

**CONSTITUTION AND BY-LAWS
OF
DISTRICT NUMBER 3
OF
THE AMERICAN LEGION
DEPARTMENT OF MONTANA**

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 principals of justice, freedom and
democracy;**

To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

CONSTITUTION AND BY-LAWS
OF
DISTRICT NUMBER 3
OF
THE AMERICAN LEGION
DEPARTMENT OF MONTANA

ARTICLE I

Name of Organization

Section 1. The name of this association or organization shall be: (District Number 3, 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, Objectives, Purposed and Jurisdiction

Section 1. District No. 3, The American Legion, Department of Montana, 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 2. District No. 3, The American Legion, Department of Montana, shall not become involved in any controversy regarding litigation, proposed policies of the Legion or other serious matter without approval of the Department Executive Committee of The American Legion.

Section 3. The objectives 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 designed to promote the welfare, good fellowship and acquaintances of Posts in District No. 3 and The Department of Montana.

Section 5. District No. 3 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 District No. 3.

Section 6. No person who is a member of an organization, which has as its aim the overthrow of the United States government by force or violence or who subscribes to the principles of any group opposed to our government, shall be eligible to become or remain a member of The American Legion.

ARTICLE III

Organization and Membership

Section 1. All local Posts of The American Legion, Department of Montana, within jurisdiction of District No. 3 of that organization shall become members of District No. 3, The American Legion, Department of Montana.

Section 2. District No. 3, 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 District No. 3, The American Legion, Department of Montana, which has not paid the legal dues prescribed to said District No. 3, 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 District No. 3 until such failure has been met by compliance therewith.

Section 4. No Post organization shall be named after any living person; in case the name of a deceased person conforms to 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 Constitution and By-Laws of the Post before any authority to use the same shall be granted legally.

ARTICLE IV

Eligibility

Section 1. Eligibility for membership in The American Legion shall be defined by the Congressional Charter and Article IV of the National Constitution of The American Legion.

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

Section 3. No person may be a member at any one time of more than one Post.

Section 4. No person, who has been expelled by a Post, shall be admitted to membership in any other Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, He/she may then appeal to the Department Executive Committee for permission to apply for membership to another Post, and shall be ineligible for membership until such permission is granted.

Section 5. Each Post shall examine the qualification of all those who seek membership, and shall have the right to demand the production of applying member's Discharge or DD 214 or a duly authenticated copy thereof, and shall pay its dues to District and Department on the basis of its enrolled membership, and its voting rights shall be based upon said enrolled membership.

Section 6. Each and every Post shall have the power to suspend or expel any of its members for violation of its rules or conduct detrimental to The American Legion, upon fair and impartial trial, after due notice thereof had been given together with a copy of the charges made against him or her, and by whom preferred.

ARTICLE V

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 plus any special assessment approved at any District 3 Meeting.

Section 2. In the event it becomes necessary to raise the District dues, a two-thirds (2/3) vote at a District Meeting is required.

Section 3. The District Finance Officer shall prepare and submit a proper bill in January, 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 July 1st to June 30th of each year.

ARTICLE VI

Budget

Section 1. The District Commander, working with the District Finance Officer, shall submit a single annual written budget for approval no later than thirty days prior to the Fall District meeting, as to allow adequate time for the District Auditing Committee review and approval. The District Commander must submit the budget at the District No. 3 Fall meeting for approval by a majority vote of the members in good standing attending this meeting.

ARTICLE VII

Administration

Section 1. There shall be at least two meetings 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 District meetings, representatives from a minimum of 3 Posts belonging to District 3 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 shall vote to break the tie.

Section 4. Post members that have met Department standards defined as in good standing, attending the District No. 3 meeting may vote, providing their Posts have met the required District 3 per capita dues.

Section 5. Notice of each District meeting shall be given each Post belonging to this District by written notice, addressed to such Post as indicated by the records of the Department Adjutant at least 30 days prior to such meeting. This notice shall be accomplished by the District Commander. The name of chairperson of Resolution Committee and contact information must be included in the notice.

