

Constitution and By-Laws for District 6

American Legion

Department of Montana

ARTICLE I

Section 1 The name of this association or organization shall be "Mining District Number 6, The American Legion of Montana".

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

ARTICLE II

NATURE, OBJECTS, PURPOSES, AND JURISDICTION

Section 1 Mining District Number 6, The American Legion 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 Mining District Number 6, The American Legion 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 purposed 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 Mining District Number 6, The American Legion of Montana.

Section 5 Mining District Number 6, The American Legion of Montana 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. 6.

ARTICLE III

ORGANIZATION AND MEMBERSHIP

Section 1 All local Posts of the The American Legion of Montana, within the jurisdiction of District Number 6 of that organization shall become members of Mining District Number 6, The American Legion of Montana.

Section 2 Mining District Number 6, The American Legion 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 Mining District Number 6, The American Legion of Montana, which has not paid the legal dues prescribed to the said Mining District No.6, or who refuses to obey the lawful mandates, constitution of the District, shall not be entitled to official representation at any meeting of Mining District no. 6 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 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 set by the By-Laws.

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

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 July 1st to June 30th inclusive in each year.

ARTICLE V

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 meetings representatives from fifty (50%) of the Post 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 meeting shall be as follows:

- a. Each post has all current dues and assessments paid
- b. Each Post shall have three votes, with one additional vote for every 100 members, or major fraction of 100, over the first 100 members.
- c. Post membership shall be considered as that recorded at the Department Headquarters on December 31st 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 Actual expense incurred by the District Commander to travel to make official visits to Posts of the District will be reimbursed subject to approval by the Auditing Committee, with the consent of the delegates at any regular District meeting. Actual travel expenses of the District Commander and District Adjutant to any regularly called District meeting will also be authorized.

Section 8 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:
 - a. Membership
 - b. Resolutions
 - c. Audit/Finance Committee (spring and fall meetings)
 - d. Nominating
 - e. Constitution
 - f. Time & Place
- h. Introduction of guests (to speak at convenient times of meetings)
- 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 Committees
- m. New business
- n. Spring Meeting report of nominating committee and election of District Officers in order in which they appear in the constitution will occur every two years, or as needed.
- 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 bi-annual Spring Meeting the following District Officers shall be elected:

- a. District Commander
- b. District Vice Commander
- c. District Finance Officer
- d. District Sergeant-at-Arms

Section 2 Immediately after elected and within 60 days thereof the District Commander shall appoint the following District Officers:

- a. District Adjutant
- b. District Chaplain
- c. District Historian
- d. District Service Officer

Section 3 All elective and appointed 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 Mining District No. 6 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 by a voice vote (except election of Officers), a roll call may be requested by any delegate at a District meeting.

ARTICLE VIII

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 days (10) 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 Mining District Number 6, The American Legion of Montana, shall not be liable for any debts or contracts of local Posts.

ARTICLE X

AUXILIARIES

Section 1 Mining District Number 6, The American Legion of Montana, recognizes an Auxiliary organization known as Mining District Number 6 Auxiliary.

Section 2 Mining District Number 6 Auxiliary shall be governed by such rules and regulations as may prescribed by The American Legion Auxiliary, 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 be a quorum.

By-Laws
Mining District Number 6
The American Legion of Montana

ARTICLE I

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 Commander: The duties of District Commander shall be to preside at all meetings of this District and to perform such other duties as are usually performed by such officer and as may be prescribed in the Constitution.

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 bill sent to the District's Posts will include the number of members for the post times the per capita rate.

Section 4 Adjutant: The Adjutant shall be charged with the responsibility of all records and minutes of the meetings; 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 Historian: The Historian shall be charged with the individual records and incidents of the District and District members, and shall perform such other duties as may properly pertain to the office.

Section 6 Service Officer: The Service Officer shall inform the membership of laws relating to Veteran Affairs and Rehabilitation. He / She shall perform such other duties as are usually incident to the office.

Section 7 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.

Section 8 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.

Section 9 Executive Committee: The Executive Committee shall be the members provided for in ARTICLE VI, Section 6 of the Constitution. The Commander shall act as Chairman.

Section 10 All of the above 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 and Officer Guide & Manual of Ceremonies.

Section 11 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 delegates present, providing there is a quorum.

ARTICLE IV

ANNUAL ACTIVITY REPORT

Section 1 Each District Post shall produce an annual written report to be submitted at the spring District meeting.

ARTICLE V

FINANCIAL OPERATIONS

Section 1 The per capita rate is set at \$0.75.

Section 2 Per capita dues must be paid prior to the first vote at the Spring District Meeting.

Section 3 Mileage rate & per-diem to be paid for District Officers shall be the same as the American Legion Department of Montana rate.

- a. Compensation may be granted to any District Officer, performing duties on behalf of the District Commander.
- b. District Officers shall not be paid by both Post or Department and the District.
- c. District Commander elect shall be compensated for travel to The Department Meeting which includes mileage and two days per-diem.

Section 4 District Oratorical Contest prizes shall not exceed 10% of the District Budget.

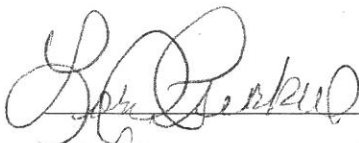
- a. Travel cost for the District winner to attend the Department contest shall be paid.

ARTICLE VI

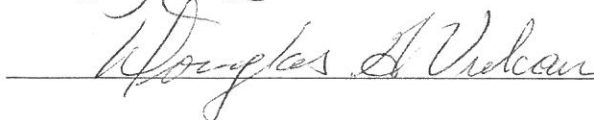
EFFECTIVE DATES

Section 1 This Constitution and By-Laws and all articles and sections thereof shall have full force and effect. This Constitution and By-Laws being duly approved are effective immediately following approval vote, this 12th day of March 2016 and shall remain in force until amended by the duly approved process at a later date.

Mining District Commander



Mining District Adjutant



Date:

3/12/2016

