

Constitution and By-Laws



AMERICAN LEGION THIRD DISTRICT

Adopted on May 21, 2022, at the Third District Convention in Forest Lake
MN

CONSTITUTION
of the
THIRD DISTRICT AMERICAN LEGION
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 associations 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

The name of this organization shall be the
THIRD DISTRICT, DEPARTMENT OF MINNESOTA,
THE AMERICAN LEGION.

ARTICLE II

Composition

This District shall be composed of all the chartered American Legion Posts situated in the counties of McLeod, Carver, Sibley, Nicollet, Scott, Le Sueur, Rice, Washington, Dakota and Goodhue, State of Minnesota.

ARTICLE III

Officers

The elective officers shall be a Commander, Five (5) Vice Commanders (without numerical designation), and Finance Officer. The appointive officers shall be the Adjutant, Judge Advocate, Sergeant-At-Arms, Chaplain, Historian and Membership Director. Terms of office, duties and powers of said officers shall be as set forth in the By-Laws.

ARTICLE IV

Executive Committee

The Executive Committee shall be composed of the District Commander, Vice Commanders, Finance Officer, Immediate Past District Commander. Also, the District Adjutant, District Judge Advocate, District Sergeant at Arms, any Past National Commander belonging in good standing to a Post in the District, any District member who currently holds a National Office, the District Chaplain and District Membership Director are ex officio and by these by-laws are non-voting members of the Executive Committee.

ARTICLE V

Administrations

The affairs of the District shall be governed in accordance with the mandates made at the annual District Conventions and administered by the officers and Executive Committee in conformity with the Constitution of the District, Department of Minnesota and the National Organization.

ARTICLE VI

Elections

The elective officers of the District shall be elected at the Annual District Convention and shall take office immediately following adjournment of the Department Convention; however, the Commander-Elect shall be empowered to make appointments, hold meetings, and initiate programs immediately following the District Convention. Elections and Balloting shall conform to provisions as set forth in the By-Laws

ARTICLE VII

Amendments

This Constitution may be amended by a two-thirds majority vote of delegates assembled at any duly constituted District Convention. Such proposed amendments must be submitted in writing sixty (60) days prior to the Annual District Convention, to the District Adjutant, who shall notify each post of context within thirty (30) days of receipt of such proposed amendment(s) by way of US Mail or electronic conveyance and provided further, it may be amended by unanimous vote at any District Convention without notice.

ARTICLE VIII

By-Laws

The Constitution and By-Laws shall become effective immediately upon adoption, and the Commander and Adjutant are authorized to execute all necessary certificates and to file any copies thereof at any public offices in the District and State where such filing may become necessary under the law.

BY-LAWS
of the
THIRD DISTRICT AMERICAN LEGION

ARTICLE I

Meetings

SECTION I. Subject to the Constitution and these By-Laws, the District Convention Steering Committee, should report to the delegates the time and place of the next annual Convention. District Convention sites shall be selected two (2) years in advance by a majority vote of the delegates voting at the annual District Convention. Written notice of the exact time and place of the next District Convention shall be given to each Post, by the District Adjutant, at least thirty (30) days prior to the convention date.

Those Posts that wish to host a District Convention shall submit written bids to the District Convention Steering Committee no less than ninety (90) days prior to the annual District Convention. The District Convention Steering Committee shall meet with the Post Commanders, or their delegates, of the bidding Post to ascertain suitability of the facilities and accommodations, and report their findings to the District Convention.

If, at any time, in the opinion of the District Convention Steering Committee, the designated host Post is unable to fulfill the obligations of hosting the Convention, the District Executive Committee shall award the Convention to another Post, provided both Posts are notified in writing at least ninety (90) days before the start of the said Convention, and further provided that all Posts in the Third District be notified in writing at the same time.

The District Convention Steering Committee shall consist of three (3) members, one appointed each year by the District Commander for a three-year term. The District Adjutant shall be an ex-officio member and the recording Secretary.

