

**Spartanburg Post 28  
The American Legion  
Department of South Carolina  
By-Laws**

**Article I**

**Section 1.** The post existing under these By-Laws is to be known as Spartanburg Post 28, The American Legion, Department of South Carolina.

**Section 2.** The objectives and purposes of this post are set forth in the Constitution.

**Article II – Management**

**Section 1.** The government and management of the post is entrusted to the post Executive Committee.

**Section 2.** The Post 28 Executive Committee shall consist of the current officers of the post and the two most recent past Post 28 commanders who are currently active members of the post and not otherwise holding a current Post 28 elective office. The post officers shall be elected annually at the first regular meeting in May and take office via an installation ceremony at the June meeting following that election. All elections of officers shall be by ballot, and the candidate for an office receiving the highest number of votes for the office shall be elected to the respective office.

**Section 3.** All vacancies existing in any Post 28 office 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 office to which appointed. A vacancy shall exist when an officer is absent from the post for a continuous period considered detrimental to the interest of the post by the Executive Committee.

**Article III – Post Executive Committee**

**Section 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 10 days after the installation of the new officers. Thereafter, the post Executive Committee shall meet at the call of the post commander as often as said commander may deem necessary. The post 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, seven members of the Executive Committee shall constitute a quorum thereof.

**Section 2.** The post Executive Committee shall hire such employees or contractors as may be necessary; shall authorize and approve all expenditures; shall require adequate bond from all persons having the custody of post funds; shall hear the reports of the post committee chairs; and shall have charge of and be responsible for establishing post policies and procedures and overseeing management of Post 28.

## **Article IV – Duties of Officers**

**Section 1. Duties of the Post Commander.** It shall be the duty of the Post Commander to preside at all meetings of the post, to have general supervision over the business and affairs of the post, and to be the chief executive officer of the post. The Commander shall appoint all chairman and members of post committees; the Commander 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 thereof immediately forwarded to the department Adjutant. The Post Commander shall be head of the post delegation at all departmental, civic, and social functions, and perform such other duties as directed by the post.

**Section 2. Duties of the first Vice Commander.** The first 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, and carry out other duties as assigned by the Post Commander.

**Section 3. Duties of the second Vice Commander.** The second Vice Commander shall assume and discharge the duties of the office of the Commander in the absence or disability of the first Vice Commander, and carry out other duties as assigned by the Post Commander.

**Section 4. Duties of Post Adjutant.** The Adjutant shall have charge of and keep full and correct record of all proceedings of all meetings, keep such records as the department and national organizations may require, render reports to the membership annually and when called upon at a meeting, and, under the direction of the Post Commander, handle all correspondence of the post.

**Section 5. Duties of the Finance Officer.** The Post Finance Officer shall have charge of all finances and ensure that they are safely deposited in one or more local banks in a timely manner. The Post Finance Officer shall report once a month to the Executive Committee concerning the condition of the finances of the post, with such recommendations as may be deemed expedient or necessary for raising funds with which to carry on the activities of the post. The Finance Officer shall sign all checks disbursing the funds of the post, and shall furnish such surety bonds in such sum as shall be fixed by the post Executive Committee. The Post Finance Officer, with the advice and consent of the Executive Committee, may authorize the Post Adjutant to sign checks disbursing post funds in his stead.

**Section 6. Duties of the Post Service Officer.** The Post Service Officer shall aid and assist veterans and their dependents in making their claims for benefits under existing laws, and perform such other duties as assigned by the Post Commander.

**Section 7. Duties of the Post Chaplain.** The Post Chaplain shall be charged with spiritual welfare of the post members and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, and post meetings, and adhere to such ceremonial rituals as are recommended by the national and department headquarters from time to time.

**Section 8. Duties of Post 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 pertain to the office as determined by the Post Commander.

**Section 9. Duties of Post Sergeant-at-Arms.** The Sergeant-at-Arms shall preserve order at meetings and shall perform such other duties as may be from time to time assigned by the Post Commander.

## **Article V – Delegates**

**Section 1.** The delegation to a departmental convention shall be headed by the Post Commander, or his representative, and shall include other delegates as are selected to attend by the post membership at a regular meeting of the post held at least 20 days prior to the date of such convention. The delegation attending the convention may be reimbursed by the post for expenses, including transportation, registration, food, and lodging, as determined by policies set by the post Executive Committee.

