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| The American Legion Department of FloridaJacksonville Memorial Post No. 88 3662 Spring Park RoadJacksonville, Florida 32207 |
| **CONSTITUTION AND BY-LAWS** |
| As Approved by the Post Membership On: |
| 2020 03 08 |
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| Signed By: |  |  |
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| Dale ComptonPost Adjutant |  | Jerry WilkinsonPost Commander |

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| **CONSTITUTION** |
| ARTICLE I - NAME  |
| Section 1. | The name of this organization shall be Jacksonville Memorial Post 88, The American Legion, Department of Florida. |
|  ARTICLE II – OBJECTS |
| Section 1. | The objects and purposes of this Post shall be to promote the principles and policies set forth in the foregoing preamble and the National and Department Constitution of the American Legion. |
| ARTICLE III – NATURE |
| Section 1. | The Post is a civilian organization and membership therein does not affect or increase liability for military or police service. |
| Section 2. | The American Legion shall be absolutely non-political and shall neither 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 military title in any meeting of this Post. |
| ARTICLE IV – MEMBERSHIP |
| Section 1. | Eligibility to membership in this post shall be as prescribed by the National Constitution of the American Legion. |
| Section 2. | Application for membership shall be made in writing with dues for the current year, to the Membership committee, who shall require satisfactory proof of the military record of the candidate making the application, then present the name of the candidate to the Executive Committee. Candidates for membership shall be elected to membership by majority vote at the next General Meeting.  |
| Section 3. | No person shall be a member of this Post who, at the same time is a member of any other Post of the American Legion. |
| Section 4. | Any member or Post Officer may be reprimanded, suspended or expelled from The American Legion only upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of The American Legion. Charges must be made under oath in writing by the accusers, and no member or officer shall lose his membership or office until given a fair trial. Any Post that conducts disciplinary proceedings through a trial must notify the District Commander at least (10) days in advance of any such trial, of the date, time and location where the trial is to be held. The District Commander shall detail a District Officer to attend the trial as an observer. The decision at the trial may be acquittal, reprimand, suspension, expulsion or, in the case of an Officer, removal from office and shall be reported to the Post forthwith and acted upon by the Post at its next regular meeting. The Post, except for a decision of acquittal, may affirm, modify or reverse any decision of the trial. The procedures and rules controlling the bringing of charges and the trial, for any trial held within the jurisdiction of The Department of Florida, shall be set forth by Department Executive Committee in that document entitled Rules Governing Trials. |

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| Section 5. | No person who has been expelled by a Post shall be admitted to membership in this Post, without consent of the expelling Post, except that where such consent has been asked for and denied by such Post, he or she may then appeal to the Department Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission has been granted. |
| Section 6. | **Guests:** Members may have guests visit the Post and its facilities as long as the member is present with the guest. The guest will not be allowed to purchase refreshments in the lounge. All refreshments for the guest will be purchased by the member only. The member is responsible for the guest at all times. If the member leaves the Post, then the guest is required to leave also. No exceptions. Guests eligible for membership are limited to 3 visits before membership application is made. |
| ARTICLE V – OFFICERS |
| Section 1. | The administrative affairs of this Post, except as may be otherwise provided for by the By-Laws, shall be under the supervision of the Executive Committee. The term of office of members shall be one year. 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 First Vice, Second Vice, Third Vice, and a Fourth Vice Commander, a Judge Advocate, an Adjutant, a Finance Officer, a Post Historian, a Post Chaplain, a Service Officer, a Sergeant-at-Arms, and an Assistant Sergeant-at-Arms, and any other such officers as may be deemed necessary by this Post. These officers, with the exception of the Post Adjutant, Service Officer and Judge Advocate, shall be nominated from the floor at the meetings preceding the annual election. The Post Adjutant, Service Officer and Judge Advocate shall be appointed to the office by the Commander with the approval and ratification of the Executive Committee (see executive committee, by laws Article 11, Section 2 of By Laws). All candidates, nominated for office must contact the Post Adjutant to show Their form DD2l4 with a Honorable Discharge. This information will have to be forwarded to the Department Adjutant, so it may be placed on file. |
| Section 3. | All officers and Executive Committeemen, with the exception of the Post Adjutant, Service Officer and Judge Advocate, shall be elected at each annual Post meeting of the Post and shall take office within (45) days after the Adjournment of the annual Department Convention, in the year of the election. The annual Post meeting shall be held not less than (15) days nor more than (60) Days prior to the Department Convention. Votes shall be cast by secret written Ballot. The polls will be open from 5:30 pm to 7:30 pm at each annual meeting, at the Post Home. The candidate(s) receiving the highest number of votes cast, shall be declared the winner. If for any reason a candidate receiving the highest number of votes, cannot serve or decides to serve in another office, then the candidate receiving the next highest number of votes will fill that office. The Post Commander shall appoint a (5) member election committee to man the polls, two members of that committee to be the Adjutant and Judge Advocate, to provide a suitable receptacle for the ballots and to count the ballots. The Post Adjutant shall see that a printed ballot is supplied to the Election Committee prior to the polls being open. No member will be permitted to vote unless he presents a current membership card, of Post 88, to the Committee. After the final tabulation of ballots. the ballots will be placed in a secured container and maintained for (60) days, then destroyed. The Adjutant shall maintain a copy of the elected officers. |