SECTION II. At the District Convention, which shall be held at least thirty days prior to the Department Convention, each post shall have representation as determined by their membership thirty days prior to the District Convention. Delegates and Alternates shall have been duly certified by their Post Commander or Adjutant to the District Adjutant at least two weeks prior to the Convention date. A quorum is represented by the posts that are present

SECTION III. EXECUTIVE COMMITTEE.

Executive Committee meetings shall be called at the discretion of the District Commander, or upon written request of three (3) or more Executive Committee members addressed to the Adjutant. The newly elected Executive Committee shall meet at the call of the newly elected District Commander, but in no event shall it be more than sixty (60) days after the adjournment of the District Convention. The first order of business shall be to verify the eligibility of all newly elected or appointed District Officers who shall present to the District Judge Advocate, a copy of their DD214. The District Adjutant shall forward to each Committee and ex officio member a written notice of said meetings at least seven days prior thereto.

SECTION IV. A quorum of the Executive Committee shall consist of a majority of its members; a less number may adjourn a meeting.

SECTION V. All meetings and elections shall be conducted according to "Roberts Rules of Order Revised", subject to the provisions of the Constitution and these By-Laws.

SECTION VI. DISTRICT MEETINGS. District meetings shall be open to any Legionnaire of the Third District, who is a member in good standing.

SECTION VII. NATIONAL EMERGENCY: In the event that due to an emergency, be it National, State or District, whereby it is for any reason impossible to convene the annual District Convention, the District Executive Committee, if it can be convened, either in-person or electronically shall be the legislative body for that year and shall elect or retain District Officers and transact all necessary District business that does not require a convention floor vote.

ARTICLE II

Nominations, Elections, Removals, and Vacancies

SECTION I. Nomination of officers shall be made from the floor of the Convention. All elective officers shall be elected by a majority vote. Any member of a Post of this District in good standing shall be eligible to hold office except as herein provided. In the event two or more candidates are nominated for District Commander, the voting shall be by written ballot under the direction of the District Judge Advocate at each convention. After the nominations cease, ballots will be given out by roll call, under the direction of the Judge Advocate. Each Post is entitled to as many votes as it has allocated delegates and each officer shall hold office for a term of one year or until a successor shall be duly elected or appointed and qualified.

SECTION II. Delegates and Alternates to the National Convention shall be nominated and endorsed by their respective posts. The names of nominees shall be submitted in writing to the District Adjutant at least thirty (30) days prior to the District Convention. Delegates and Alternates shall be elected by a plurality of votes cast at the District Convention. Ranking of Delegates and Alternates shall be by the number of votes received by each candidate, with the candidate receiving the most votes (if a ballot is required) being first Delegate and the candidate receiving the least votes being the last Alternate, etc. The outgoing District Commander, the incoming District Commander and the incoming District Adjutant shall be authorized Delegates to the National Convention. The outgoing District Commander shall serve as the Delegation Chair for the National Convention. If the outgoing District Commander is not in attendance the incoming District Commander shall replace the outgoing District Commander as Delegation Chair. If neither the outgoing District Commander nor the incoming District Commander are in attendance the Delegation Chair shall be the most recent Past District Commander in attendance.

The method of voting for said Delegates and Alternates shall be by written ballot, under the direction of the Third District Judge Advocate at each Third District Convention. No ballot vote would be required if there are equal or less delegate applicants than the number required to fill the District National Convention delegate obligation.

Any officer may be removed for cause upon a two-thirds majority vote of the Executive Committee, after a full hearing of the written charges and defense thereto.

Vacancies caused by death, resignation, disqualification, removal or unfilled positions shall be filled by appointment for the unexpired term by the District Executive Committee, except for members of the District Finance Committee, who shall be appointed until the next District Convention.

SECTION III. All elective Officers and Finance Committee nominees shall be elected by the District Convention Delegates and in this order: Commander, five (5) Vice Commanders, Finance Officer and one (1) Member of the Finance Committee for a five year term.

SECTION IV. Nominations for Endorsement of Candidates from the Third District for Department or National elective offices shall be conducted during the morning session at the Annual District Convention. In the event of more than one candidate seeking District endorsement for the same office, the method of voting shall be by written ballot, under the direction of the District Judge Advocate. A majority of votes cast is required to receive District endorsement.

