

**CONSTITUTION OF CHRIS KYLE POST NO. 388  
MIDLOTHIAN, TEXAS  
DISTRICT 6, DEPARTMENT OF TEXAS, THE AMERICAN LEGION**

**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 the 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 goodwill 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**

The name of this organization shall be Chris Kyle Post No. 388, The American Legion.

**ARTICLE II – PURPOSE**

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

**ARTICLE III -- NATURE**

**Section 1.** This Post is a civilian organization and membership therein does not affect liability for military or police service.

**Section 2.** The American Legion, Department of Texas, Chris Kyle Post 388 shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

**Section 3.** Rank does not exist in The American Legion; no member shall be addressed by his/her military or naval title in any meeting, event, or activity of this Post.

**ARTICLE IV – ELIGIBILITY AND MEMBERSHIP**

**Section 1.** An individual is eligible for membership in The American Legion only if the individual:

A. has served in the Armed Forces of:

1. the United States at any time during

- a. the period of April 6, 1917, through November 11, 1918; or
- b. any time after December 7, 1941; or

2. a government associated with the United States Government during a period of time referred to in subsection A.1.a. & b. of this section and was a citizen of the United States when the individual entered that service; and

B. was honorably discharged or separated from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

**Section 2.** There shall be no form or class of membership except active membership. Membership shall be only through a Post, and dues shall be paid annually or for life.

**Section 3.** Application for membership shall be made in writing or via electronic form, under such regulations as may from time to time be prescribed by the Post Executive Committee.

**Section 4.** All applications for membership and transfers into this Post shall be acted upon at the next Post General Membership Meeting following the making of such application or transfer, and shall, at such meeting, be accepted, rejected, or referred for further investigation and consideration. If a majority of the members present at the Post General Membership Meeting cast their vote against the acceptance of such application, then such application shall be recorded as rejected.

**Section 5.** No person may be a member at any one time of more than one Post in The American Legion.

**Section 6.** No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been denied by such Post, the person may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post and shall be ineligible for membership until such permission is granted.

**Section 7.** Each Post shall be the judge of its own membership, subject only to the restrictions of the National and Department Constitution and By-laws.

**Section 8.** Transfers. Any member in good standing, to include members of Headquarters Post 345, moving or transferring to a Post near their home shall be transferred using The American Legion Member Data Form without additional payment of dues. The new Post shall be the judge of its own membership in accordance with Article III, Section 5, Department of Texas Constitution and By-laws. Dues already paid shall remain with the original Post and the transfer shall be complete upon issue of a new membership card.

**Section 9.** A member of this Post may only be disciplined in accordance with the Department Uniform Code of Procedure for Disciplinary Actions.

**Section 10.** If a member is expelled in a disciplinary proceeding, his/her membership is suspended until his/her final appeal is heard and a decision is rendered, and if he/she is expelled by the decision, he/she shall not be eligible for membership in this Post for one year from the date of expulsion, and then only

in the event his/her application for reinstatement is approved in the manner in which memberships are approved in this Post.

**Section 11.** Members found to be ineligible. If a Post determines one of its members is not eligible for membership, the Post shall notify the Department Adjutant at once in writing so that his name can be forwarded to the National Headquarters for removal from the membership rolls. It shall be presumed that a member who will not furnish proof of eligibility within 30 days of a written request, certified mail, return receipt requested is not eligible for membership in The American Legion.

## **ARTICLE V -- OFFICERS**

**Section 1.** The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By-laws, be under the supervision of a Post Executive Committee which shall consist of at least two (2) members in addition to the Officers of the Post. The term of office of members of the Post Executive Committee shall be for one (1) year, except for the Post Officers that are serving three (3) year terms per Article V, Section 4, below. This Post, by its By-laws, may provide for such other standing committees as the business of the organization may require.

**Section 2.** The officers of this Post shall be a Commander, a Vice Commander, an Adjutant, a Finance Officer, a Judge Advocate, a Historian, a Chaplain, a Sergeant at Arms, a Service Officer, and such other officers as may be deemed necessary by this organization.

