

# **HI-LINE DISTRICT NO. 1 CONSTITUTION AND BY-LAWS**

## **AMERICAN LEGION DEPARTMENT OF MONTANA**

### **ARTICLE I**

Section 1. The name of this association or organization shall be: "Hi-Line District Number 1, The American Legion, Department of Montana."

Section 2. District Headquarters and principal base of business shall be the address of the District Commander.

### **ARTICLE II**

#### **Nature, Objects, Purposes, and Jurisdiction**

Section 1. Hi-Line District No. 1, The American Legion, Department of Montana, shall be absolutely non-political 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 2. Hi-Line District No. 1, The American Legion, Department of Montana, shall not become involved in any controversy regarding litigation, purported policies of the Legion or other serious matter without approval of the Department Executive Committee of the American Legion.

Section 3. The objects and purposes of this organization are and shall be to uphold, maintain and promote the principals and policies enunciated and advocated by the Department and National Constitutions and By-Laws.

Section 4. To assist and further as far as possible, all projects designated for and tending to promote the welfare, good fellowship and acquaintances of Posts in Hi-Line District No. 1 and the Department of Montana.

Section 5. Hi-Line District No. 1 shall have that jurisdiction within the boundaries which are determined and fixed by the Executive Committee of The American Legion, Department of Montana, and designated as Hi-Line District No. 1.

### **ARTICLE III**

#### **Organization and Membership**

Section 1. All local Posts of The American Legion, Department of Montana, within the jurisdiction of Hi-Line District No. 1 of that organization shall become members of Hi-Line District No. 1, The American Legion, Department of Montana.

Section 2. Hi-Line District No. 1, The American Legion, Department of Montana, shall have advisory and supervisory powers over the Posts included within its District, subject to the National and Department Constitutions and By-Laws.

Section 3. Any Post organized within Hi-Line District No. 1, The American Legion, Department of Montana, which has not paid the legal dues prescribed to the said Hi-Line District No. 1, or who refuses to obey the lawful mandate, Constitution or By-Laws of the District, shall not be entitled to official representation at any meeting of Hi-Line District No. 1 until such failure has been remedied.

Section 4. No Post organization shall be named after any living person; in case the name of a deceased person conforms with the name of a living person known in the State where the name is to be used, a statement showing the facts known must be filed with the Department Adjutant of The American Legion, Department of Montana.

Section 5. The Executive Committee of The American Legion, Department of Montana, shall approve all names, numbers, and Constitutions and By-Laws of the Post before any authority to use the same is granted legally.

#### **ARTICLE IV**

##### **Revenue**

Section 1. Each Post of this District shall contribute dues to the District Finance Officer in accordance with the amount set by the delegates at a regular meeting of the District. Dues shall be based on a per capita basis of Post membership.

Section 2. In the event it becomes necessary to raise the District dues, a two-thirds vote is required.

Section 3. The District Finance Officer shall prepare and submit a proper bill showing the sum due the District to the Commander of each Post in the District, and said Post Commander shall be responsible for the prompt payment of said dues on or before the regular Spring Meeting of the District.

Section 4. The fiscal year of the District shall be from September One to August Thirty-One inclusive in each year.

#### **ARTICLE V**

##### **Administration**

Section 1. There shall be at least two meeting held annually. Meetings to be held from time to time at a place and time to be fixed as provided and subject to the Department Executive Committee of The American Legion, Department of Montana.

Section 2. At all meetings representatives from thirty-three percent (33%) of the Posts belonging to this organization shall constitute a quorum.

Section 3. All elected District Officers except the District Commander shall be entitled to one vote each; in case of a tie vote, the District Commander may vote.

Section 4. The apportionment of voting power at all District Meetings shall be as follows:

- a. Each Post has all current dues and assessments paid.
- b. Each Post shall have three votes.
- c. Post membership shall be considered as that recorded at the Department Headquarters on September One of the preceding year.

Section 5. No Post shall have the right to participate in any voting at any meeting unless represented by a duly authorized delegate or alternate. The delegate or delegates shall have the first right to cast all the votes their Post is entitled to. An alternate may only act in case of absence of the delegate or delegates.

Section 6. Notice of each meeting shall be given each Post belonging to this District by written notice, addressed to such post at its office as indicated by the records of the Department Adjutant at least 30 days prior to such meeting.

Section 7. The District Commander shall be allowed expenses to visit each Post of the District, except his/her own, subject to approval by the Auditing Committee, with the consent of the delegates at any regular District Meeting.

The District Commander-elect shall be allowed such an amount as the delegates approve to attend the Department Convention.

The District Commander and District Adjutant shall be allowed expenses to attend any regularly called District Meeting, subject to approval by the Auditing Committee, with the consent of the delegates at any regular District Meeting.

Section 8. District funds may be spent only on District business or on programs of the District or of the Department of Montana or National.