Section 6. The District Commander may direct the District Finance Officer, in the normal conduct of District business, to pay unpaid bills that fall under the parameters of the current District 3 approved written budget. Expenditures not covered in the annual budget must be approved by majority vote at the District Meeting.

Section 7. The order of business at the District meeting shall be as follows and shall not be altered or suspended except upon a two-thirds vote:

Call to order:

- a. Opening Ceremonies
- b. Invocation
- c. Address of welcome
- d. Roll call of District Posts

- e. Reading of minutes of previous meeting
- f. Review Budget and submit for approval. Approval of unpaid bills
- g. Appoint various committees
- h. Introduction of guests (to speak at convenient times of meeting)
- i. Old business and correspondence
- j. Report of officers and standing committees
- k. Report of Resolution Committee
- l. New business
- m. Spring meeting (Report of Nominating Committee and election of District Officers in order in which they appear in the Constitution)
- n. Selection of next meeting place
- o. Good of the Legion
- p. Adjournment

ARTICLE VIII

Voting

Section 1. All voting shall be by voice (except election of officers). Officer elections will be held by secret ballot unless only one nomination has been made for an office and a motion carries that a unanimous ballot be cast. A roll call may be requested at the District meeting to determine the eligibility in accordance with the per capita dues.

Section 2. The apportionment of voting power at all District meeting shall be as follows:

- a. Each Post has all current dues and assessments paid.
- b. Post membership shall be considered as that recorded at the Department Headquarters on December 31st of the preceding year.

ARTICLE IX

District Officers

Section 1. Every odd year at the annual Spring District meeting, the following District Officers shall be elected:

- a. District Commander
- b. District Vice-Commander
- c. Within 60 days all elected Officers are encouraged to complete The American Legion Extension Institute Course, now known as American Legion Basic Training.

Section 2. Immediately after his/her 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 Sergeant-at-Arms

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

Section 4. No person shall be eligible to hold office in District No. 3 unless He/she is a member in good standing of a Post within this District.

Section 6. The District Executive Committee shall consist of the District Commander, Vice Commander, and Commanders of at least two Posts as determined by the District at the District Fall Meeting. The District Adjutant shall attend the Meeting of the Executive Committee and act as Secretary thereof, without vote. The District Commander will call the meeting of the District Executive Committee. No Quorum is required.

ARTICLE X

Other Committees and Their Duties

Section 1. On even years, at the Fall Meeting or within four (4) weeks after the Fall Meeting, the District Commander shall appoint the following standing committees. The District Commander will make certain the committees have a chairperson. Each committee will hold that position for a two (2) year period or on the following even year at the conclusion of the Fall Meeting.

- (a) Membership and Program Committee
- (b) Auditing
- (c) Nomination Committee
- (d) Resolution Committee

Section 2. The Membership Committee, which shall consist of not fewer than three members, shall contact the various Posts within The District and assist them with membership, being mindful of target dates and current membership totals. This Committee will coordinate with Department on membership goals. It is the Committee's responsibility to help Posts with reasonable membership goals, with the objective being to stretch to achieve, but still be attainable. The Vice Commander shall chair this committee.

Section 3. The Auditing Committee shall consist of two members and chairperson; shall supervise the accounts and records of The District; shall audit all bills against The District; shall complete audit and report at least once during the year, and shall perform such other duties as shall be assigned.

Section 4. The Nominating Committee shall consist of two members and chairperson. At the Spring District Meeting of an election year, the committee shall present a list of candidates for election. No person shall be nominated for any District office without that person's permission.

Section 5. The Resolution Committee shall consist of two members and a chairperson, and in the notice for The District Meeting, the name of the chairperson of the District Committee on Resolutions for that meeting shall be communicated to each Post in The District. The Resolutions Committee shall consider all resolutions before presentation to the floor of The District Meeting and report them for consideration with recommendations at the meeting; after approval by such Committee; such resolutions as are not prohibited by The District, National; or Department of Montana Constitution and By-Laws. No resolution, without unanimous District Meeting vote, which has not been presented to the Resolutions Committee shall be discussed or voted on at The District Meeting.

ARTICLE XI

Post

Section 1. The local unit shall be termed the Post.