**Section 3.** A nominating committee shall be appointed by the Post Executive Committee, who shall report their nominations to the regular monthly meeting next preceding the annual election of officers. Nominations may also be made from the floor at such meetings, and again at the meeting for the annual election.

**Section 4.** All Officers and Executive Committee members shall be elected annually, by majority vote on written ballots, at a Post meeting held not less than fifteen (15) days prior to the Department Convention and shall be installed not later than the first regular Post meeting in August following their election, in accordance with the Chris Kyle Post 388 Standard Operating Procedures.

Only those members holding current calendar year membership cards shall have the privilege to vote in the election.

Incumbent officers shall hold office until their successors are duly installed. Any Post Officer or Post Executive Committee member may be removed for cause by the Post Executive Committee, a two-thirds (2/3) vote of said Committee being necessary to affect such removal. The membership shall be entitled to be present at the Post Executive Committee meeting without voice or vote. The decision of the Post Executive Committee shall be subject to the approval or reversal by the Post membership at the next regular Post meeting where a quorum is present.

**Section 5.** The newly elected Post Officers shall be installed at a regular or special meeting, as may be designated by the Post Executive Committee, as soon as practicable after the annual election, not later than the first regular Post meeting in October following their election, and according to Article V, Section 4 of this Constitution.

**Section 6.** The duties of Officers and Executive Committee members shall be those usually appertaining to such Officers or Committee members and as further provided in the By-laws.

**Section 7.** Officers and Executive Committee members are expected to attend the regular meetings of the Post and Post Executive Committee. Failure of any Officer or Executive Committee member to attend three (3) successive meetings (PEC/business), without reasonable cause having been furnished the Post Adjutant or Post Commander, shall be cause for forfeiture of said office. The Post Executive Committee shall decide when an Officer has forfeited his/her right to continue in office, when or whether to declare such office vacant, and when to order an election to fill the vacancy.

**Section 8.** In case of vacancy in the offices of Commander, Adjutant, or Finance Officer for any cause, the vacancy shall be filled by election at any regular meeting provided at least 30 days' notice of such election has been given to the members. Any other officer position vacancy can be filled by appointment of the Commander to fulfill the remaining term of office until the subsequent election.

**Section 9.** The Post Commander, Vice Commander, Finance Officer, and Adjutant, who have not previously done so, will complete The American Legion Basic Training course found on The American Legion website (<https://www.legion.org/training>) prior to installation. This is to ensure the senior leadership of the Chris Kyle Post 388 are conducting all Post business within legal and recommended guidelines. Any of the aforementioned officers that do not submit a completion certificate prior to installation into said office will not be able to accept the office and a new election will be held at the next regular business meeting.

It is highly encouraged that rest of the post officers complete The American Legion Basic Training course found on The American Legion website (<https://www.legion.org/training>) within 90 days of installation as well but will be strictly voluntary in nature.

In addition, a Training Committee Chairman will be appointed by the Post Executive Committee. The Committee Chairman will then select three (3) to five (5) committee members. Committee members can be selected from across The American Legion Chris Kyle Family. The make-up of the committee shall be as follows:

- Chairman - Post Member
- Members -
  - 1 - 3 Post members
  - 1 SAL member
  - 1 ALA member

This committee will be responsible for establishing a training program for the Chris Kyle Post #388, SAL Squadron #388, and Riders Chapter #388 in which membership participation will be strictly voluntary in nature. In addition, if joined by the ALA Unit #388, it will also be responsible for establishing training for the ALA Unit #388.

This will include policies and procedures for recommended training of all membership and Officers. The policy and procedure document, once created, will need to be presented to and approved by the Post Executive Committee. Once approved the document will be presented to membership at the next

regularly scheduled business meeting and posted on the The American Legion Chris Kyle Family website, along with links to established training resources.

## **ARTICLE VI -- FINANCE**

**Section 1.** The revenue of this Post shall be derived from annual membership dues and from other such sources as may be proposed by the Post Executive Committee and approved by the Post.