ARTICLE III

Voting

SECTION I. All votes in convention, except for the election of Commander when two or more candidates are nominated, and the District endorsement for candidates for Department or National Offices, except when two or more candidates are nominated, shall be by voice vote with all questions to be decided by majority vote. If more than five (5) candidates are nominated for Vice Commander or there are two or more candidates nominated for Finance Officer or two or more as a Member to the Finance Committee, the voting shall be by roll call of posts. The National Convention Delegates and Alternates shall be elected by written ballot with all questions decided by a plurality vote that ranks the delegate with the most votes as number one and continuing until all delegates and alternates are numbered. Any post legally represented shall be allowed to cast its allotted number of votes. No ballot vote would be required if there are equal or less delegate applicants than the number required to fill the District National Convention delegate obligation.

SECTION II. Each member of the District Executive Committee and the Past District Commanders, if not a delegate from their respective post, shall be entitled to all the privileges of a delegate except that of the vote at the District Convention.

ARTICLE IV

Duties of Officers

SECTION I. COMMANDER. The Commander shall be the Executive Officer of the District and shall preside at all meetings. The Commander shall appoint, with Executive Committee approval, an Adjutant, a Sergeant-At-Arms, a Judge Advocate, a Historian, a Chaplain and a Membership Director, said appointees to serve their term of office with the duties usually incidental to such positions and powers as may be established by the Executive Committee. The Commander shall appoint such standing committees and subcommittees with such duties and powers as may be deemed advisable, subject to ratification by the District Executive Committee.

The Commander shall appoint an Auditing Committee, with the approval of the Executive Committee, to audit the records of the District Finance Officer within sixty (60) days after the Department Convention. Said Committee

shall also audit said records upon written request of the Executive Committee or any ten members in good standing from five (5) individual posts in the District. The Commander shall be an ex-officio member of all committees.

SECTION II. VICE COMMANDERS. In the absence of the Commander, the Executive Committee shall designate one of the Vice Commanders to preside at meetings. He/She shall act as a representative of the Commander on matters referred to him/her by the Commander or Executive Committee. All Vice Commanders shall be members of the Membership Committee.

SECTION III. ADJUTANT. It shall be the Adjutant's duty to keep a correct and accurate report of all proceedings of the Executive Committee, and said records shall be made a permanent file and shall be kept with other past District records. The Adjutant shall submit a report to each post of all Convention actions affecting posts and/or District after the District Convention, and notify all newly elected and appointed officers of their election and/or appointment. The Adjutant shall submit to Department Headquarters, at least thirty (30) days prior to the Annual Department Convention, any and all resolutions passed by the third District Convention, for consideration at the annual Department Convention. The Adjutant shall notify officers and committee chairmen of the amount allotted in the annual budget for the year's activities. The Adjutant is responsible for the District Newsletter, forwarding of notices of meetings, Convention Call and such other duties assigned by the Commander, or as appears elsewhere in the Constitution and these By-Laws.

SECTION IV. FINANCE OFFICER. The Finance Officer shall be custodian of the funds of this District; and shall deposit the same in such financial institutions as he/she shall elect, subject to the approval of the Finance Committee. Such funds should be disbursed by check signed by the Finance Officer or Authorized Alternate. They shall pay no bill or claim without authorization by voucher issued by the District Commander. The Finance Officer shall report to the Executive Committee as required, accounting for receipts and disbursements.

SECTION V. FINANCE COMMITTEE. The Finance Committee shall consist of five (5) members, elected by the Delegates at the District Convention, one each year for a five-year term. The Chair shall be the member serving the last year of their elected or appointed term. The District Finance Officer shall be an ex-officio member of the Committee.

The Annual Budget shall be prepared showing amounts allocated and indicate allocations to the District Commander, District Officers, District Chairmen and District Committees by the Finance Committee and it shall then be referred to the Executive Committee for its approval.

Non-Budgetary expenditures shall be referred to the Finance Committee for study and their recommendations then submitted to the District Executive Committee for approval. Any single, non-budgeted item, more than \$300.00 must have Executive Committee approval.

