



AMERICAN LEGION POST 351 BY-LAWS

ARTICLE I – NAME

Section 1. The Post existing under these By-Laws is to be known as:

**ERNEST M SCHULTZ, III POST 351
DEPARTMENT OF FLORIDA
FORT MYERS SHORES, FLORIDA**

ARTICLE II – MEMBERSHIP ELIGIBILITY

Section 1. Eligibility in the American Legion is established by having served honorably in any branch of the United States military according to and within the dates indicated below:

**December 7, 1941 to December 31, 1946
December 7, 1941 to August 15, 1945 (Merchant Marines only)**

June 25, 1950 to January 31, 1955

February 28, 1961 to May 7, 1975

August 24, 1982 to July 31, 1984

December 20, 1989 to January 31, 1990

August 2, 1990 to a date not determined at this time by the US Government.

Section 2. This post will recognize Veterans of the Canadian Legion who display current membership credentials.

Section 3. Current membership cards with the Veterans of Foreign Wars (VFW) will be recognized by the post. This is limited to any one person for three occasions. Membership eligibility in the VFW is considered automatic with the American Legion. The intent of this section is to encourage Legion membership by those Veterans who are eligible and have not joined the American Legion.

ARTICLE III – MANAGEMENT

Section 1. The government and management of this Post shall be entrusted to the Post Executive Committee, except as might otherwise be provided in the By-Laws. The Post Executive Committee shall be empowered to hire and/or terminate such employee as may be necessary; shall require adequate bonds on all persons having custody of Post funds and shall have charge of and be responsible for the management of the Post.

Section 2. Any officer may be removed from their position as prescribed in Article X, Section 14 of the Constitution, American Legion, Department of Florida, and to the Rules Governing Trials. Removal of any officer must be reported to the post at the meeting following any trial set forth in accordance with Article X, Section 14 stated above.

Section 3. All vacancies existing in the Executive Committee for any cause whatsoever, other than the expiration of their term, shall be filled by a majority vote of the remaining members of the committee. A person so appointed shall hold office for the unexpired term of the committee member whom he/she succeeds after ratification by the membership.

Section 4. 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 thirty (30) days after the installation of new officers. Thereafter, the Post Executive Committee shall meet the third (3rd) Saturday of each month at 10:00 AM or as often as the Post Commander may deem it necessary.

ARTICLE IV – ELECTION

Section 1. Elections shall be by ballot and no nominations from the floor are accepted on the day of the election. The nominating Committee, which the Commander will appoint, will make their report of a slate of officers. There will be one (1) reading at a regular meeting at which time nominations from the floor are accepted.

Section 2. Polls will be open from 8:00 AM to 5:00 PM on the day prior of the election. Ballots will be given to current card holding members of Post 351 only. Monitoring of balloting shall be supervised by two (2) members appointed by the Commander who are not on the ballot and will be in attendance at all times. The Commander shall appoint the Judge Advocate and three (3) tellers from the floor to tabulate ballots. The tabulated results of the ballots shall be presented to the Adjutant and then presented to the floor.

Section 3. A candidate(s) receiving the highest number of votes shall be deemed elected for their respective office for which they are a candidate. An unopposed candidate(s) may be elected by acclamation without a written ballot. No member shall run for, or hold more than one elected office at the same time in this Post. When there is a tie vote, Robert's Rules of Order shall prevail. (A tie broken by the flip of a coin).

Section 4. Absentee Ballots. Any member in good standing who wishes to vote in the post election of officers and being that they are either invalid, on vacation, or residing out of the immediate area will be able to cast their vote by requesting, in writing, an absentee ballot. This is to be done at the Post via US Mail no later than the night prior to the election.

ARTICLE V – DELEGATES

Section 1. Delegates and Alternates to the Department Convention shall be elected by ballot at the same time the officers are elected. Registration fees shall be paid by the Post. Delegates are required to attend all assigned and any other committee meetings possible. They will bring back a written report to be presented and read to the membership at the next regular meeting following the convention.

Section 2. Election of officers shall be held annually, not more than fifty (50) days before nor less than ten (10) days prior to the Department Convention, as prescribed by the Department Constitution and By-Laws.

ARTICLE VI – APPOINTMENTS

Section 1. The Post Commander immediately upon taking office each year, shall appoint an Adjutant, Service Officer, Judge Advocate, and House Committee Chairman. He/she will also set up such committees as are established in the Post Handbook and as may be applicable to the Post.