**Section 2.** The amount of membership or initiation fees and the amount of annual dues shall be fixed as recommended by the Post Executive Committee and approved by the Post.

**Section 3.** The Post shall pay to Department Headquarters the Department and National annual membership dues within thirty (30) days from receipt thereof for each paid member of the Post.

**Section 4.** The Post Finance Officer, Post Commander, or Vice Commander shall sign all checks disbursing the monies of the Post as authorized by the Post Executive Committee.

**Section 5.** The Post Finance Officer, Post Commander, and Post Vice Commander will maintain access to all Post accounts and be issued debit cards for said accounts.

**Section 6.** The Post Commander, and in his absence, the Vice Commander, will have discretionary authority to authorize expenditures up to \$250. The Post Executive Committee will have discretionary authority to authorize expenditures up to \$500. All expenditures exceeding \$500 will require majority approval from Post membership.

Any expenditures not previously approved by Post membership shall be briefed to membership at the next regularly scheduled business meeting as part of the Finance Report.

**Section 7.** The Post shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee.

**Section 8.** Finance policies and procedures will be documented by the Post Finance Officer and approved by the Post Executive Committee. These policies and procedures can be amended at any time with approval by the Post Executive Committee and communicated to Post membership at the following business meeting.

## **ARTICLE VII -- CHARTER MEMBERS**

**Section 1.** Members who joined this Post prior to the issuance of permanent charter shall be known as charter members.

## **ARTICLE VIII -- AMERICAN LEGION AUXILIARY**

**Section 1.** This Post recognizes an auxiliary organization to be known as The American Legion Chris Kyle Auxiliary Unit No. 388.

**Section 2.** Membership in the Auxiliary shall be as prescribed by the National and Department of Texas Constitutions and By-laws of The American Legion Auxiliary.

## **ARTICLE IX -- AMENDMENTS**

**Section 1.** This Constitution is adopted subject to the provisions of the National and Department Constitution of The American Legion. Any amendment to said National Constitution or Department Constitution which conflicts with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

**Section 2.** This Constitution may be amended at any regular Post meeting, either in-person or electronically, by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Post Executive Committee in session and approved by it; or if rejected, in whole or in part, it may be taken to a regular Post meeting on a minority report; and provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post; and provided further, that written notice, via electronic or other form, shall have been given to all members at least 30 days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the constitution is to be voted upon.

**Section 3.** Anything not covered by this constitution shall be governed by the Constitution of the Department of Texas.

## **ARTICLE X -- REAL PROPERTY**

**Section 1.** After first complying with the Department and National Constitutions and following the procedures provided by the Department Adjutant, real property owned by the Post may be sold, leased or otherwise disposed of, where control of said property is involved, at any regular meeting by a vote of two-thirds (2/3) of the Post members attending a regular meeting. Said vote shall be held providing that the proposal shall have been submitted in writing (electronically or otherwise), after approval by a majority of the Post Executive Committee, if there be a Post Executive Committee, and further after approval by a majority of the Board of Trustees, if there be a Board of Trustees. Additionally, the proposed action must be read at the preceding regular meeting of the Post, and further notice shall have been given to all members by mail (electronic or otherwise) at least 15-days in advance of the date when such proposal is to be voted upon. Notice must also be given in the local press and radio and be posted on the Post bulletin board in the same time limits prior to the actual voting on the proposal.

**Section 2.** No real estate owned by this Post or trustee of this Post will be sold or used as collateral for a loan without the approval of the Department Executive Committee or where time is of the essence the Department Commander, who shall report said action to the next Department Executive Committee meeting.

**Section 3.** Any Post whose real estate becomes encumbered with a lien will notify the Department Adjutant within 7 days of receiving notice of the lien.

**Section 4.** Upon purchasing real estate, the Post will notify the Department of Texas.

## **ARTICLE XI – PROGRAMS**

**Section 1.** This Post may sponsor a Sons of The American Legion Squadron. Such Squadron, once formed, shall be subject to the rules, regulations and supervision of this Post as may be promulgated by the Post Executive Committee and ratified by the Post Membership, and which shall not conflict with the rules and regulations set up for the Sons of The American Legion by the National Executive Committee, The American Legion.