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| Section 4. | Absentee Ballots: will be available for those members residing or traveling out of Town on election day, and for those members with a verified valid excused absence, (i.e. family death, hospitalization, business conflict, etc.). Such ballots will be available as soon as possible after nominations are closed, to provide sufficient time for receipt and return of the absentee ballot(s) prior to election. Members submitting an absentee ballot must enclose a copy of their current membership card with their signed absentee ballot. |
| Section 5. | Every member of this Post, in good standing, shall be eligible to hold office in this Post. |
| Section 6. | The duties of officers and the Executive Committeemen shall be those usually pertaining to such officer(s) and office(s)and as further provided in the By-Laws. |
| ARTICLE VI – FINANCE |
| Section 1. | The revenue of this Post shall be derived from membership and/or initiation fees. From annual membership dues and such other sources as may be approved by the Post Executive Committee. |
| Section 2. | The amount of such membership or initiation fees and the amount of such annual Post dues shall be fixed and determined by the Post. |
| Section 3. | Honorary life membership to Post 88 shall be given to any member that has held the office of Post Commander for (3) TIMES, 5th District Commander. Northern Area Commander, Department Vice Commander, or Department of Florida Commander. |
| Section 4. | The Post shall pay Department Headquarters, national and department annual membership dues for every member of the Post. |
| ARTICLE VII – AMERICAN LEGION AUXILIARY |
| Section 1. | This Post recognizes an auxiliary organization to be known as the Auxiliary Unit No.88 of Jacksonville Memorial Post 88, The American Legion. |
| Section 2. | Membership in the Auxiliary shall be prescribed by the National Constitution of the American Legion Auxiliary. |
| ARTICLE VIII – SONS OF THE AMERICAN LEGION |
| Section 1. | This Post recognizes an organization to be known as Squadron 88, Sons of the American Legion. This organization is composed of any male descendant, adopted son(s) and stepsons of members of the American Legion, and such male descendants of veterans and who died in service during World War I, World War II, the Korean or Viet Nam conflicts or other Legion eligibility who died subsequent to their honorable discharge from such services, shall be eligible for membership. It is operated under the rules and regulations of the American Legion. |
| Section 2. | The Post Commander shall appoint a committee of (3) or more members of this Post To supervise the activities of this Squadron. |
| Section 3. | In any event, for any reason the SAL Squadron 88 of this post is dissolved all monetary assets and finances will automatically revert to Post 88. |

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| ARTICLE IX – LEGION RIDERS |
| Section 1. | This Post recognizes an organization to be known as Legion Riders Chapter 88. Any member of any American Legion, SAL Squadron, and or Auxiliary Unit in Good standing of any American Legion Post shall be eligible to join Legion Riders Chapter 88. The supervision of this Chapter shall be directed by the Commander of Post 88. |
| Section 2. | In any event, for any reason the Legion Riders chapter 88 is dissolved all monetary assets and finances will automatically revert to Post 88. |
| ARTICLE X – AMENDMENTS |
| Section 1. | This Constitution is adopted subject to the provisions of the National Constitution of the American Legion and the Department Constitution of the Department of Florida, The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealed or modifying the provisions of this constitution to the extent of such conflict. |
| Section 2. | This constitution may be amended at any regular meeting by a vote of two-thirds of the members of said Post attending such regular meeting, providing that the proposed amendments shall be submitted in writing and read at the next preceding 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 meeting for a proposal to amend the constitution is to be voted upon. Written notice shall be considered given to all members when such notice is published in the previous month's newsletter. |

