

THE AMERICAN LEGION DEPARTMENT OF MINNESOTA



EIGHTH DISTRICT CONSTITUTION AND BYLAWS

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CONSTITUTION

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CONSTITUTION

Eighth District
Department of Minnesota

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 association 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 good will 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 and Purpose

The name of this organization shall be the Eighth District, Department of Minnesota, The American Legion. The purpose of the organization shall be to coordinate the efforts of the Posts of this District and to advise and counsel the Posts as to questions of policy and on matters pertaining to the welfare of The American Legion throughout the Eighth District.

ARTICLE II

Composition

This District shall be composed of the regular American Legion Posts situated in the Counties of Carlton, Cook, Itasca, Koochiching, Lake and St. Louis, State of Minnesota. The Eighth District shall be composed of regularly elected or appointed accredited delegates from each Post.

ARTICLE III

Officers

The elective officers of the District shall be the Commander, four (4) Vice Commanders, and a Finance Officer. Appointive Officers shall be the Adjutant, Judge Advocate, Historian, Chaplain, Sgt. At Arms and Membership Director. An Executive Committee shall be constituted in accordance with the by-laws of the Eighth District.

ARTICLE IV

Administration

The District Executive Committee and the officers shall be charged with the administration of the District in accordance with the mandates of the District and in conformity with the policies of the Department of Minnesota and the National Organization

ARTICLE V

Dues and Finance

Section 1.

Dues: District dues shall be such as may be prescribed in the by-laws, to be remitted to the Department Treasurer directly by each Post in the District. Those Posts delinquent by more than 30 days in submitting dues to the District shall have no vote in District Affairs.

Section 2.

Finances:

- a. There shall be maintained a District Finance Committee, to be composed of three District members of the American Legion. The District Commander shall appoint one member of the Finance Committee for a term of three years to fill the vacancy created by the retirement of one member, such term to commence upon appointment. The member serving their last year on the Finance Committee shall be its Chairperson.
- b. It shall be the duty of the Finance Committee to prepare the annual budget for expenditures to be made by the District Finance Officer, committees or agencies. Such budget, however, must receive the official approval of the District at the Fall meeting in each year and is to be prepared and adopted for the financial period September 1st to the following August 31st.

- c. Following the formal adoption of the budget by the District, no changes or alterations in the items or total amount of the budget shall be made unless being first submitted to the District for consideration. No overdrafts in any of the specific items or in the total amount of the budget shall be made. It is incumbent upon the District Finance Officer or the Finance Committee Chairperson to recommend any adjustments in the budget through the Finance Committee. Recommendations of the committee for granting or disapproval of such adjustments is optional with the committee but must be submitted to the vote of the District, at scheduled District meetings, for action on the report of the committee.
- d. In the preparation of the annual budget the Finance Committee may budget the total amount to be established at one hundred percent of the total amount received from memberships the previous year or at the discretion of the Finance Committee.
- e. Any receipts in addition to, over and above, the amount budgeted shall be placed in a Reserve Fund by the Finance Officer as the money is received. This Reserve Fund shall hold all the surplus funds of the District and is not to be expended except by the specifically designated action of the District and on call of the Posts in attendance at authorized District meetings, requiring a three fourths vote thereof in favor for approval, having first been considered and approved by the Finance Committee.

ARTICLE VI

Meetings

The District shall meet at such time and place as provided by the By-Laws.

ARTICLE VII

Amendments

The Constitution may be amended as follows: A motion in writing, for an amendment, shall be presented at the regular meeting of the District and voted upon at the next regular meeting of the District. The District Adjutant shall give thirty (30) days written notice to each Post Adjutant of said motion and a copy of the proposed amendment. The proposed amendment must carry a two-thirds majority of all those voting on the proposition at the next scheduled District meeting.

BY-LAWS

Eighth District
Department of Minnesota

ARTICLE I

Representation – Membership

Section 1.