**Section 2.** Said SAL Squadron 388 may adopt its own Constitution and By-laws, subject to approval of the same by the Post Executive Committee. Until SAL Squadron 388 adopts its own Constitution and By-laws, it shall be governed by this Post rules and regulations, and by the recommended Constitution and By-laws of a SAL Squadron as has been approved by the Department Executive Committee, The American Legion, Department of Texas.

**Section 3.** Once created, this Post may cease its sponsorship of SAL Squadron 388 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

**Section 4.** This Post may sponsor a Legion Riders Chapter. Such Chapter, once formed, shall be subject to the rules, regulations and supervision of this Post as may be promulgated by the Post Executive Committee and ratified by the Post Membership.

**Section 5.** Said Legion Riders Chapter 388 may adopt its own Constitution and By-laws, subject to approval of the same by the Post Executive Committee. Until Legion Riders Chapter 388 adopts its own Constitution and By-laws, it shall be governed by Post 388 rules and regulations.

**Section 6.** Once created, this Post may cease its sponsorship of Legion Riders Chapter 388 for good cause, such as failure to maintain a minimum membership of at least 10 members, failure to function, participating in activities illegal, immoral, or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

**Section 7.** The Director of the Legion Riders Chapter must be a Legionnaire of the Chris Kyle Post 388.

## **ARTICLE XII – SOCIAL MEDIA AND THE INTERNET**

**Section 1.** Social Media Guidelines. All members of this post and all participants in the programs of this post are required to adhere to the Social Media Guidelines promulgated by the Department of Texas.

**Section 2.** Ownership of Domain Names and Social Media Accounts. Applicants for social media accounts and registrants of domain names for this post or its programs are serving as agents of this post and ownership of these accounts and domain names are vested in the Post. Applicants or registrants should obtain approval from the Post Executive Committee to establish a domain name or social media account. Applicants or registrants shall, upon demand, transfer the account or domain name to another individual designated by the Post Executive Committee.

**BY-LAWS OF CHRIS KYLE POST NO. 388  
MIDLOTHIAN, TEXAS  
DISTRICT 6, DEPARTMENT OF TEXAS, THE AMERICAN LEGION**

**ARTICLE I -- NAME**

**Section 1.** The Post existing under these By-laws is to be known as Chris Kyle Post No. 388, The American Legion.

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

**ARTICLE II -- MANAGEMENT**

**Section 1.** The government and management of the Post is entrusted to a Post Executive Committee which shall consist of the Officers of this Post, the Commander of SAL Squadron 388, the President of The American Legion Auxiliary Unit 388, the Director of the American Legion Riders Chapter 388, and the most recent Past Commander of Chris Kyle Post 388. These positions will be filled based on elections as provided in Article V, Section 4, of this Constitution, and all shall take office immediately upon installation.

**Section 2.** 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 ten days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Post Commander at least once a month and as often as said Post Commander may deem necessary. The Post Commander shall call a meeting of the Post Executive Committee upon the joint written request of three (3) or more members of said Post Executive Committee. A majority of the members of the Committee shall constitute a quorum thereof.

**Section 3.** The Post Executive committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall cause all funds to be placed in the hands of the Post Finance Officer for deposit and accounting purposes; shall hear the reports of Post Committee Chairmen, and generally, shall have charge of and be responsible for the management of the affairs of this Post. At the end of each fiscal year, a review committee shall be appointed with the Post Judge Advocate as Chairman to conduct a complete review of Post records, as well as before installation of a new Post Finance Officer. Except for hiring and firing of employees, all actions of the Post Executive Committee shall be submitted for approval to the membership at the next regular membership meeting.

**ARTICLE III -- DUTIES OF OFFICERS**

**Section 1. Duties of 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 such officer shall be the Chief Executive Officer of the Post. The Post 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 see that this Constitution and By-laws is observed. The Post Commander shall perform such other duties as are directed by the Post.

