



# CONSTITUTION OF THE AMERICAN LEGION



## DEPARTMENT OF MINNESOTA

### *FIRST DISTRICT*

#### **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 masses and the masses ; to make right the master of might; to promote peace and goodwill on earth; to safeguard and transmit to the 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 American Legion, Department of Minnesota, First District.

#### **ARTICLE II - NATURE**

**Section 1:** The American Legion is a civilian organization. Membership therein shall not increase nor decrease liability for military or police service. Former military or naval rank does not exist in the American Legion. No member shall be addressed by his/her military rank in any convention or meeting of the American Legion.

**Section 2:** The American Legion 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. No candidate for nomination or election to, or no incumbent of, any remunerative elective public office shall hold any elective office or any appointive remunerative office in the First District or Post thereof. Provided that members of post, department or national, standing or special committees shall not be affected.

#### **ARTICLE III - ORGANIZATION**

**Section 1:** The American Legion, Department of Minnesota, First District, is a District of and Subject to the jurisdiction of the American Legion and the Department of Minnesota.

**Section 2:** The American Legion, Department of Minnesota, First District, shall be composed of American Legion Posts situated in the following counties located in the State of Minnesota.

Winona

Olmsted

Fillmore

Wabasha

Waseca

Freeborn

Steele

Houston

Mower

Dodge

#### **ARTICLE IV - ELIGIBILITY**

**Section 1:** Eligibility for membership in this district shall be governed by the provisions of the National Constitution of the American Legion relating thereto.

An individual is eligible for membership in The American Legion only if the individual – (1)(A) has served in the Armed Forces of the United States at any time during -the period of April 6, 1917, through November 11, 1918; or any time after December 7, 1941; or a government associated with the United States Government during a period of time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and (2) was honorably discharged or separated from that service or continues to serve honorably during or after that period of time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

**Section 2:** There shall be no form or class of membership except active membership as provided in the National Constitution.

**Section 3:** No person may be member at any time of more than one post.

#### **ARTICLE V - LEGISLATIVE ORGANIZATION**

**Section 1:** The legislative body of this district shall be the district convention, which shall be held annually at such place as shall be fixed by the preceding convention. The time when said convention shall be fixed by the District Executive Committee, but shall not be more than 60 days nor less than 15 days prior to the Department of Minnesota Convention. In the event that the place shall not be fixed by the preceding convention, it shall be fixed by the District Executive Committee.

**Section 1A:** By District Convention action the First District shall hold District Convention on the third Saturday of May.

**Section 2:** The District Convention shall be composed of delegates from each post in the district, and members and ex-officio members of the District Executive Committee. But, only delegates from posts shall be entitled to vote.

**Section 3:** Each post shall be entitled to two delegates and to one additional delegate for each (100) hundred members or major fraction thereof whose department dues have been received by the department treasurer and whose district dues have been paid to their respective district officers 30 days prior to the convention for which they are elected. The final voting strength of each post shall be determined 30 days prior to the convention. Each post shall elect its own delegates, who shall be members in good standing in such post. In addition each post may elect alternate delegates to serve in

the absence of the principal delegates to which it is entitled. Proxies shall not allowed. A post not represented by either delegate or alternate shall not have a vote.

**Section 4:** The convention shall be the final judge of the election and qualifications of the delegates.

**Section 5:** A quorum shall exist when one-fifth of the posts in the district are wholly or partially represented by duly elected delegates or alternates.

#### **ARTICLE VI - DISTRICT EXECUTIVE COMMITTEE**

**Section 1:** The administrative power of the organization shall be vested in the District Executive Committee and the District Commander and other District Officers.

**Section2:** The Executive Committee shall consist of the District Commander, The Vice Commanders, the Adjutant, the Finance Officer, the District Chaplain, The County Commanders from each of the ten counties, and the three immediate past District Commanders. Said County Commanders shall be chosen by a majority vote of the individual posts of each county at a county caucus held at or prior to the time of the district convention, and serve for a period of one(1) year, tenure of office to commence with the incoming District Commander. The other district officers, the chairman of the standing committees for the district, and other past District Commanders shall be members of the members of the executive committee, ex-official on the executive committee, the executive shall have the power to fill the vacancy for the un-expired term from the county in which the vacancy occurs. The District Commander shall act as chairman of the Executive Committee.