Section 2. In this Post, the maintenance of the building and grounds shall be in the hands of the House Chairman.

Section 3. The House Chairman will report on his activities at the monthly Executive Committee meeting.

ARTICLE VII – DUTIES OF THE OFFICERS

Section 1. POST COMMANDER: It shall be the duty of the Post Commander to preside at all meetings of the Post. He/she will have general supervision over the business and affairs of the Post, as well as such other duties as are spelled out in the Post Officers Guide.

Section 2. FIRST VICE COMMANDER: He/she is the membership chairman, will take the Commander's place in the Commander's absence, as well as such other duties that are spelled out in the Post Officers Guide.

Section 3. SECOND VICE COMMANDER: He/she will be the Activities Chairman and also has such other duties that are spelled out in the Post Officers Guide.

Section 4. THIRD VICE COMMANDER: He/she shall be the Post Liaison Representative attending all committee meetings possible and to furnish such information necessary to establish a better understanding between committees and officers. He/she will also be the Liaison Officer between the Ladies Auxiliary, Sons of the American Legion, and any other club that might use our facility. (Note, in the event that there is no Third Vice Commander, these duties will be split and shared between the First and Second Vice Commanders).

Section 5. POST ADJUTANT: The Adjutant shall be charged with the administration of the policies and mandates of the post. He/she shall have the custody of all equipment and moveable property of the post. He/she will keep a record of all meetings of the post and the Executive Committee. Other duties & responsibilities are outlined in the Post Officers Guide.

Section 6. FINANCE OFFICER: The Finance Officer is in charge of all finances of the Post with the responsibility to give a finance report to the Executive Committee and members once a month, as well as the duties that are spelled out in the Post Officers Guide.

Section 7. HISTORIAN: Shall be in charge of compiling the records of this Post for the future which can only be judged by the past. He/she shall also have the duties which are spelled out in the Post Officers Guide.

Section 8. JUDGE ADVOCATE: Is the guardian of the constitutional form of the Post Government. He/she also has other duties as spelled out in the Post Officers Guide.

Section 9. CHAPLAIN: Is the spiritual leader of the Post. He/she will work closely with the Commander and other officers of the Post as well as carry out duties so noted in the Post Officers Guide.

Section 10: POST SERVICE OFFICER: He/she has the duty to bring to the attention of all Veterans and their dependents the rights and benefits granted to them by law, as well as carry out other duties spelled out in the Post Officers Guide.

Section 11. SERGEANT AT ARMS: You are the Sentinel, the outer guard of the Post. You will introduce to the Commander all visiting comrades and guests of the Post. Additional duties are spelled out in the Post Officers Guide.

Section 12. TRUSTEES: There will be a body of five (5) members. Four (4) members elected plus the immediate Past Commander. (Unless the Past Commander seeks another office or declines, then five (5) members will be elected). The duties and responsibilities will be to assist and oversee the financial operation of the Post and its functions. (There will only be a total of five (5) Trustees in office at any given time).

ARTICLE VIII – RULES OF ORDER

Section 1. All proceedings of the Post shall be conducted under and pursuant to the latest Robert's Rules of Order, except as otherwise provided. Ten (10) members shall constitute a quorum for general membership meetings.

ARTICLE IX – RESOLUTIONS

Section 1. All resolutions of a 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 a copy of the same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action taken other than mere passage by the Post.

ARTICLE X – MEETINGS

Section 1. The regular meeting of the Post shall be held at the Post home on the third (3rd) Saturday of each month at 10:30 AM at which time business will be transacted accordingly.

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

Section 3. The Executive Committee will meet at 10:00 AM on the third (3rd) Saturday of each month.

ARTICLE XI – NOTICES

Section 1. Every member shall furnish the Post Adjutant with his/her home address, mailing address, and telephone number. It is the member's responsibility to keep the information current.

ARTICLE XII – APPROVALS

Section 1. These By-Laws have been approved by the Executive Committee, American Legion Post 351 of Ft Myers Shores, Florida.

Section 2. These By-Laws have been adopted by the Post membership in regular meeting on July 7, 1989. These By-Laws have been revised and adopted by the membership in regular meeting on January 21, 2006. These By-Laws have again been revised and adopted by the membership in a regular meeting on May 16, 2009.

Stephen E Urban, Jr
Post Adjutant

John Ebling
Post Commander