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| **BY-LAWS** |
| ARTICLE I – NAME AND OBJECTS |
| Section 1. | The Post existing under these By-Laws is to be known as Jacksonville Memorial Post, the American Legion Department of Florida. |
| Section 2. | The objects of the Post are set forth in the Constitution. |
|  ARTICLE II – MANAGEMENT |
| Section 1. | The management of the Post is entrusted to an Executive Committee of (19) Members to be known as the Executive Committee. |
| Section 2. | The Executive Committee shall consist of (19) members (minus any unfilled offices) as follows: The Immediate Past Post Commander, Post Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Fourth Vice Commander, Chaplain, Judge Advocate, Finance Officer, Adjutant, (5) elected members of the Post, and Historian, Service Officer, Sergeant-at-Arms and Asst. Sergeant-at-Arms. The Post Commander shall be Chairman.All elections of officers and Executive Committee Members shall be by secret ballot, and the candidates securing the highest number of votes shall be elected to the respective office or offices of which they are candidates. If a candidate is elected to the Executive Committee and then, that candidate, is appointed to a non-elected office on the Executive Committee; that elected position will be filled by the candidate receiving the next highest number of votes to that office. |
| Section 3. | Vacancies existing on the Executive Committee, be in any elected office in the Post from any cause other than expiration of the term, shall call a special election for the next regular Post meeting to fill the vacancy. Nominations will be received from the floor. The membership shall be notified in writing of said special election at least (30) days prior. Notice of such action shall be considered proper when published in the Post newsletter in the month prior to the action to be taken. The candidate receiving the highest number of votes of the members present shall be declared elected. A member so elected shall hold office for the unexpired term of the member of the committee whom he succeeds. If no member accepts nomination from the floor, the Commander may then, with the approval of the Executive Committee, appoint a member in good standing in this Post, to fill the vacancy. |
| Section 4. | Members or Post Officers may be reprimanded, suspended or expelled from the American Legion only upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and or conduct unbecoming a member of The American Legion. Charges must be made under oath in writing by the accusers, and no member or officer shall lose his membership or office until given a fair trial. Any Post that conducts disciplinary proceedings through a trial must notify the District Commander at least (10) days in advance of any such trial, of the date, time and location where the trial is to be held. The District Commander shall detail a District Officer to attend the trial as an observer. The decision at the trial may be acquittal, reprimand, suspension, expulsion or, in the case of an officer, removal from office and shall be reported to the Post forth with and acted upon by the Post at its next regular meeting. The Post, except for a decision of acquittal, may affirm, modify, or reverse any decision of the trial. The procedures and rules controlling the bringing of charges and the trial, for any trial held within the jurisdiction of the Department of Florida, shall be in accordance with the Department of Florida Constitution Article X, Section 14, and the Amended Charter of the American Legion Department of Florida RULES GOVERNING TRIALS. |

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| Section 5. | Officers missing three (3) consecutive unexcused meetings may be replaced by the Commander with approval of 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 Commander prior to the monthly General Meeting as said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon joint written request of (4) or more members of said Post Executive Committee. One Half plus one of the total voting members of the Committee shall constitute a quorum. No business may be transacted at any special meeting of the Post Executive Committee except such as shall be specifically stated in the call.  |
| Section 2. | The Post Executive Committee shall hire such employees as may be necessary subject tothe ratification of the general membership and may require a Background Check for employment. The Executive Committee may require adequate bonds from all persons having custody of Post funds, shall hear the reports of the Post Committee Chairmen, and generally, shall have charge of and be responsible for the management of the affairs of this Post. The Executive Committee shall prescribe the rules of conduct for the Post Headquarters, and any other building used by the Post, and may modify or revoke the same. It shall fix the penalties for the violations of these rules, and have power to enforce same and also revoke such penalties. |
| Section 3. | No funds of Jacksonville Memorial Post 88 shall be withdrawn, expended, invested, reinvested, or transferred from one fund to another except when authorized by the Executive Committee. |
| ARTICLE IV – CORPORATION |
| Section 1. | Jacksonville Memorial Post No. 88, the American Legion, Department of Florida, Incorporated, is charted under the Florida State Law and is made up of all members of this Post. |
| A. | It shall be the duty of the Executive Committee to receive and be responsible for all funds, such as a Building Fund, Trust Funds, etc~~.~~ They shall deposit these funds in a bank that carries Federal Deposit Insurance, or invest them in U.S. Government Bonds. |