Each Post in the Eighth District is entitled to representation in the Eighth District, The American Legion, Department of Minnesota, by duly elected or appointed delegates, each post is entitled to two delegates, plus one additional delegate for each one hundred members or majority fraction thereof. The membership of each post shall not be considered valid until dues are paid to National, Department, and District. Additionally, the Minnesota Hospital Association assessments must be paid.

Section 2.

Each Post shall select its delegates to the District meetings in such manner as the individual Posts may prescribe.

Section 3.

It shall be the duty of each Post Adjutant to inform the District Adjutant, in writing, no later than 30 days before the next scheduled District meeting, with the names of the duly elected or appointed delegates and alternates of their Post to the District meeting.

Section 4.

The Post Commander may designate a substitute delegate or delates from their Post for any particular meeting. The appointment of such substitute delegate(s) must be certified to the District Adjutant no later than two weeks before the scheduled meeting is convened. An exception may be made in the event the appointee is delayed and unable to present credentials before the meeting convenes.

ARTICLE II

Election of Officers and Delegates

Sections 1.

- a. The Officers, Delegates and Alternate Delegates to the National Convention from the Eighth District shall be nominated and elected at the Annual Eighth District Convention. Those elected must be members of a Post of the Eighth District, Department of Minnesota and must have attended three District meetings during the past two years, not including the meeting at which the election occurs. Each Eighth District Legionnaire present at each District meeting shall register the name of the Post and affix his/her signature thereto in his/her own handwriting in a register provided for that purpose. Failure to register may nullify their attendance at the particular meeting.
- b. Each Post in regular meeting must endorse all candidates for election as a paid delegate or an alternate delegate to the National Convention. Said candidate shall have their endorsements sent to the District Adjutant fifteen (15) days before the District Convention each year. Letters of endorsement to show the name of the candidate, date of Post action and signed by the Post Commander or Post Adjutant. Failure to comply with this section makes a candidate ineligible for election.

Section 2.

- a. In event there are no endorsed candidates for the office of Vice-Commander from a particular area, the District Commander shall call a caucus of the delegates from that area and the caucus shall present a name in nomination.
- b. Elected Officers shall hold office and perform the duties thereof for a period of one year, or until a successor or successors have been elected or appointed and have assumed office.

Section 3.

The District Commander shall be elected from the Eighth District. The four Vice-Commanders shall be elected by the delegation as a whole, but no two Vice-Commander offices shall be filled from any one of the geographic areas.

Section 4.

The various areas referred to in Section 2 and 3 shall be comprised of and hereby designated to include the following American Legion Posts of the Eighth District. The Adjutant is authorized to add hereto names of new Posts when officially chartered and shall assign new posts to their respective areas and delete Posts when charters have been officially surrendered.

- a. **MESABA/ITASCA AREA:** Chisholm Post 247, , Deer River Post 122, Goodland Post 575, Grand Rapids Post 60, Hibbing Post 222, Keewatin Post 452, Nashwauk Post 307, Taconite Post 301, and Warba Post 432.
- b. **MESABA/VERMILLION AREA:** Aurora Post 241, Babbitt Post 535, Biwabik Post 160, Ely Post 248, Gilbert Post 138, Mountain Iron Post 220, , and VirginiaPost 238
- c. **BORDER AREA:** Big Falls Post 494, Effie Post 182, International Falls Post 66, Lawrence Lake Post 476, Little Fork Post 490, Northhome Post 499, and Orr Post 480
- d. **LUMBERJACK AREA:** Barnum Post 415, Brookston Post 562, Cloquet Post 262, David Wisted-Zenith City Post 28, Grand Marais Post 413, Kettle River Post 360, Lakeview Post 342, Moose Lake Post 379, Proctor Post 106, Two Harbors Post109, West Duluth Post 71, and Grand Portage 2009

Section 5.