Section 9. The order of business at the District Meetings shall be as follows, and shall not be altered or suspended except upon a two-thirds vote:

- a. Call to Order
- b. Invocation
- c. Address of Welcome
- d. Response
- e. Roll Call of District Officers and Posts
- f. Reading of Minutes of Previous Meeting

- g. Appoint Various Committees: Membership, Resolutions, Audit/Finance, Nominating, Constitution.
- h. Introduction of Guests (to speak at convenient times of Meeting)
- i. Recess (Committees to meet and discharge their respective duties)
- j. Old Business and Correspondence
- k. Report of Officers and Standing Committees
- l. Report of Resolution Committee
- m. New Business
- n. Spring Meeting Report of Nominating Committee and Election of District Officers in order in which they appear in the Constitution
- o. Selection of next Meeting Place and Potential Date
- p. Good of The Legion
- q. Invocation
- r. Adjournment

## **ARTICLE VI**

### **District Officers**

Section 1. At the annual Spring District Meeting, the following District Officers shall be elected:

- a. District Commander
- b. District Vice-Commander

Section 2. Immediately after his election, and within 60 days thereof, the District Commander shall appoint the following District Officers:

- a. District Adjutant
- b. District Chaplain
- c. District Finance Officer
- d. District Historian
- e. District Sergeant-at-Arms
- f. District Service Officer

Section 3. All elective and appointive District Officers shall assume office after the Department Convention, and shall hold office for a term of one year or until re-elected, or until their successors are duly elected or appointed and qualified.

Section 4. No person shall be eligible to hold office in Hi-Line District No. 1 unless he or she is a member in good standing of a Post within this District.

Section 5. Elections shall be by secret ballot unless only one nomination is made, and motion carried that a unanimous ballot be cast for the nominee.

Section 6. The District Executive Committee shall consist of the elected District Officers and the Post Commanders of each Post comprising the District. The District Adjutant shall attend the meeting of the Executive Committee and act as Secretary thereof, without vote.

## **ARTICLE VII**

### **Voting**

Section 1. All voting shall be viva voce (except election of Officers). A roll call may be requested by any delegate at a District Meeting.

## **ARTICLE VIII**

### **Emergency Meetings**

Section 1. Whenever the District Executive Committee, or fifty percent (50%) of the Posts, petition that an emergency exists which requires the calling of an Emergency District Meeting, such a meeting shall be called.

Section 2. At least ten (10) days notice of such an Emergency Meeting shall be given in writing by the District Adjutant to all Posts, and which notice shall specify the emergency that exists and the reason for calling the meeting.

Section 3. Only business pertaining to the emergency for which said meeting was called may be transacted at said meeting.

## **ARTICLE IX**

### **Liabilities**

Section 1. Hi-Line District No. 1, The American Legion, Department of Montana, shall not be liable for any debts or contracts of local Posts.

## **ARTICLE X**

### **Auxiliaries**

Section 1. Hi-Line District No. 1, The American Legion, Department of Montana, recognizes an Auxiliary organization known as Hi-Line District No. 1 Auxiliary.

Section 2. Hi-Line District No. 1 Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee, The American Legion, and thereafter approved by the Department of Montana.

## **ARTICLE XI**

### **Amendments**

Section 1. This Constitution may be amended at any authorized District Meeting by a vote of two-thirds (2/3) of the delegates present, providing there is a quorum.

## **ARTICLE XII**

### **Post Charters**

Section 1. A charge that any Post should, for any good and sufficient cause, have its charter cancelled, suspended or revoked, shall be initiated as outlined in the Uniform Code of Procedure for the Revocation, Cancellation or Suspension of Post Charters, as Adopted by the National Executive Committee of The American Legion, May 1-2, 1941, Indianapolis, Ind. and Amended by that body, November 6-7, 1941.

## **ARTICLE XIII**

Section 1. This Constitution and all Articles and Sections thereof shall have full force and effect on and after the 8th day of March, 2008 at 3:18 o'clock PM of said day. The Constitution heretofore duly adopted and all Articles and Sections thereof together with all Amendments thereto are hereby repealed and shall cease to be effective on and after the 8th day of March, 2008 at 3:18 o'clock PM of said day.

## **BY-LAWS OF THE AMERICAN LEGION**

### **ARTICLE I**

#### **Conflict of Regulations**

Section 1. Any conflict between interpretation of the Constitution and By-Laws must be resolved in favor of the Constitution. Any special provision in the By-Laws shall have the effect of overruling any general provisions where an ambiguity exists.

### **ARTICLE II**

#### **Duties and Powers of Officers**

Section 1. All elected and appointed District Officers shall perform the duties as are usually incident to the office which they hold and as described in the Department Constitution and By-Laws of the Department of Montana of The American Legion.



Section 2. All Standing Committee members shall perform the duties pertaining to that specific committee or as the District Commander may direct.

### ARTICLE III

#### Amendments

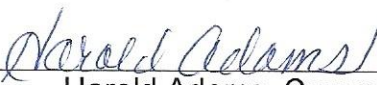
Section 1. These By-Laws may be amended at any authorized District Meeting prior to the Department Convention by a vote of two-thirds (2/3) of the delegates present, providing there is a quorum.


### ARTICLE IV

Section 1. These By-Laws and all Articles and Sections thereof shall have full force and effect on and after the 8th day of March, 2008 at 3:21 o'clock PM of said day. The By-Laws heretofore duly adopted and all Articles and Sections thereof, together with all amendments thereto are hereby repealed and shall cease to be effective on and after the 8th day of March, 2008 at 3:21 o'clock PM of said day.

We, the undersigned, the Committee duly appointed to draft the foregoing Constitution and By-Laws of Hi-Line District No. 1, The American Legion, Department of Montana, do hereby submit the foregoing Constitution and By-Laws to be voted upon at a duly and regularly called Meeting of Hi-Line District No. 1, The American Legion, Department of Montana, upon this 8th day of March, 2008.

Done and dated this 8th day of March, 2008, at Culbertson, Montana.

  
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Harold Adams, Commander  
Hi-Line District No. 1

  
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Chelly Harada, Adjutant  
Hi-Line District No. 1