers and members of the Executive Committee shall be held during the first regular meeting in April of each year and the announcement thereof shall be made by the Adjutant for the second round of nominations and elections at the regular meeting in May.

Section 3. a.) Post Officers shall be elected for a term of one (1) year at the regular Post meeting in May and shall be impressively installed in accordance with the prevailing National Manual of Ceremonies, before the first day of September of that year. The Executive Committee may be elected for a term of one (1) year, but not to exceed three (3) years, provided that at least one-third (1/3) of the said Executive Committee shall be elected in each Legion Year.

b.) All elections for opposed positions shall be by written secret ballot and a majority of all votes cast shall be required for the election of the Commander and Vice-Commanders. The other elected officers, if any, may be elected by a plurality vote as the Post may determine. The Secret Ballots shall be retained by the Adjutant for thirty (30) days immediately following the election.

Section 4. Any member in good standing, regardless of tenure, gender, or background, is eligible to hold office.

Section 5. The duties of the Officers and the Executive Committee shall be those usually pertaining to such Officers and voting as further provided for in these Bylaws.

Section 6. If any Post Officer or member of the Post Executive Committee shall be absent for three (3) consecutive regular meetings of the Post and/or the Executive Committee

without being excused by the Post Commander or the Executive Committee, such office may be declared vacant by a majority vote of those present and voting at a regular Post meeting held after a written notice to all members that such vote will be taken. The vacancy so created shall be filled by election or appointment at the next regular Post meeting by the same process as prescribed by the original election or appointment of that position. An excused absence shall be defined as one communicated in advance to the Post Commander or the Executive Committee due to illness, family emergency, military duty, or other reasonable cause.

ARTICLE VI – FINANCE

Section 1. No expenditure or appropriation shall be acted upon until it has been referred to the Finance Committee and their report has been presented to the Post.

Section 2. Emergency expenditures shall not exceed \$2,000.00. This cap shall be reviewed every two years to account for inflation and adjusted by vote of the Executive Committee. An Emergency Expenditure is any unplanned, time-sensitive financial outlay that must be authorized and executed before the next regularly scheduled meeting in order to protect the health, safety, or welfare of Post members, staff, volunteers, or visitors; to prevent immediate damage or loss to Post 416 property, equipment, or facilities; to ensure continuity of essential Post operations, including utilities, critical services, or contractual obligations that cannot be deferred; to respond to urgent legal or regulatory requirements where delay would place the Post at risk of penalties, liability, or non-compliance; to address unforeseen circumstances that, if not acted upon promptly, would significantly impair the Post's ability to fulfill its mission or commitments. All emergency expenditures shall be disclosed to the general membership at the next regular Post meeting.

Section 3. All Post expenditures, regardless of what conveyance or prior approval by the membership has taken place, shall require two (2) signatures of the Post Commander's pre-designated Post Officers.

Section 4. The fiscal year of the Post shall be from July 1st to June 30th of each year.

ARTICLE VII – THE AMERICAN LEGION AUXILIARY

Section 1. The Post recognizes an Auxiliary Organization to be known as the “Auxiliary Unit of Royce Williams Post No. 416, The American Legion, Department of California”.

Section 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion.

ARTICLE VIII– PROCEDURE

Section 1. The opening and closing of meetings, the initiation of new members, and the installation of officers shall be conducted as prescribed and approved by the National Convention of the American Legion in Kansas City, 1921, with subsequent amendments adopted and approved by subsequent conventions.

Section 2. Robert’s Rules of Order (current edition) shall govern all meetings unless these Bylaws state otherwise.

ARTICLE IX – EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall consist of a minimum of six (6) members in addition to the Commander, the Vice-Commanders, and the Adjutant.

Section 2. The Executive Committee shall review all matters affecting the Post and submit recommendations for Post approval before they take effect.

Section 3. The Post Commander shall serve as Chairman of the Executive Committee. The Vice-Commanders shall serve as Vice-Chairmen, and the Adjutant shall serve as Secretary.

Section 4. Only Elected Officers and Executive Committee Members are authorized to vote on matters before the Executive Committee. Appointed Officers may participate in discussion but are not permitted to vote.

ARTICLE X – MEETINGS

Section 1. The Post shall hold its regular meetings on the second Monday of each month at the Post. A regular meeting may be rescheduled if written notice is provided to all members before the start of the month in which the change will occur.