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| ARTICLE V – DUTIES OF OFFICERS |
| Section 1. | Duties of the Post Commander:  The Post Commander shall preside at all meetings of the Post and have general supervision over the business affairs of the Post, and such Officer shall be the Chief Executive Officer of the Post; shall direct the disbursement of funds and shall make an annual report covering the business of the Post for the year, and make recommendations for the next year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant; shall be an ex-officio member of all standing committees; shall appoint the Post Finance Officer, the Post Judge Advocate, the Post Adjutant, the Post Service Officer, and the Canteen Manager subject to the approval of and ratification by the Executive Committee; the Commander may suspend any employee of the post subject to the approval of the Executive Committee; shall prepare an annual budget, to be presented to the Executive Committee for approval, no later than (45) days after installation of Post officers; shall have the authorization to approve maintenance and or repairs of up to $500.00 on an as needed basis. The Commander shall be the sole person to make commitments for the Post but shall not commit the Post to any obligation, including contracts, that extend beyond their current term without approval of the Executive Committee. |
| Section 2. | Duties of the First Vice Commander: The First Vice Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Post Commander and shall perform such other duties as may properly pertain to the office as may be determined by the Post Executive Committee; shall serve as chairman of the Membership Committee and render reports of membership annually or when called upon at a meeting; shall assist the Post Adjutant in notifying the Post Chaplain, on information that may be of need to the Chaplin in performance of his duties. |
| Section 3. | Duties of the Second Vice Commander: The Second Vice Commander shall assume and discharge the duties of Commander in the absence or disability of the Post Commander and the First Vice Commander; shall assist the First Vice Commander on the membership committee when requested; shall be in charge of, and the coordination of, the serving and preparation of Legion Dinners and serving of food for Legion functions to include the overall use of the kitchen area and food storage areas; shall have the responsibility for the cleanliness and maintenance of the equipment in the kitchen area; shall assist the Commander with Events and the Entertainment Committee. |
| Section 4. | Duties of the Third Vice Commander: The Third Vice Commander shall assume and discharge the duties of the Office of Commander in the absence or disability of the Post Commander, First Vice, and or the Second Vice Commander; shall assist all of the Vice Commanders in performance of their duties; shall be chairman of the Americanism Committee. |
| Section 5. | Duties of the Fourth Vice Commander: The Fourth Vice Commander shall assume and discharge the duties of the Office of Commander in the absence of or disability of the Post Commander, the First, Second, and the Third Vice Commanders; shall assist all of the Vice Commanders in the performance of their duties; shall be in charge of all Children and Youth activities. |
| Section 6. | Duties of the Post Adjutant:The Post Adjutant shall have charge of, and keep a full and correct typewritten record of all proceedings of all meetings and proceedings, keep such records as the Department and National Organizations may require, and under direction of the Commander handle all correspondence of the Post; shall call roll of all Post Officers at both the Regular and Executive Committee meetings; shall also assist the First Vice in membership and notification of the Post Chaplin~~,~~ of information that may be relevant to the Post Chaplain in performance of his duties. |
| Section 7. | Duties of Finance Officer:  The Finance Officer shall report once a month to the Post Executive Committee the condition of the finances of the Post with such recommendations as he may deem expedient or necessary for raising funds with which to carry on activities of the Post; shall sign all checks of the Post subject to Commander’s approval; shall submit an itemized monthly financial statement for the prior month at the general membership meeting each month; shall post the itemized monthly statement on the bulletin board in the Administrative Office of the Post. |
| Section 8. | Duties of Post Historian: The Post Historian shall be charged with individual records, incidents of the Post and Post members shall keep a history of the Post and shall perform such other duties as may properly pertain to the office as may be determined by the Post, Post Commander or Executive Committee. |
| Section 9. | Duties of the Post Chaplain: The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine non-sectarian service in the event of dedication, funerals, public functions, etc., and adhere to such rituals as are recommended by the National or Department Headquarters from time to time; shall serve as chairman of the Funeral Committee; shall perform such other duties as may properly pertain to the office, as may be determined by the Post or Executive Committee. |
| Section 10. | Duties of the Post Judge Advocate:The Post Judge Advocate shall be charged with the interpretation of the Post Constitution and By-Laws; shall act as parliamentarian of the Post and shall perform such other duties as may properly pertain to the office as may be determined by the Post or Executive Committee. |
| Section 11. | Duties of the Sergeant-at-Arms: The Sergeant-at-Arms shall preserve order at all meetings; perform such other duties as may properly pertain to the office as may be determined by the Post Commander or Executive Committee. |
| Section 12. | Duties of Assistant Sergeant-at-Arms: The Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms in any and all of his duties with the Post; shall perform such duties as may properly pertain to the office, as may be determined by the Post or Executive Committee. |