One (1) member of the Finance Committee shall be authorized, each year, to be an Alternate for the District Finance Officer, and be empowered to sign checks, transfer funds, and perform the other duties of the office, in the absence of the Finance Officer, subject to the conditions of these By-Laws. The Alternate for the District Finance Officer shall be selected by the Finance Committee, subject to the approval of the District Executive Committee.

SECTION VI: RECORDS RETENTION: Electronic records shall be maintained indefinitely in a safe deposit box at a location which is in the central part of the district. Location to be set up by the District

Executive Board. The Safe Deposit box will have 2 keys, one for the District Adjutant and one for the District Finance Officer.

ARTICLE V

Amendments

SECTION I. These Bylaws may be amended by a two-thirds majority vote of delegates assembled at any duly constituted District Convention. Such proposed amendments must be submitted in writing sixty (60) days prior to the Annual District Convention, to the District Adjutant, who shall notify each post of context within thirty (30) days of receipt of such proposed amendment(s) by way of US Mail or electronic conveyance and provided further, it may be amended by unanimous vote at any District Convention without notice.

MANDATES

1951 - County Councils

Authorizes the establishment of County Councils within the District.

1978 - Post Membership Quotas

The formula for establishing post membership quotas within the District shall be the same as that used by the Department of Minnesota to establish District quotas.

1979 - District Convention Registration

The registration fee for delegates and guests at the annual District Convention shall be set annually by the District Executive Committee.

1980 - District Conventions (By Executive Committee Action)

Annual District Conventions shall be held on a Friday and Saturday in May of each year. The Annual Past Commanders and Past Presidents dinner shall be held on Friday evening. The annual joint banquet shall be held on Saturday evening. The Memorial Service shall be held at 11:00 A.M. on Saturday.

1983 - Election of Post Officers

Recommends that all posts in the District have their officers selected and such officers shall assume office no later than the close of the Department Convention each year, and that their names be submitted to the District Adjutant by the first week in August.

1983 - Raffle Ticket and Solicitations

Only lawful raffle tickets or solicitations shall be allowed at the District Convention, the Mid-Winter Conference by the Host Post or Unit, the Third District or the Department of Minnesota, unless authorized by the Host Post

1993 - District Dues Increase

Any further resolution to increase membership dues for the District must be distributed to all American Legion Posts within the Third District, no later than ninety (90) days prior to the Third District Annual Convention.

1997 - Proposed Resolutions

The proposed resolutions to the Third District Annual Convention are presented at the morning session; copies of the resolutions shall be available at the Convention. If reasonably possible, the resolutions would be voted on during the afternoon session of the Convention.

1997 - National Convention Alternates

The Third District Delegate Chairman to the annual National Convention is hereby authorized to appoint any member in good standing of the Third District to fill any alternate vacancies that may exist and such appointee shall be listed after the duly-elected alternates.

2007 - National Convention Delegate Ballot

The ballot for election of Delegates to the National Convention shall be prepared by the District Adjutant and District Judge Advocate, after receiving a list of Delegates. No ballot vote would be required if there are equal or less delegate applicants than the number required to fill the District National Convention delegate obligation.

2008 - Delegate Attendance as follows:

Should a delegate(s) fail to attend the sessions of the National Convention, on one or more days, the Delegation Chair shall inform the District Finance Officer, who shall withhold one-third of the stipend for each day a delegate(s) is reported absent. If the absence is excused by the Delegation Chair, no funds will be withheld, if the absence is not excused the withheld funds will be divided by the District Finance Officer for the remaining qualified Delegates. The District Finance Officer shall make payment of the National Convention Delegates stipend within ten days after returning home from the National Convention.

2008 District Convention Reporting:

Directs the District Convention Steering Committee with the responsibility of recording the District Convention regarding the orders of business that shall be recorded verbatim in the minutes or shall use electronic recording medium to allow for later transcription of the minutes. The cost of these services shall be approved by the Executive Committee prior to any commitment. Three copies of said minutes/recording shall be provided for the Outgoing District Commander, incoming District Adjutant and District Archives before the Department Convention. The recorder shall provide the three (3) copies to the District Adjutant for distribution.