**Section 2. Duties of Post Vice Commander** — The Post 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 and shall be fully involved in, and responsible for, all aspects of Post Membership.

**Section 3. Duties of the Post Adjutant** — The Post 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, issue membership cards, handle certificates of transfer, render reports of membership annually or when called upon at a meeting, and under direction of the Post Commander, handle all correspondence of the Post. The Post Adjutant shall comply with Article V, Section 5, Department Constitution.

**Section 4. Duties of the Post Finance Officer** — The Post Finance Officer shall have charge of all finances and see that they are safely deposited in some local financial institution(s) and shall report once a month to the Post Executive Committee and the Post, in writing, the condition of the finances of the Post, with such recommendations as The Post Finance Officer may deem expedient or necessary for raising funds with which to carry on the activities of the Post.

**Section 5. Duties of Post Judge Advocate** — The Post Judge Advocate shall supply professional advice in the conduct of the Post business, or to retain proper counsel. The Post Judge Advocate shall be the Chairman of any committee concerning the amendment of the Post Constitution or By-laws. The Post Judge Advocate shall be in charge of the annual review of the Post financial accounts as set out in Article II, Section 3 of these By-laws. The Post Judge Advocate shall be responsible for the orderly conduct of disciplinary procedures.

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

**Section 7. Duties of 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., adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

**Section 8. Duties of Post Sergeant at Arms** — The Post Sergeant at Arms shall preserve order at all times and meetings and shall perform such other duties as may be from time to time assigned to the Post Sergeant at Arms by the Post Commander or Post Executive Committee. The Post Sergeant at Arms shall have charge of the Post Colors and shall not display or permit them to be displayed without specific authority of the Post Commander.

**Section 9. Duties of Post Service Officer** — The Post Service Officer shall comply with the Service Officer's Manual and Post Officers Guide of The American Legion, and recommendations of National and Department Headquarters, and needs of this Post.

## ARTICLE IV -- DELEGATES

**Section 1.** Delegates and alternates to a Department, Division, or District Convention shall be elected by the Post at a regular meeting of the Post to be held not less than fifteen (15) days prior to the date of such convention. However, the Post, by two-thirds (2/3) vote of members present may authorize the Post Commander to appoint said delegates. The Post Commander shall, immediately upon their election or appointment, designate the chairman. Alternates for delegates shall have all the privileges of registered delegates except that of voting. A registered delegate is one who has received his/her credentials after his/her registration fee has been paid.

**Section 2** Each duly registered delegate shall be entitled to one vote. At the time the delegates are elected, the Post will select either the Pro-Rata Rule or the Modified Unit Rule, as described below, as the method of voting for those delegates who do not attend the convention.

- Modified Unit Rule Each duly registered delegate shall be entitled to one vote unless there are less delegates than votes. Under those circumstances, each delegate will cast one vote, then any votes of absent delegates will be cast, in their entirety, in accordance with the majority of the delegates in attendance.
- Pro Rata Rule Each duly registered delegate shall be entitled to one vote unless there are less delegates than votes. Under those circumstances, each delegate present will be entitled to a portion of the total number of votes allocated to the Post that is directly proportional to the percentage that the delegate represents of the total delegation present.

**Section 3.** The chairman of the delegation shall cast the entire delegate vote on any convention matter, after first polling the delegates present, so as to reflect the vote of each delegate present.

## ARTICLE V -- 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 Department Headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

## ARTICLE VI -- DUES - FISCAL YEAR

**Section 1.** Annual dues shall be as prescribed by the Post and shall be payable on or before October 20th of each year for the succeeding calendar year. A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If his/her dues are paid on or before February first, he/she shall be automatically reinstated. If he/she is still delinquent after February first, he/she shall be suspended from all privileges. If he/she is still under such suspension on June thirtieth of such year, his/her membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs.