Section 2. Special meetings may be called by the Post Commander, by the Executive Committee, or upon the written request of at least seven (7) members. No special meeting shall be held unless it is announced by the Post Commander at the preceding regular meeting, or written notice is mailed or emailed to each member at least ten (10) days prior to the meeting. Such notice must state the time, place, and purpose of the special meeting.

Section 3. The Post, as the governing body, may deliberate and decide upon any matter at any meeting, whether or not the Executive Committee has previously addressed it.

Section 4. A quorum at all Post general meetings shall consist of a minimum of five (5) members.

Section 5. The Executive Committee shall meet at least once between regular Post meetings, at a time and place determined by the Committee. A simple majority of Committee members shall constitute a quorum. The Committee may also hold special meetings whenever the Committee itself or the Post Commander deems such meetings necessary. Written notice of any special meeting shall be mailed to each Committee member at least seventy-two (72) hours in advance and shall include the time, place, and purpose of the meeting.

Section 6. Participation in all Post meetings and elections shall be restricted to members whose dues are current and who are otherwise in good standing.

Section 7. Members shall vote in person only. Voting by proxy, delegation, or absentee ballot is not allowed under any circumstances.

Section 8. Meetings may be held via any generally accepted digital communications platform, including but not limited to email, video conferencing, or secure messaging apps. Member shall be notified at least ten (10) days in advance.

ARTICLE XI – DUTIES OF OFFICERS

Section 1. Duties of the Commander

The Post Commander shall preside over all Post meetings and provide general oversight of the Post's business affairs. The Commander serves as the Chief Executive Officer of the Post and shall carry out any additional duties assigned by the Post.

Section 2. Duties of the First Vice Commander

The First Vice Commander shall assume and carry out the duties of the Commander when the Commander is absent, incapacitated, or when requested to do so by the Post Commander. The First Vice Commander shall also perform any additional duties assigned by the Post.

Section 3. Duties of the Second Vice Commander

The Second Vice Commander shall assume the responsibilities of the First Vice Commander when that officer is absent, unable to serve, or when directed by the Post Commander. The Second Vice Commander shall also carry out any additional duties assigned by the Post.

Section 4. Duties of the Adjutant

The Adjutant shall be responsible for maintaining full and accurate records of all proceedings of every meeting and, under the direction of the Post Commander, shall manage all official correspondence of the Post.

Section 5. Duties of the Finance Officer

The Finance Officer is responsible for the custody and safeguarding of all Post funds. The Finance Officer shall maintain accurate financial accounts of the Post and provide financial reports at the Post's regular meetings. The Finance Officer shall receive all revenues of the Post and shall pay all expenses authorized by the Post.

Post funds include, but are not limited to, revenues and expenditures derived from membership dues, fundraising activities, and the operation of the Post canteen. All canteen income and expenses shall be incorporated into the Post's financial accounts and reported as part of the Finance Officer's regular financial reporting.

The Finance Officer, along with any other officers or positions designated by the Post Bylaws as having responsibility for handling Post funds, shall be bonded at the expense of the Post.

Section 6. Duties of the Historian

The Historian is responsible for maintaining the records, events, and notable activities of the Post and its members. The Historian shall also carry out any additional duties assigned by the Post or the Executive Committee.

Section 7. Duties of the Judge Advocate

The Post Judge Advocate shall advise the Post Officers on the construction and interpretation of the Post Bylaws and shall perform such other duties as are usually incident to the office. The Post Judge Advocate is not authorized to render legal advice or provide legal representation; any matter requiring legal counsel shall be referred to a duly qualified attorney.

Section 8. Duties of the Post Chaplain

The Post Chaplain is entrusted with the spiritual welfare of the Post's comrades. The Chaplain shall offer divine, non-sectarian services at dedications, funerals, memorial observances, public functions, and other appropriate occasions. The Chaplain shall also uphold and administer such ceremonial rituals as may be prescribed or recommended by the National Headquarters or the Department Headquarters.

Section 9. Duties of the Sergeant-at-Arms

The Sergeant-at-Arms is responsible for maintaining order at all meetings, ensuring proper conduct in accordance with Post procedures, and performing any additional duties assigned by the Post.