**Section 3:** The executive committee shall meet at the call of the District Commander. The commander shall call a meeting upon written request of three or more members of the committee. The organizational meeting of said committee shall be held not more than 60 days after the Department of Minnesota Convention.

**Section 4:** The executive committee or the commander, with the consent of the executive committee may appoint such standing committees as they seem necessary.

**Section 5:** Six members of the executive committee shall constitute a quorum.

#### **ARTICLE VII - DISTRICT OFFICERS**

**Section 1:** The officers of this District shall be a Commander, four Vice –Commanders, Adjutant, Finance Officer, Chaplain, SGT at Arms, Historian, Judge Advocate and Membership Director.

**Section 2;** The Commander, Vice-Commanders, Finance Officer and Chaplain shall be elected annually by the convention and said convention shall be held on the last day of the convention; provided that one vice-commander shall be elected from each of the following areas:

**Area 1;** Winona County, Wabasha County, Olmsted County.

**Area 2;** Steele County, Dodge County, Waseca County.

**Area 3;** Houston County, Fillmore County.

**Area 4;** Freeborn County, Mower County.

The Commander elected by the convention shall not be eligible to succeed himself/ herself in the same office. A majority of all votes cast shall be necessary for the election of any officer.

**Section 3:** The officers of the District shall take office at the close of the Department of Minnesota Convention and serve until the adjournment of the next succeeding Department Convention and thereafter until their successor has been duly chosen and qualified.

**Section 3A:** The newly elected officers of the First District shall be installed at the First District Convention as the last order of business before the adjournment of the convention. These officers shall assume the membership duties issued to them by the Department of Minnesota prior to Department Convention.

**Section 3B:** The First District changeover meeting shall be held prior to Department Convention.

**Section 4;** At the organizational meeting of the Executive Committee, the order of succession of the four (4) vice commanders, in the case of a vacancy in the office of Commander, shall be determined by the Executive Committee, and in case of a vacancy in the office of Commander prior to such meeting, The Executive Committee shall be called into session within five (5) days by the District Adjutant for its organizational meeting. Such new Commander shall complete the un-expired term of the Commander and the vacancy in the office of Vice-Commander, created by such appointment, and vacancies in any other district offices, shall be filled by the Executive Committee for the un-expired terms.

**Section 5:** The Adjutant, SGT at Arms, Historian, Membership Director and Judge Advocate shall be appointed by the District Commander with advice and consent of the Executive Committee, and shall hold office during the pleasure of such Commander and Executive Committee.

**Section 6:** Nominations of the elective Offices of the District shall be made either by a nominating committee or from the floor of the convention or both. Nominating speeches shall be limited to three (3) minutes and a seconding speech of two (2) minutes. There shall be no more than one (1) decending speech for each nominee. An election shall be declared in the case of more than one candidate by roll call of Posts.

## **ARTICLE VIII - NATIONAL REPRESENTATIVES**

**Section 1:** The delegates to the national convention, to which the First District is entitled, shall be elected by the First District Convention.

**Section 2:** Automatic delegated to the national convention shall be elected at the Annual District Convention.

- (A) The incoming and outgoing District Commander
- (B) The outgoing District Adjutant
  - (1) Should any of the Automatic Delegates decline nomination and election, the Replacement Delegate shall be nominated and elected from the floor.
- (C) The Chairman and Vice Chairman of any National Commission or Committee from the First District who serve on those Commissions and Committees that may give reports at the National Convention of the American Legion shall be automatic delegates to the Annual National Convention of the American Legion from the First District, Dept. of Minnesota.

