



**The American Legion  
Department of Nevada  
Gerald C. Daniel Post #37**



# **BY-LAWS**

## **ARTICLE I**

### **NAME**

**Section 1.** The Post existing under these By- Laws is to be known as GERALD C. DANIEL Post #37, American Legion, Department of Nevada.

**Section 2.** The objects of this Post are as set forth in the Constitution.

## **ARTICLE II**

### **MANAGEMENT**

**Section 1.** The government and management of Gerald C. Daniel Post #37 are entrusted to an Executive Committee of 14 members to be known as the Executive Committee.

**Section 2.** The Executive Committee shall consist of the Commander, 1st Vice Commander, 2nd Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Service Officer, Sergeant at Arms, Judge Advocate, Junior Past Commander and three Trustees. Each elected member of the Executive Committee has one vote with the exception of the Commander; who will cast a vote only to break a tie.

**Section 3.** The Commander, Vice Commander, Historian, Chaplain, Sergeant at Arms, Judge Advocate and one Trustee shall be elected annually. The Trustee will be elected for a three year term. The newly elected Commander shall appoint an Adjutant, Finance Officer and Service Officer who must be approved by the Executive Committee within ten days of the election.

**Section 4.** All elective officers shall be elected at the General Meeting held in May and shall take office at the next meeting following the Department Convention. Newly elected Post Officers shall be installed no later than forty-five days after the close of the annual Department Convention, and all Post Officers shall have their dues paid for the year of their term of office by the time of their installation. The installation ceremony of the new officers will be held at an appropriate time determined by the newly elected Commander.

**4b.** The Adjutant will prepare an absentee ballot and will disseminate said ballots to any member in good standing that requests ballots, in writing, at least ten days prior to the election, after ascertaining that the member has an acceptable reason for the absence at the election. Absentee ballots must be received by the Post Adjutant prior to the scheduled election.

**4c.** Every member, in good standing, shall be eligible to hold office in any post, except those that are full time paid employees of the Post.

## ARTICLE III

### POST EXECUTIVE COMMITTEE

**Section 1.** The Executive Committee shall meet on the 1st Thursday of every month at 1800 hours and any special sessions as may be called by the Commander. A special session may also be called by written request of three or more members of the Executive Committee. Fifty percent of the Executive Committee shall constitute a quorum. Only the business cited in the call for a special session may be acted upon.

**Section 2.** All vacancies existing in the Executive Committee or in any office of the Post from any cause other than the expiration of their term shall be appointed by the Commander and approved by the Executive Committee. A person so appointed shall hold office for the remainder of the term of the member of the Committee or Office whom they succeed. A vacancy shall exist when an officer is absent from his post for three consecutive Executive/General meetings without cause and it is considered detrimental to the interest of the Post by the Executive Committee, and that said member shall be notified, in writing, by certified mail at his last known address.

## 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 and to have general supervision over the business and affairs of the Post. He/she 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. He/she shall 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 Post Commander in the absence or disability of, or when called upon by the Post Commander. He/she shall be the chairperson of the Membership Committee and shall insure that all duties and responsibilities of said committee be carried out in accordance with Article VI, Section 11 of the By-Laws.

**Section 3.** Duties of the Second Vice Commander: The Second Vice Commander shall assume and discharge the duties of the office of Post Commander in the absence of the Post Commander and the First Vice Commander; or when called upon by the Post Commander. He/she shall be the chairperson of the Ceremonial Committee and the House and Entertainment Committee, in accordance with Article VI, Sections 3 and 9 of these By-Laws.

**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 direction of the Commander, handle all correspondence of the Post. He/she shall execute jointly, with the Post Commander, without personal liability, all contracts and other instruments in writing, provided and required by the Executive Committee and/or the Board of Trustees. He/she shall handle all correspondence of the Post and shall perform such other duties and acts as shall be required by the Executive Committee and/or the Board of Trustees.

**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 to the General and Executive Meetings the conditions of the finances of the Post, with such recommendations as he/she may deem expedient or necessary for raising for which to carry on the activities of the Post. He/she shall sign all checks disbursing the monies of the Post. He/she shall that security bonds are secured in such sums as shall be fixed by the Executive Committee. He/she shall chair the Finance Committee as outlined in Article VI, Section 6 of these By-Laws.

**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. He/she shall perform such other duties as may properly pertain to the office, as may be directed by the Executive Committee.

**Section 7.** Duties of the Post 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. He/she shall adhere to such ceremonial rituals as are recommended from time to time, by National or Department Headquarters. Upon notification of the death of a member, he/she will contact the family as soon as practical and report to the Commander any assistance needed. He/she shall chair the Visiting or VA VS Committee as outlined in Article VI, Section 16 of these By-Laws.

**Section 8:** Duties of the Sergeant at Arms: The Sergeant at Arms shall preserve order at all meetings. He/she shall be the custodian of the colors and arrange the meeting hall and shall assist the Post Commander and the Adjutant in the preliminary arrangements for the meeting. He/she shall be in charge of the color detail during the presentation and ceremonies of the colors. He/she shall be responsible for proper flag display and procedures used in opening and closing a meeting. He/she shall be responsible to train members of the Post color guard, burial detail and the other pageantry that is a part of the American Legion.

