



THE AMERICAN LEGION

UNDERSTANDING THE POST SUPPLEMENTAL CHARTER APPLICATION

Posts should incorporate to limit the liability of its members. It is crucial for the name of the Post to match on both the charter application submitted to The American Legion and on the official incorporation documents issued by the Secretary of State's Office (except in states like Maryland where there may be differences).

The application should include the official name of the Post as listed on the current charter. The Articles of Incorporation should also have the same name as the Post's legal name, with the addition of "Inc." or similar words. It is important to note that Posts are not allowed to change their legal name using a Supplemental Charter.

- When you file for a permanent charter, that name is entered as the legal name of the Post.
- When filing for an EIN # with the IRS, make sure the legal post name is listed.
- When you file for incorporation with your state's Secretary of State's office, list the legal post name to match that of the charter on all incorporation forms, IRS forms etc. and protect the individual post members from being included in any lawsuits in the future.

For example:

- ☐ Temporary charter application listed the post name as: Lester Paul Post 1234
- ☐ Permanent charter application listed the post name as: Casey Jones Post 1234
- ☐ Post legal name should read: Casey Jones Post 1234

When the Post incorporates, the legal name would be listed as Casey Jones Post 1234, Inc. unless a name change has been filed; in which case the correct name should be used.

A Supplemental Charter would be issued as Casey Jones American Legion Post 1234, Inc. and/or Casey Jones American Legion Post No. 1234, Inc. which is now the legal post name and National Headquarters receives all required paperwork from the post's American Legion Department Headquarters office.

An officer of the Post fills out the form SS-4 form, legal name of the post should be listed as Casey Jones American Legion Post 1234, Inc. and/or Casey Jones Post No. 1234, Inc. So now we have all the records agreeing with each other and there is only one entity.

Apply for the SS-4 online at www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online or access the (SS-4 Instructions) at www.irs.gov/pub/irs-pdf/iss4.pdf and (SS-4 Form) at www.irs.gov/pub/irs-pdf/fss4.pdf

Visit www.legion.org/about/organization/departments to locate your state American Legion Department Headquarters office contact information if you have any questions on this process.

To obtain the Supplemental charter guidelines and application, visit the national website at www.legion.org/information-center/in-the-media/publications/organization-membership-awards to find all current American Legion Post and SAL Squadron charter related applications and forms.

Questions: If you have any questions, contact National Headquarters, Internal Affairs & Membership Division at email IA@legion.org.

POSTS SHOULD BECOME INCORPORATED TO PROTECT THE MEMBERS FROM ANY POSSIBLE LAWSUITS

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