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| Section 13. | Duties of Service Officer: The Service Officer shall perform such duties as may properly pertain to the office; shall act as advisor to all members of the Post in regard to possible government benefits and employee benefits: shall assist in preparation of filing claims with the Veterans Administration for which these Veterans might be eligible; shall assist not only Veterans of this Post but all Veterans, widows, and orphans of Veterans, who are in need of his services; shall have successfully completed the Service Officers School for certification on a yearly basis to hold and perform the duties of this office, and appointed by the Commander. |
| ARTICLE VI – DELEGATES |
| Section 1. | Delegates and Alternates to Department Convention shall be elected at the Annual Post meeting to be held not less than (15) days nor more than (60) days prior to the next Department Convention. |
| Section 2. | Delegates and Alternates to District Constitutional Conference shall be appointed from those members present by the Post Commander. |
| ARTICLE VII – APPOINTMENTS |
| Section 1. | The Post Commander, immediately upon taking office each year, shall appoint such Committees as may be deem necessary to carry out the programs of the American Legion and the business of this organization. The Post Commander should pay particular attention to the Department Committees as set forth in the Department of Florida State Directory. The Chairman of and members of each standing committee shall be appointed by the Post Commander. |
| ARTICLE VIII – INTERNAL ORGANIZATIONS (Refer to Articles VII, VIII, & IX of the Constitution) |
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|  ARTICLE IX – MEETINGS |
| Section 1. | The regular meetings of this Post shall be held at the Post home on the fourth Thursdayof each month at which time such business may be transacted as will be properly introduced. Such meetings may be converted into entertainment meeting as may be deemed advisable by the Executive Committee. The general membership, by a majority of the votes cast at a regular meeting may change the date for any future regular meeting of the Post. |
| 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~~.~~ with proper notice. |
| Section 3. | Upon written request of (10) members of the Post, the Commander shall call a special meeting of the Post. |
| Section 4. | Ten members shall constitute a quorum at a regular or a special meeting. |
| Section 5. | Business conducted at any special meeting must be. limited to the subject matter for which the special meeting was called. The subject matter to be acted upon at any special meeting must be stated in the notice given to the members of such special meetings. |
| Section 6. | Annual Meetings: The annual meeting of the Post shall be held not less than (15) days nor more than (45) days preceding the annual convention of the Department of Florida. |
| Section 7. | Notice for Meetings of the Post: At least (30) days previous notice shall be given, of all meetings of the Post, such notices to be written, and mailed or e-mailed to such address as appears upon the records of the Post. It shall be the duty of each member to furnish the First Vice and or Adjutant with his correct address. Also said notice maybe published in the local Jacksonville, Florida newspaper. |
| Section 8. | Meeting of the Executive Committee: (See ARTICLE III, Section 1). |
| ARTICLE X – RULES OF ORDER |
| Section 1. | All proceedings of this Post shall be conducted in accordance with the American Legion Post Officer's Guide and Manual of Ceremonies. (Ref. Department of Florida Constitution, Article X, Section 18).**NOTE:** Questions of order shall be referred to: 1) Post Constitution and By-Laws,  2) Department Constitution and By-Laws, and 3) National Constitution and By- Laws |
| ARTICLE XI – DUES |
| Section 1. | The dues of members of this Post shall be set by the POST from year to year. Dues are payable in advance, on or before any set date of each year, for the next year.\* **SPECIAL NOTE:** All members elected to office for the coming year should have their annual dues for the new year paid before their installation. |
| ARTICLE XII – DELINQUENCY |
| Section 1. | Post membership is annual, the Post year being from January 1st to December 31st. Duesare payable in advance. |
| Section 2. | If dues are not paid in advance by January 1st of each calendar year, the member is classified as delinquent with no privileges until dues for the year have been paid. |

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|  ARTICLE XIII – RESOLUTIONS |
| Section 1. | All resolutions shall be presented, and read at a meeting of the Post, General, or Special, and by a majority vote of the members present shall be adopted. |
| Section 2. | All resolutions of state or national scope presented to this Post by a member or reportedto by a committee shall merely embody the opinion of this Post on the subject, and copy of same 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 XIV – AMENDMENTS  |
| Section 1. | These By-Laws may be amended at any General Membership meeting by a vote of two-thirds of the members of said Post attending such regular meeting; provided, that the proposed amendment shall have been submitted in writing and read at the preceding General Membership meeting of the Post: and provide, further, that written notice shall have been given 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 will have a proposal to amend the By-Laws for vote. Notice is considered to have been made when written in Post newsletter, published in the month prior to the meeting for vote to be taken, and posted in the post at least thirty (30) days prior to said meeting. |
| Section 2. | These By-Laws are adopted subject to the provisions of the National By-Laws of the American Legion and the By-Laws of the Department of Florida of the American Legion. Any amendment to said national By-Laws which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of these By-Laws to the extent of such conflicts. |