**Section 9:** Duties of the Judge Advocate: The Judge Advocate shall be the legal advisor to all officers and committees of the Post and of the Post itself.

**Section 10:** Duties of the Post Service Officer: The Post Service Officer shall advise the Post Officers and members of the benefits to which they are entitled under current legislation and that which is pending. He/she will utilize available expert services through Legion channels, as well as other agencies in the community and state. He/she will perform other duties normally belonging to such office, including assistance for Veterans Administrative Benefits.

**Section 11:** Duties of the Trustees: A Board of Trustees shall be created when needed as the Post acquires assets. The Board of Trustees of the Post shall be responsible for all real properties, inventories and building maintenance. In addition, the Board of Trustees is required to inventory the Social Club assets and audit the Bar Fund, at least monthly, and other duties as designated by the Post Commander.

**Section 12:** Duties of the Junior Past Commander: The Junior Past Commander shall be an advisor to the newly elected officers.

## **ARTICLE V**

### **DELEGATES**

**Section 1.** Delegates and alternates to the Department Convention shall be elected by ballot by the Post at a regular meeting to be held at least twenty days prior to the date of such convention. One delegate and one alternate shall be elected for each ten members or major portion thereof. Delegate fees shall be paid by the Post.

# ARTICLE VI

## APPOINTMENTS

**Section 1.** The Post Commander, immediately upon taking office each year, shall appoint as needed the following standing committees: Americanism, Ceremonials, Children and Youth, Economic, Finance, Foreign Relations, Graves Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, National Security, Sons of the American Legion and Visiting or Veterans Administrative Voluntary Services (VAVS). These standing committees shall consist of such members, and the chairman thereof, as shall be designated by the Post Commander.

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

**Section 3.** Ceremonials Committee: The principle duty of the Ceremonials Committee is to insure that all new members are properly initiated. The Committee must also concern itself with proper presentation of other rituals, burial detail and the wearing of the Legion regalia, as outlined in the Post Officers Guide.

**Section 4.** Children and Youth Committee: The Children and Youth Committee shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community, laboring 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 children of a veteran in obtaining the fulfillment of the 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.** Economics Committee: The Post Economics Committee is primarily concerned with local employment programs, veteran's preference, government employment and re-employment rights.

**Section 6.** Finance Committee: The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds.

**Section 7.** Foreign Relations: This committee has become active, as America has recognized its responsibility as a world leader. Maintaining and securing world peace and friendship abroad, through community endeavors have become as essential as and aspect of treaty law.

**Section 8.** Graves Registration and Memorial Committee: The duties of this committee involve recording of gravesites and complete information on veteran's burial in local cemeteries. Special assistance can be given the Service Officer in providing flags, headstones or proper interment in National cemeteries.

**Section 9.** House and Entertainment Committee: The House and Entertainment Committee shall have charge of all matters pertaining to the care of the Post quarters, promotion of club advantages and arrangement of social activities.

**Section 10.** Legislative Committee: The Legislative Committee needs to be cognizant of all legislative action being considered at all levels of government and should be ready to initiate action in support of our position when requested by the National, Department or local organization:

**Section 11.** Membership Committee: The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procurement of new members, reinstatement and eligibility of members.

**Section 12.** Public Relations Committee: The Public Relations Committee shall be charged with the promotion of public support of the Legion programs by the establishment of proper contact with the American Legion magazine, Department and National Legion News Service and by local publicity of Post programs and activities.

**Section 13.** Veteran's Affairs and Rehabilitation Committee: The Veteran's Affairs and Rehabilitation Committee 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.

**Section 14.** Security Committee: The Security Committee shall work with and coordinate Legion efforts with the Local Civil Defense Council on matters pertaining to National, civilian, and home defense. It shall 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.

**Section 15.** Sons of the American Legion Committee: This committee shall have supervision over the operation of the Post's Squadron of the Sons of the American Legion.

**Section 16.** Visiting or Veteran Administration Voluntary Services Committee: This committee is charged with the visiting and comforting of members and their families when sick or bereaved and with visiting ex-servicemen in nearby hospitals.

## **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 the Post on the subject and copy of same shall be forwarded to the Department Headquarters, via District 4, for its approval, before any publicity is given or action by the Post is taken.

## **ARTICLE VIII**

### **MEETINGS**

**Section 1.** The General Meetings of the Post shall be held at the Post Home, on the First Thursday of each month at 1900 hours at which may be transacted such business as may be properly brought up for action. Such meetings may be converted into entertainment meetings, as may be deemed advisable by the Officers of the Post. Meetings will be conducted, opened/closed as per the National "Manual of Ceremonies" and "Post Commander's Guide".

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

**Section 3.** Upon the written request of five members, the Executive Committee shall call a special meeting of the Post. Only the business acted in the call may be acted upon.

**Section 4.** Fifty percent of the Executive Committee members shall constitute a quorum for any Executive, General or Special meeting.

Thereafter and on this 1st day of March, A.D. 2019, the above and forgoing proposed and revised by-laws was approved, confirmed, ratified and adopted by GERALD C. DANIEL Post #37, the American Legion, Department of Nevada as its By- Laws.