Section 10. Duties of the Service Officer

The Service Officer shall assist veterans, their dependents, and survivors in the preparation and prosecution of claims, and shall safeguard their rights and privileges. The Service Officer shall further perform all duties customarily associated with the office, along with any additional responsibilities properly assigned

ARTICLE XII – DUTIES, FEES AND FUNDS

Section 1. The annual dues for the Post shall not be less than the combined Department and National per-capita dues, and shall be payable annually, in advance. Any change to this amount may be made upon recommendation of the Executive Committee, provided

the proposed change is read at two (2) regular meetings at which a quorum is present, and is adopted by a two-thirds (2/3) majority vote of the members present and voting.

Section 2. The membership initiation fees, if any, shall be a fixed amount and approved by the Post.

Section 3. From such dues and fees, the Post shall pay all per-capita taxes and assessments and such other expenditures as the Post may approve.

Section 4. A member whose dues for the current year have not been paid by January 1 shall be considered delinquent. A delinquent member who pays dues on or before February 1 shall be automatically reinstated. A member whose dues remain unpaid after February 1 shall be suspended from all privileges of membership. Any member who remains under suspension on June 30 of that year shall have their membership in The American Legion forfeited.

A member whose membership has been suspended or forfeited may be reinstated to active membership in good standing upon a vote of the Post and payment of the current year's dues. Any break in membership may affect continuous membership privileges and benefits.

To avoid termination of continuous membership, a member who has forfeited their membership may pay past dues for only the immediately preceding year, provided such dues are paid no later than December 30 of the current year. The Post may charge a separate initiation fee for reinstatement of continuous membership.

ARTICLE XIII – DELEGATES AND REPRESENTATIVES

Section 1. Delegates and alternates to represent the Post at Department conventions shall be elected at a regular meeting of the Post by a vote of the members present and voting. The election shall be conducted and reported at least twenty (20) days before the convening of the Department convention. The Post Commander shall announce the time and place of the election at least one (1) regular meeting in advance.

Section 2. Delegates to the Area Council and representatives to the District Council shall be appointed or elected in accordance with the governing provisions of the respective Area Council and District Bylaws. All delegates and representatives shall serve a term of one (1) year.

ARTICLE XIV – APPOINTMENTS

Section 1. Upon taking office each year, the Post Commander shall appoint a Finance Committee and any other committees deemed necessary for the proper functioning of the Post. Standing committees shall consist of the number of members determined by the Post, and the Post Commander shall designate each committee chair.

Section 2. The Post shall maintain complete financial records and have them reviewed each year. The review must be done by either a licensed accountant or a committee of three (3) qualified members who do not handle Post funds. This review must be completed before October 1st and must cover the Post's previous fiscal year.

If the Post has annual revenues of fifty thousand dollars (\$50,000) or more, the financial records must be reviewed by a reputable bookkeeper or certified public accountant. A copy of that report must be attached to the Post Financial Audit Certification.

The Post must notify the Department Adjutant by November 15th each year that the review has been completed, and must send the original certification to the District Commander.

The Department Commander, Department Executive Committee, District Commander, Post Commander, or Post Executive Committee may require an additional audit at any time during the year.

If the Post does not submit the required certification on time, or by an approved extension, the Post will be placed on probation until the Department Adjutant confirms that the certification has been received.

“Examination of records” means a formal review of all Post financial books, accounts, and supporting documents to verify accuracy, completeness, and compliance with Post, Department, and National financial procedures. The examination shall include review of ledgers, bank statements, receipts, disbursements, and internal financial controls, and shall result in a written report to the Post.

Section 3. The Membership Committee shall be responsible for all matters relating to Post membership, including the recruitment of new members, the reinstatement of former members, and the verification of member eligibility, subject to the approval of the Post.

Section 4. The Finance Committee shall be responsible for administering the financial policies of the Post, preparing an annual budget with recommendations for Post approval, and supervising the receipt, disbursement, and accounting of all Post funds. These duties are mandatory and shall be carried out in accordance with Post, Department, and National financial procedures.

Section 5. Any group using the Post's name or assets shall have its governing body elected by the Post membership. At least one-third (1/3) of the group's leadership shall be ratified annually by the Post.

ARTICLE XV – LIMITATIONS OF LIABILITY

The Post shall not incur, nor permit to be incurred, any liability or obligation that would impose financial or legal responsibility upon any other individual, corporation, or organization.