- a. The number of paid delegates to the National Convention to be elected by the District shall be determined by the District Convention prior to the election. The total number of delegates to be elected shall be the number to which the District is entitled to by virtue of its membership as determine by the Department of Minnesota. The delegates to be automatically selected will be the outgoing District Commander, the outgoing Department Vice-Commander for the Eighth District in the year of the Department Vice Commander's term of office, and one member from the District Posts as selected by the majority of Posts attending the Annual District Convention. Three alternates will be selected at the same convention.
- b. In the election, those endorsed candidates receiving the highest number of votes shall constitute the delegates and those receiving the next highest shall constitute the alternates, in that order. No alternates, with the exception of those listed above, shall be qualified as delegates until the entire list of elected delegates has been exhausted.
- c. All money allotted by the Department of Minnesota for all Eighth District delegates shall be apportioned equally to the number of paid delegates which the District decides to send to the National Convention. All expense money, including that from the Department and whatever additional money appropriated by the District shall not be disbursed by the District Commander until the final National Convention Department Caucus and shall then be disbursed only to those delegates who have qualified by attending all caucus meetings of the convention, unless said delegates have been unable, because of person illness or illness in his or her family, or being engaged in other convention business, to attend the said caucuses.

Section 6.

The election of any officer or delegate shall be by vote of each Post. Each Post is entitled to cast its full voting strength for such officer or delegate regardless of the number of delegates actually present at the meeting, provided, however, that one such duly accredited delegate, alternate or substitute delegate is actually present and voting at such meeting.

Section 7.

The office of the District Adjutant shall be filled by appointment by the District Commander for the year in which the District Commander has been elected to serve. In event of vacancy in the office of District Commander, being filled by succession of one of the Vice Commanders, the Adjutant first appointed by the originally elected District Commander shall continue in the capacity of the District Adjutant and perform all duties of that office, unless through resignation or having moved from the District, the office is declared vacant.

Section 8.

Should a vacancy occur in the office of District Commander, the District Executive Committee shall immediately select a Commander from one of the four Vice Commander and a Vice Commander to fill the vacancy created in the geographical area from which the new District Commander was selected.

Section 9.

Should a vacancy occur in the District representative on the Department Executive Committee, the District Commander is empowered to appoint an alternate representative to attend meetings of the Department Executive Committee. At the first regular meeting of the District, after the vacancy has occurred, a representative on the Department Executive Committee shall be elected to fill such vacancy.

Section 10.

All elective District officers shall be filled by a majority of the votes cast at the election to fill such officers. An elective officer may be removed, at any time, upon recommendation to the District and by a majority vote of said District assembly, after just cause has been established and all due process actions have been accomplished according to Department disciplinary requirements.

Section 11.

The newly elected District Commander shall appoint a Chaplain, Judge Advocate, Membership Director, Historian, Finance Committee Member, Sergeant-at-Arms and such committee chairpersons as may be designated at the reorganization meeting to be held in keeping with the provisions of Article III, Section 9, and such other committees as may be deemed necessary during the year.

Section 12.

The outgoing Adjutant, the outgoing Commander, the incoming Adjutant, and the incoming Commander are authorized to attend the Department Convention, Department Fall conference and Department Rallies at the expense of the District, based on the mileage and per diemas paid by the Department provided, however, they are not paid delegates from their respective Posts or the Department. If a District Officer is paid by the Department for Department Executive Committee participation, they are not paid by the District. District Commander, Vice Commanders and Membership Director may be authorized to attend Fall Conference and Department Rallies at the District Expense, as determined at the District Convention. Said monies are to be charged against their allocated or anticipated budgets.

Section 13.

Mileage and per diem expense to be charged by officers and other authorized persons shall be the same rates as the current Department rates.

ARTICLE III

Duties of Officers

Section 1.

All elective and appointive officers of the Eighth District shall take oaths of office, and be inducted into, and assume their respective offices at a time and occasion of the District Reorganization Meeting, to be held under Section 9 of Article III. All records of the District shall be closed as of that date and surrendered to the proper new officers.

Section 2.

It shall be the duty of the District Commander to preside over all meetings of the District and be the Executive Officer of the District, with full authority to enforce the provisions of the District Constitution and the District By-Laws. The District Commander shall have full power of appointment delegated to the office and have power to remove any officer or committee member appointed and shall perform such other duties as are usually incidental to the office of Commander.