Section 2. A Post desiring membership must apply to The American Legion, Department of Montana, for a charter, submitting with its application its proposed name. All applications must be approved by Department Executive Committee before a charter may be recommended for issuance by the National Executive Committee.

Section 3. The Terms of all Post Officers shall begin on or before July 1st.

Section 4. Election of Post Officers shall be held at such time as may be fixed by the Posts prior to the annual Department Convention but early enough so that the names of the Post Officers can be forwarded to the Department Adjutant no later than May 15th for inclusion in the Department roster for the upcoming year.

ARTICLE XII

Emergency District Meeting

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 Commander to all Posts, and which notice shall specify the emergency that exists and the reason for the call of the meeting.

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

ARTICLE XIII

Liabilities

Section 1. No Post in the Department shall be liable for more than its per capita dues and any Special Assessment approved at a District Meeting as applied to every post.

Section 2. District No. 3, The American Legion, Department of Montana, shall not be liable for any debts or contracts of local Posts.

ARTICLE XIV

Discipline

Section 1. The Department Executive Committee, after notice and hearing, may suspend the charter of any Post that willfully violates the Department's Constitution and for any conduct tending to subvert the legitimate purpose of The American Legion or bringing it or its members into disrepute. Such suspension may last until the following Department Convention, where such suspension must be addressed.

Section 2. No Post or District shall publish or distribute any resolution upon the general policies of The American Legion or upon matters concerning the interest of the Department without submitting a copy to the Department Convention and securing approval thereof.

Section 3. All Posts must maintain their charter membership, hold annual election of Officers, and carry out programs of The American Legion. Failure to do so will constitute action to revoke their charter. If charter is revoked, the records of the Post, funds on hand and all other assets will revert to and become property of the Department.

Section 4. No charter may be revoked at a Department Convention unless two thirds (2/3) of the Posts present affirm such action.

Section 5. Notice shall be given to the Post in question if revocation is to be submitted at a Department Convention.

ARTICLE XV

Auxiliaries

Section 1. District No. 3, The American Legion, Department of Montana, recognizes an Auxiliary organization known as District No. 3 Auxiliary.

ARTICLE XVI

Amendments

Section 1. This Constitution may be amended at any authorized District Meeting by a vote of the majority of the members present, providing there is a quorum.

ARTICLE XVII

Rules

Section 1. The rules of parliamentary law and procedures at all meetings shall be those set forth in the latest edition of Robert's Rules of Order, Newly Revised.

Section 2. In interpreting the Constitution and By-Law's of District No. 3, a special provision shall overrule a general provision, where an ambiguity exists.

ARTICLE XVIII

War-Time Conventions

Section 1. If, in the event of a state of war, an order shall be issued by the constituted authorities of the United States, the State of Montana or The American Legion preventing the holding of the annual Department Convention as provided in Article VI of the Department Constitution, then a Department Wartime Convention is hereby authorized.

Section 2. The membership of such convention shall be limited to the Department Officers, Past Department Commander, the Department Executive Committee and one representative or alternate from each District. The District representative or alternate shall be elected at a regularly called District Meeting, to be held no less than thirty (30) days prior to the Department Wartime Convention. If such District Meeting is not held, the District Commander shall appoint the representative and alternate

ARTICLE XIX

Effective Date

Section 1. This Constitution and all Articles and Sections thereof shall have full force and effect on and after the 1st day of July, 2020 at 12:01 p.m., 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 1st day of July, 2020 at 12:01 p.m., of said day.

Adopted as of the ____ day of _____, 2020, _____, Montana.

PRINTED NAME

SIGNATURE

TITLE

PRINTED NAME

SIGNATURE

TITLE

BY-LAWS
OF
DISTRICT NUMBER 3
OF
THE AMERICAN LEGION
DEPARTMENT OF MONTANA

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

Discipline of Posts and Post Members

Section 1. Each Post of The American Legion, Department of Montana, shall be the judge of its own membership, subject to the restrictions of the National and Department Constitutions and By-Law's.