**Section 3.** The Chairman of the membership committee may recommend to the Post Executive Committee the names of members whose dues shall be paid for by the Post with reasons for such

recommendation. The Post Executive Committee shall have the power to approve or reject such recommendations except new members and transfers.

## **ARTICLE VII -- POST COMMITTEES APPOINTMENTS**

**Section 1.** The Post Commander, immediately upon taking office and each year of the term of office, shall appoint such standing committees as the Post Commander deems necessary for the efficient operation of the Post, such as those listed in the Post Officers Guide; the Post Commander shall also appoint such other committees as the Post Commander finds to be necessary from time to time. All of such committees shall consist of such members and the chairman thereof as shall be designated by the Post Commander and confirmed by the Post Executive Committee.

**Section 2.** The duties and functions of the respective Post committees shall be in accordance with the current Post Officers Guide of The American Legion and with the recommendations of National and Department Headquarters.

## **ARTICLE VIII -- MEETINGS**

**Section 1.** The regular and special meetings of the Post shall be held at the Midlothian Civic Center or as otherwise designated by the Post Commander to include virtual, at which place may be transacted such business as may properly be brought up for action, approve the minutes of the previous meeting and minutes of all Post Executive Committee meetings since the last regular meeting. Such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post. Procedure at regular meetings shall comply with the current Manual of Ceremonies.

**Section 2.** The scheduling of regular business meetings of the Post shall be as determined by the Post Executive Committee and approved by the Post membership. Other business or social meetings may be held as directed by the Post Commander and the Post Executive Committee.

**Section 3.** The Post Commander or a majority of the Post Executive Committee shall have power to call a special meeting of the Post at any time.

**Section 4.** Upon the written request by signed petition of not less than five (5) of the members in good standing of this Post delivered to the Post Commander, requesting a special meeting of the Post, the Post Commander shall call the said special meetings within not less than seven (7) days, nor more than fourteen (14) days after receipt of the said petition. In the said petition shall be stated the purpose for which the meeting is requested and matters not pertaining to said purpose for the meeting shall not be considered at such meeting. In notices given to the membership of said meeting, the subject matter to be discussed shall be stated. The Post Commander or a majority of the Post Executive Committee shall have the power to call a special meeting of the Post, and the notice of the call for this meeting sent to the membership shall contain the subject matter to be discussed at the said meeting, and the said meeting shall not discuss other matters not relating to said notice.

**Section 5.** At least four (4) members in good standing shall constitute a quorum at any regular or special meetings of the Post.

**Section 6.** In the event a public emergency or natural disaster makes the holding of an in-person meeting unlawful or impossible, the post may conduct its meeting by electronic or other remote access means as reasonably necessary for the duration of the emergency or disaster or as prescribed by the Post Commander and approved by the Post Executive Committee.

- A. The post shall use its best efforts to implement any such virtual meetings with full regard for the need to maintain as much as possible accessibility for all members, including those with disabilities and those who lack the access to sophisticated technology.
- B. Any action that could be taken at an in-person meeting, including amendment of the constitution and by-laws, may also be taken at a virtual meeting held pursuant to this provision.
- C. Any action taken at any such virtual meeting shall be ratified at the first regular in-person post meeting.
- D. During a virtual meeting, the post adjutant shall ensure that all participants are members in good standing and that a quorum is present.
- E. The post commander shall determine the need for a virtual meeting.
- F. If there is a vote, the Adjutant must make a record of the vote and ensure that every voter is sufficiently identified and a member of the Post in good standing.

## **ARTICLE IX -- NOTICES**

**Section 1. Current Address Policy** — Every member shall furnish the Post Adjutant with his/her address for mailing purposes. Notices sent to the last known address shall constitute sufficient legal notice.

**Section 2. Annual Election Policy** — The Post Adjutant shall cause written notice of the annual election to be given at least one (1) regular Post meeting prior to the election date, but in no event less than fifteen (15) days prior to the election date. Announcement of election should also be made public by posting said notice on the Post's website, monthly newsletter, local newspaper covering Post's membership area, email or other electronic communications, presently existing or existing in the future; however, such shall not relieve the Post of, at least, sending postcards, by United States Mail, postage prepaid, as previously stated above.