Section 3.

It shall be the duty of the Vice-Commanders to preside at the meetings of the District in the absence of the Commander, or at the request of the Commander. Vice Commanders shall act as representatives of the District Commander on all matters referred to them by the District Commander, and they shall also be the Directors of Membership for their respective areas.

Section 4.

It shall be the duty of the District Adjutant to keep a correct and accurate report of all proceedings of all District meetings and of the District Executive Committee Meetings. The District Adjutant shall keep a history of all District functions occurring during their term of appointment.

Section 5.

The District Finance Officer shall keep an account of all monies received and disbursed on behalf of the District. The Finance Officer shall render a financial report of the District's finances at each District meeting and an Annual Report shall be made in September. The Finance Officer shall be bonded at the expense of the District.

- a. All disbursements shall be by bank check and each check shall bear two signatures. The Finance Officer, the District Commander, and the Finance Committee Chair shall have signing authority.

Section 6.

It shall be the duty of the District Commander at each District Annual Convention to appoint from the District, an Auditing Committee, who are not members of the Finance Committee, whose duties shall be to audit the records and submit a report at the Fall Conference meeting.

Section 6.

In the event an Auditing Committee cannot be appointed within the time specified, the District Commander may authorize the District Finance Officer to secure the services of a certified and bonded accounting agency to conduct an audit of the District financial records. The cost for the audit to be approved by the District Executive Committee prior to the audit commencement.

Section 7.

It shall be the duty of the newly elected District Commander each year to notify the incumbent District Adjutant to forward to the appointed incoming Adjutant, all records of the District, together with a summary of detailed duties of the office and a copy of District Constitution and By-Laws.

Section 8.

The Judge Advocate shall advise the District Officers and District Executive Committee on all legal matters, including construction and interpretation of National Department and District, Constitution and By-Laws and shall be the District Parliamentarian.

Section 9.

The newly elected District Commander shall call a District Reorganization Meeting within thirty (30) days of election, for the purpose of appointing such officers, and committee chairpersons, as fall under their jurisdiction.

ARTICLE IV

Executive Committee

Section 1.

- a. The Executive Committee of the Eighth District shall consist of all elective officers for the current year, the Adjutant, Judge Advocate, Immediate Past District Commander, Membership Director, Chaplain, and Sergeant-at-Arms. Past District Commanders, other than the Immediate Past District Commander, and Past Adjutants attending a meeting of this committee shall not be reimbursed for the expenses. The immediate Past District Commander is entitled to vote on all matters to come before the committee, if in attendance. Other Past District Commanders attending the committee meeting are not entitled to vote on committee matters. Five members shall comprise a quorum. Voting members of the Executive Committee are required to register as such and only those registered members are entitled to vote. There shall be two at-large executive committee members voted in by the posts at the Annual District Convention.
- b. The Executive Committee shall hold meetings at the call of the Commander, and shall counsel the District, make recommendations and have authority to act for and on behalf of the District, in any emergency, as determined by the District Commander, arising between District meetings. The Executive Committee acts on the District's behalf in the event that the District is unable to convene a scheduled District Convention. Three members of the Executive Committee may call an Executive Committee meeting, with the District Commander's concurrence, should they find it necessary.
- c. The District Adjutant shall keep a complete record of the proceedings of the Executive Committee meetings and make a full report to the District for their approval or rejection of any recommendations at the next regular District meeting.

ARTICLE V

Convention – Meetings

Section 1.

All regular meetings of the District and sessions of the District Annual Convention shall be opened and closed in accordance with the American Legion ritual prescribed for the opening and closing of Post meetings.

Section 2.

Three regular meetings of the District shall be held annually as follows: Fall, Winter and the Annual Convention to be held in the Spring, the dates to be selected by the host Posts, with approval of the District Commander. Due to the uncertain and potentially hazardous weather conditions that may exist during the Winter Conference, the District Commander may designate an alternate meeting venue, i.e. Zoom or other means that may facilitate the meeting of the District without involving travel.