ARTICLE XVI – ADMINISTRATIVE HEARINGS

Members of the Post shall be subject to disciplinary action in accordance with the Department Administrative Hearing Manual, as adopted and as amended from time to time. A copy of the verdict, certified by the Post Commander and Post Adjutant, shall be promptly forwarded to the Department Adjutant.

ARTICLE XVII – RECALL PROVISIONS

Section 1. A petition signed by at least ten (10) percent of the members in good standing requesting a recall election for an elective officer or a member of the Executive Committee may be filed with the Post Adjutant at any time. Within five (5) days of filing, the Post Adjutant shall verify the validity of the signatures using the best available Post records and shall submit the petition and a report of the verification to the Executive Committee at its next meeting.

If the Post Adjutant's report confirms that at least ten (10) percent of the membership has signed the petition, the Executive Committee shall set the date for the recall election. The election shall be held at a regular Post meeting occurring not less than two (2) weeks and not more than six (6) weeks after that Executive Committee meeting.

If fewer than ten (10) percent of the membership is verified as having signed, the petition shall be returned to the member who filed it. That member shall have ten (10) days to obtain the required number of valid signatures and refile the petition. Upon re-filing, the Post Adjutant shall re-verify the signatures and resubmit the petition and report to the Executive Committee at its next meeting. If the petition is then found sufficient, the recall election shall be scheduled as provided above.

Section 2. Notice of the date, time, and place of the recall election shall be sent by U.S. mail or electronic mail to each member in good standing at the address or email address listed in the Post records, and shall also be posted at the Post for at least ten (10) days prior to the election.

Section 3. All recall elections shall be concluded by a written secret ballot.

Section 4. At the recall election, the ballot shall read:

“Shall [Name of Officer or Executive Committee Member] be recalled?”

YES ____

NO ____

A “Yes” vote shall be counted in favor of the recall, and a “No” vote shall be counted against the recall. Only members in good standing are entitled to vote in the recall election.

Section 5. If the officer or Executive Committee member is recalled, the Post shall elect a successor to fill the unexpired term at its next regular meeting. Nominations shall be taken the same night as the election. The recalled individual shall not be eligible to be a candidate for the vacancy.

ARTICLE XVIII – AMENDMENTS

Section 1. Proposed amendments to these Bylaws shall be submitted in writing at a regular Post meeting and read at that meeting. At the next regular meeting, or at a later meeting if postponed, the amendment may be adopted by a two-thirds (2/3) affirmative vote of the members present and voting. All adopted amendments shall be certified in writing by the Post Commander and Post Adjutant before submission to the American Legion Department of California.

Section 2. These Bylaws shall be amended to conform to any changes in the National and Department Constitution and Bylaws no later than ninety (90) days after the close of the National Convention of The American Legion. Failure of the Post to adopt the required amendments shall not delay or alter the effect of those changes.

Section 3. Any amendment initiated by the Post shall not take effect until approved by the Constitution and Bylaws Commission of the Department of California. However, the amendment may be temporarily enforced pending Department action, provided it does not conflict with the National Constitution and Bylaws, the Department Constitution and Bylaws, or the adopted policies of either.

ARTICLE XIX – ETHICS STATEMENT

All members and officers shall uphold the highest standards of honesty, respect, and service. Discrimination, harassment, or abuse of authority shall not be tolerated.

ARTICLE XX – CONFLICT OF INTEREST

Any officer or committee member with a financial or personal interest in a matter before the Post shall disclose that interest and shall refrain from voting or participating in the decision. The member may speak to the matter so long as they do not take part in the vote.

ARTICLE XXI – DIGITAL ARCHIVE POLICY

The Post shall maintain a secure digital archive of meeting minutes, financial reports, ceremonial records, and historical materials. Access shall be granted to officers and members upon request, with sensitive data protected in accordance with the Department of California guidelines.

CERTIFICATION

Above the signatures of the Post Commander and Post Adjutant, certify to the following:

“We hereby certify that the above Bylaws were read at two (2) meetings of the Post and adopted on _____, a quorum being present and by a two-thirds (2/3) vote of those present and voting.”

First Reading _____

Second Reading and Adoption _____

Signed By:

_____ Post Commander

_____ Post Adjutant