**Section 3. Statement of Nondiscrimination** — In its efforts to promote nondiscrimination, the Post does not discriminate on the basis of race, religion, color, national origin, gender, sex or disability in accordance with Title VI of the Civil Rights Act of 1964, as amended.

**Section 4. Whistleblower Protection Policy** — Neither the Post Commander, Post officers nor Post Executive Committee shall unlawfully retaliate against any member for bringing a grievance or complaint under these By-laws.

**Section 5. Conflict of Interest Policy** — No person in a position of authority over the Post, such as the Post Commander, Post Officers or members of the Post Executive Committee, may benefit personally from a decision he or she could make.

**Section 6. Written Documentation Retention/Destruction of Confidential and Sensitive Documents Policy** — Any person who possesses or maintains such information is required to take reasonable measures to protect against unauthorized access to or use of the information in connection with its disposal. In addition, Sarbanes-Oxley requires that records be retained for all audits and legal proceedings.

- Documents required to be maintained permanently:
  - (1) Audit Reports of Accounts
  - (2) Contracts and Leases
  - (3) Correspondence (Legal)
  - (4) Insurance Records
  - (5) Training Manuals
- Documents required to be maintained for a limited period of time:
  - (6) Accounts Payable/Receivable Ledgers – 7 years
  - (7) Bank Statements – 7 years
  - (8) Membership Applications – 3 years
  - (9) Tax Returns – 7 years

**Section 7. IRS Authority to Request Information (Public Disclosure Policy)** — The Post must make available for public inspections IRS annual returns and applications for exemption and must provide copies of such returns and applications to individuals who request them. Copies usually must be provided immediately in the case of in-person requests, and within 30 days in the case of written requests. As a tax-exempt organization, the Post may charge a reasonable copying fee plus actual postage, if any.

**Section 8. IRS 990 Compliance Policy** — The IRS Form 990 must be filed annually by the 15<sup>th</sup> day of the 5<sup>th</sup> month after the close of the tax year. The Pension Protection Act requires the IRS to revoke the tax-exempt status of any organization that fails to meet its annual filing requirement for three (3) consecutive years.

**Section 9. Review of Form 990 by Executive Committee** — The Post Finance Officer will create a timeline for compliance in the 3<sup>rd</sup> month following the previous tax year. Data will be gathered to complete the IRS Form 990 and shared with the Post Executive Committee no later than the Post Executive Committee March meeting. The Post Executive Committee will review the completed IRS Form 990 annually before it is sent to the IRS.

## **ARTICLE X -- RULES OF ORDER**

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

## **ARTICLE XI -- LIMITATIONS OF LIABILITIES**

This Post shall incur, or cause to be incurred, no liability, nor obligations whatsoever which shall subject to liability any other Post, subdivision, group of men or women, members of The American Legion, or other individuals, corporation, or organization.

## **ARTICLE XII -- AMENDMENTS**

These By-laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Post Executive Committee in session and approved by it; or if rejected in whole or in part, it may be taken to a regular Post meeting on a minority report; and provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and provided, further, that written notice shall have been given to all members at least 30 days in advance of the date when such amendment is to be voted upon, notifying all said members that at such meeting a proposal to amend the By-laws is to be voted upon.

**POST CERTIFICATION**

We, the following officers of Chris Kyle Post No. 388, The American Legion, hereby certify that the foregoing Constitution and By-laws, after due notice were given to all members, and were adopted at a regular meeting of this Post held on the 11<sup>th</sup> day of April 2022, A.D.

William D Wallace  
**POST COMMANDER**

Edgar Cheshire  
**ATTESTED: POST ADJUTANT**

\*\*\*\*\*

**DEPARTMENT CERTIFICATION**

Passed on by the Department Judge Advocate on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A.D., and  
Approved by the Department Executive Committee on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
A.D.

\_\_\_\_\_  
**DEPARTMENT JUDGE ADVOCATE**