## **Article VI – Appointments**

**Section 1.** The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Americanism, Membership, Child Welfare, Community Service, Finance, Audit, Building and Grounds, Athletics, and Publicity. Each standing committee shall consist of a chairman and such members as assigned by the Post Commander.

**Section 2. Americanism Committee.** The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements of proper observance of patriotic occasions, encouragement of patriotic and civic phases of instruction in schools, Americanization of aliens, education of the general public in American ideals, and activities for community and civic betterment.

**Section 3. Membership Committee.** The Membership Committee shall have charge of all matters pertaining to the membership of the post, including procuring new members, reinstatement, and eligibility of members.

**Section 4. Child Welfare Committee.** The Child Welfare Committee shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community, working for the betterment of child conditions, and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the American Legion's pledge that "no child of a war veteran shall be in need of the necessities of life" and "a square deal for every child."

**Section 5. Community Service Committee.** The Community Service Committee shall aid in all matters pertaining to veterans' just claims pertaining to service against the Federal or State governments, health care, housing, employment, relief and similar matters, and shall visit veterans in nearby hospitals, and comfort post members and their families when sick or bereaved.

**Section 6. Finance Committee.** The Finance Committee shall consist of five members and be charged with the administration of the financial policy, preparation of budget recommendations, and supervision of receiving disbursing, and accounting of all post funds. The Post Financial Officer shall chair this committee, with four other members assigned by the Commander.

**Section 7. Audit Committee.** The Audit Committee shall be responsible for audit of the post financial accounts. This audit shall be made at least annually and the results reported to the post at a minimum, the audit shall consist of a review of all accounts, deposits, checks, and invoices. Recommendations and findings will be made to the Commander and Executive Committee.

**Section 8. Building and Grounds Committee.** The Building and Grounds Committee shall have charge of all matters pertaining to the care, maintenance, repair and restoration of the post home and grounds, and in promoting the use of the post facilities for social functions and activities of members and non-members.

**Section 9. Athletics Committee.** The Athletics Committee shall be charged with promotion of physical development, clean sports, and good citizenship by the organization of post athletic

teams, recreation activities, and athletic functions for youth and members, and by support and cooperation in the general recreational and athletic programs of the community.

**Section 10. Publicity Committee.** The Publicity Committee shall be charged with promotion of public support of the Legion's programs by establishing proper contacts with The American Legion Magazine, departmental and national Legion news service, and by local publicity of post programs and activities.

**Section 11.** The Post Commander shall have the authority to appoint such other post committees as deemed necessary for the good of the post.

## **Article VII – Resolutions**

**Section 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 copy of same shall be forwarded to the action other than mere passage by the post is taken.

## **Article VIII – Meetings**

**Section 1.** The regular meeting of Post 28 shall be held at the post home in Duncan Park on the first Saturday of each month, at which may be transacted such business as many be properly brought for action; such meetings may be convened into entertainment meetings, as may be deemed appropriate by the Post Commander.

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

**Section 3.** Upon written request of twelve (12) members, the Post Commander or majority of the Executive Committee shall call a special meeting of the post.

**Section 4.** Twelve members shall constitute a quorum.

## **Article IX – Notices**

**Section 1.** Each member shall furnish the post adjutant with an address for mailing which shall be kept current by the member when a change of address occurs.

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

## **Article X – Rules of Order**

**Section 1.** All proceedings of Post 28 shall be conducted under and pursuant to Robert's Rules of Order, except as herein otherwise provided.

## **Article XI – Limitation of Liability**

**Section 1.** Post 28 shall incur, or cause to be incurred, no liability nor obligation whatever which shall be subject to liability any other post, subdivision, members of the American Legion, or other individuals, corporations, or organizations.

## **Article XII – Amendments**

**Section 1.** These By-Laws may be amended at any regular post meeting by a vote of two-thirds of the members of Post 28 attending such regular meeting, providing that the proposed amendment shall have been submitted in writing further, that written notice shall have been given to all members at least ten (10) calendar days in advance of the date said 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.