Section 2. Members may be suspended or expelled from The American Legion only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, conduct unbecoming a member of The American Legion, or any act that tends to bring discredit on, or is injurious to the good name of The American Legion, disturb its well-being, and/or hamper its work. All charges must be made under oath in writing by the accuser(s) and no member in good standing shall lose his or her membership until given a fair hearing in accordance with the Universal Code of Procedure as adopted by The American Legion National Executive Committee.

Section 3. Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee, or to the Department Convention, according to the procedure prescribed by the Department Judge Advocate.

Section 4. The charter of any Post may be canceled, suspended or revoked pursuant to action set forth in Article XI of the Department Constitution and in accordance with the Universal Code of Procedure as adopted by The American Legion National Executive Committee.

ARTICLE III

Duties and Powers of District Officers

Section 1. Commander: The duties of District Commander shall be to preside at all meetings pertaining to District 3 and to perform such other duties as are usually performed by such officer and as may be prescribed in the Constitution. The District Commander shall be required to attend all District Meetings, the Fall Conference, and the Department Convention.

Section 2. Vice Commander: The Vice Commander shall officiate in the absence of the District Commander and shall perform the duties of the Commander in the latter's absence. The Vice Commander shall assist the chairperson of the membership committee.

Section 3. Finance Officer: The Finance Officer shall be the custodian of the funds of the District. He/she shall sign all checks disbursing the funds of the District, and shall make reports upon the financial condition of the District treasury when called upon by the Commander. He/she shall perform such other duties as are usually incident to the office. The Post bill will include the number of members' times the per capita rate plus any special assessment approved at any District 3 Meeting.

Section 4. Adjutant: The Adjutant shall be charged with the responsibility of all records and minutes of the meeting; keep such records as the Department and National organizations may require; and under the direction of the Commander handle all correspondence of the District, and shall perform such other duties as are usually incident to the office. The Adjutant shall send each Commander a draft copy of the minutes of the meeting within two weeks following the meeting.

Section 5. Sergeant-at-Arms: The Sergeant-at-Arms shall assist the Commander in preserving order at all meetings, and shall perform such other duties as may be, from time to time, assigned to him/her by the Commander. He/she shall be responsible for ensuring that only the authorized delegates from each post are allowed to vote and that only those posts in good standing with District and Department may be allowed to vote, in accordance with ARTICLE VII (Voting) of the Constitution.

Section 6. Chaplain: The Chaplain shall be charged with the spiritual welfare of the District members and will offer divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National Headquarters from time to time. He/she shall be responsible for offering the invocation during the "Opening and Closing" ceremonies of the District Meeting.

Section 7. Executive Committee: The Executive Committee shall be the members provided for in ARTICLE VIII, Section 6 of the Constitution. The District Commander shall act as Chairman.

Section 8. All of the above elected and appointed District Officers shall perform the duties as are usually incidental 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 and the current year's Officer's Guide and Manual of Ceremonies.

Section 9. All Standing Committee members shall perform the duties pertaining to that specific committee or as the District Commander may direct.

Section 10. The District Commander and District Finance Officer shall submit a single budget for approval not later than the Fall meeting for approval. The Budget must be approved by a majority vote by those at District No. 3 Fall Meeting before the District Finance Officer can make quarterly reimbursements.

ARTICLE IV

Per Capita Assessment and Reimbursements

Section 1. The calculation of District No. 3 Per Capita Assessment is the multiplication of the Year End Total of the Post Paid Members by the current rate (\$0.50) per member. Example being as follows: In January of 2020, the District Finance Officer reviews the Department Membership Roster for the Post Paid Members (Year End Total 2019), and multiplies it by the current rate per member (\$0.50).

Section 2. The District Commander shall be reimbursed for travel, and purchase of District cap and badge.

ARTICLE V

Amendments

Section 1. These By-Laws may be amended at any authorized District Meeting by a vote of the majority of the members present, providing there is a quorum.

ARTICLE VI

Effective Date

Section 1. These By-Laws and Articles and Sections thereof shall have full force and effect on and after the 1st day of July, 2020, at 12:01 p.m. 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 1st day of July, 2020, at 12:00 p.m. of said day.

Adopted as of the ____ day of _____, 2020, _____, Montana.

PRINTED NAME

SIGNATURE

TITLE

PRINTED NAME

SIGNATURE

TITLE