2008 – District Committee Assignments

Legionnaires of the Third District, Department of Minnesota should be limited to one elected position by the membership or one of the appointed positions-by the District Commander including District Committees and the boards of all corporations and foundations which are District programs. The District Commander, Past District Commander and District Adjutant by virtue of their office will be allowed to serve on district committees as required by Third District of American Legion, Department of Minnesota By-Laws.

2010 - Bids for Mid-Winter

The Third District Commander shall request all bids for the Third District Mid-Winter Conference to be sent to the District Adjutant by the Department of Minnesota Convention. The Third District Executive Committee shall at the Department of Minnesota Convention select the site for the Mid-Winter Conference.

2010 - Legion Riders

The Third District Commander, annually, shall appoint a Legionnaire of the Third District, in good standing, as liaison for the American Legion Riders program and the Third District Finance Committee shall include an amount for incidental expenses for the American Legion Riders liaison in the annual budget to be approved by the Third District Executive Committee

2012 - Legion Baseball

Third District Legion Baseball director be appointed for a three-year term by the District Commander.

2015 - District Dues

Third District dues shall be \$3.00 per member.

2015 - National Convention Delegate:

The Outgoing District Commander, the Incoming District Commander, the Incoming District Adjutant and any Third District Legionnaire that is a National Committee or Commission Chair or Vice Chair of the said Committee or Commission that is required to attend a corresponding Committee meeting (That reports to the Convention Body) shall be authorized Delegates to the National Convention.

2021 – Election of Vice Commander, Finance Officer, Members of the Finance Committee

When more than five (5) candidates are nominated for Vice Commander and there is two or more candidates nominated for Finance Officer and Member to the Finance Committee, the voting shall be by roll call of posts.

2021 – Finance Committee Members

The Finance Committee shall consist of five (5) members duly elected; one for each year for a five-year term. There shall not be a majority of members from one post.

2021 – Update to the District Constitution and By Laws on the Website

The District Constitution and By-Laws shall be posted on the Third District website and any amendments to the Constitution and By-Laws shall be updated on the District website within 60 days of the close of the convention of adoption, by the District Adjutant and Judge Advocate.

2022 -- ACTION WITHOUT IN-PERSON MEETING.

1.Method: An action required or permitted to be taken at a board meeting may be taken by written action signed, or consented to by authenticated electronic communication, by all the District Executive Board members. If the articles so provide an action, other than an action requiring approval of members with voting rights, may be taken by written action signed, or consented to by authenticated electronic communication, by the number of members that would be required to take the same action at a meeting of the District Executive Board at which all members were present.

2.Effective time: The written action is effective when signed, or consented to by authenticated electronic communication, by the required number of Executive Board members, unless a different effective time is provided in the written action.

3.Liability: When written action is permitted to be taken by less than all Board Members, all Board Members must be notified immediately of its text and effective date. Failure to provide the notice does not invalidate the written action. An Executive Board Member who does not sign or consent to the written action is not liable for the action or actions taken thereby.

2022 -- Incorporation of Posts

To protect Post members from possible personal liability, it is highly recommended that each Post register with the Secretary of State as a non- profit corporation under Chapter 317a.821 and maintain their non-profit corporate status annually under Chapter 317A.823.

2022 - National Convention Delegate Expense as follows:

District Delegates to the National Convention shall receive equal shares of the combined monetary distribution from both the Department of Minnesota and funds allocated by the District for National Convention Expense. If an elected delegate is unable to attend, the elected alternate in sequence, if present, shall be entitled to the proportionate share. The delegation Chair shall determine if duties have been fulfilled.

Who we are

- The American Legion Third District is made up of 64 Posts covering 10 Counties
- The American Legion was chartered and incorporated by Congress in 1919 as a patriotic veterans organization devoted to mutual helpfulness. It is the nation's largest wartime veterans service organization, committed to mentoring youth and sponsorship of wholesome programs in our communities, advocating patriotism and honor, promoting strong national security, and continued devotion to our fellow service members and veterans.



American Legion Third District