- a. In the event of a financial loss to the hosting Post, the District shall reimburse the Post entertaining a District meeting for any loss incurred in furnishing the banquet and program in connection with said meeting in an amount not to exceed one hundred dollars (\$100.00) upon certification of such loss by the Post Commander.
- b. There shall be no solicitation or sale of tickets for games of chance, raffles or other solicitation in connection with District meetings, while the meeting is in session, other than those authorized by the District, or by the Post hosting the meeting.

Section 3.

- a. In accordance with the Department Constitution, Article VI, Section 2, the Annual District Convention meeting shall be held in the Spring, in accordance with the Department Constitution. The date and location shall be selected by the District at the preceding Fall meeting.
- b. Invitations to host a District meeting, other than the Annual Convention in the Spring, may be submitted at any time, but shall not be acted upon for final selection prior to meeting immediately preceding that meeting for which the invitation is intended.

Section 4.

- a. All meetings of the District and the District Annual Convention shall be open to all members of the American Legion. A quorum shall consist of the accredited, and registered representatives from five (5) Posts of the District, No business shall be transacted without such a quorum present. Only registered 8th District members are authorized to vote on District matters.
- b. All Posts wishing to host a District meeting should submit an invitation in writing, properly signed by the Post Commander or Post Adjutant or be presented at the District meeting in person by an authorized member of the Post, as submitted to the District Adjutant in writing. If no formal invitation is received, an invitation may be extended to the District Commander, who is empowered to make the selection of a meeting place. A written invitation shall have preference over oral invitations.
- c. All meetings of the District will follow the District Constitution and District By-Laws. It shall be the duty of the Adjutant to have at each District meeting a copy of the District Constitution and the District By-Laws, as well as the Department Constitution and the Department By-Laws.

ARTICLE VI

Dues

Section 1.

It shall be the duty of each District Post to remit District dues directly to the Department Treasurer, at the same time and manner the Department and National dues are remitted. District dues shall be established yearly by the District Executive Committee, at the District Fall Conference meeting, and be recommended to the District for acceptance.

ARTICLE VII

Voting

Section 1.

- a. The voting on any proposition before the District in meetings convened shall be by voice vote or by ballot, if authorized by majority vote. This rule shall also apply to meetings of the District Executive Committee.
- b. A roll call of Posts may be demanded by members of any Post delegates on any proposition to be voted upon at the meeting. Upon such roll call each Post present shall be entitled to vote the total number of delegates to which it is entitled even though such total delegate representation may not be present at the meeting provided, however, that one such duly accredited delegate, alternate or substitute delegate is actually present and voting at such meeting referred to.

ARTICLE VIII

Commander Visits

Each Post shall be entitled to one visit each year from the District Commander, without expense to the Post.

ARTICLE IX

Invitations

Section 1.

All invitations to the Eighth District of The American Legion, Department of Minnesota, to participate in various activities in the way of recreation and sports, oratorical events, contests and other varied events, shall be in writing either to the District, or representative District committees of the Eighth District. Said invitations to be from the proper Post Officer proposing to act as host for the events.

ARTICLE X

Amendments to the By-Laws

Section 1.

These by-laws may be amended in the following manner only:

- a. A motion for amendment or revision of these By-Laws shall be presented in writing, as required in Section 1 of Article IX, at a regular meeting of the District. The District assembly shall then, if so voted, authorized the District Adjutant to mail a copy of the motion proposed to make the referred amendment or revision of the By-Laws to each Post Adjutant and Post Commander in the District, for examination and study at least thirty (30) days prior to the next scheduled District meeting.
- b. At the next regular District meeting following the District meeting at which the motion referred to in Item A above was presented, and ordered mailed as required, the question of adopting the motion and proposed amendment or revision of the By-Laws must receive a majority vote of the authorized representation present at the meeting in order to be declared adopted and the date of the proposed action effected.

Section 2.

When an amendment to the District Constitution or District By-Laws has been adopted, the same shall be incorporated in and become a part thereof and the District Adjutant shall annotate on the District Constitution or the District By-Laws the time and place of adoption of the approved amendment.