**Section 3:** All delegates, whether automatic or wishing to be a delegate, must submit in writing a letter to the District Commander stating his/her request to be a delegate or alternate from the first district, prior to the start of the District Executive Committee meeting at the District Convention.

**Section 4:** The balance of the National Delegates shall be nominated and elected from the floor of the Annual Convention, up to the total number the District is entitled to.

**Section 5:** Alternates to the National Convention shall be by nomination and elected from the floor by the Convention.

(A) Alternates shall be numbered in the order of nomination and will replace Delegates in that numbered order.

**Section 6:** Duties and requirements of National Delegates.

- (A) Submit a letter – automatic or wishing to be as listed in the District Constitution, Article VII Section 3.
- (B) Submit housing request and registration after receiving from Department.
- (C) Must attend Minnesota Caucus. Must attend Convention sessions.
- (D) Each Delegate must check in with District Delegation chairman (or elected representative) at the beginning and end of each session.
- (E) The First District Delegate must be in attendance at all the required business sessions unless excused by the District Delegation Chairman (or selected representative). Exceptions will be honored such as serving on a standing committee, national convention committee, National Commission, SGT at Arms, call in meetings and whatever else the Delegate Chairman (or selected representative) will honor. (This is not intended to prevent a Delegate from going to the restroom, eating, coffee and going to exhibition room or just plain stretching their legs).
- (F) Delegates will be able to leave after the second business session is complete (normally Wednesday) or early Thursday if their travel itinerary dictates so, (We know that there areas where limited connections can be made when flying). The District Delegate Chairman (or selected representative) should be made aware of these situations prior to the start of the National Convention.
- (G) If a Delegate is absent from the caucus(es) and scheduled meetings and is not excused by the

District Delegate Chairman (or selected representative) , one day per diem will be deducted from Department delegate check for each day of unexcused absences. If the delegate has three or more unexcused absences, he/she will forfeit the Department Delegate check and must return any advanced District monies.

- (H) If a delegate does not go to the National Convention, any advanced District Monies must be reimbursed to the District immediately along with forfeiting the Department Delegate Check. The District Delegate Chairman (or selected representative) may appoint an alternate delegate, who is in attendance at the National Convention. As a replacement with full delegate status and pay.
- (I) If a delegate does not return advanced District delegate funds, he/she will be ineligible to be a delegate to the National American Legion in future years.
- (J) The Department delegate convention check will be mailed within seven days on the approval of the District Delegate Chairman (or selected representative). If a delegate has not fulfilled his/her obligation with unexcused absences by the District Delegation chairman (or selected representative), money will be prorated based upon the per diem formula and any remaining monies will be sent to them by the District Finance Officer.

## **ARTICLE IX - FINANCE**

**Section 1:** The revenue of the American Legion, Department of Minnesota, First District shall be derived from annual membership dues and from such other sources as may be approved by the Executive Committee.

**Section 2:** The amount of such annual dues shall be determined by the District Convention and remain in effect until changed by subsequent action of the convention. Each post shall collect the annual dues and the portion designated as District, Department and National dues remitted., and no post shall be qualified for representation at any District Convention until all of said dues have been fully paid.

**Section 3:** The fiscal year on the First District shall be August 1 to July 31.

**Section 4:** A sound financial management policy is necessary to control and maintain an uniformity In the expenses of the District and:

A periodic review and revision to update that financial policy based on current conditions is necessary.

The First District, by sound financial management, has been able to provide adequate through the collection of dues.

This program has provides an operating reserve for the District over 30 years as well as providing funding necessary to maintain District programs., and

A current review of income and expenses of the First District would indicate a dues increase or revision of the budgeting and expense process.

The reserve is adequate for current needs, now therefore be it effective with the 2017 - 2018 American Legion year the budgeting provisions following take effect until further

notice, that the First District dues be \$3.50 per member.

The First District Reserve Fund be established as a District Restricted Fund, capitalized at the dollar amount of \$14,000.00.

That the amount of on more than 10% of the restricted fund capitalized amount may be budgeted In any fiscal year, provided that such budgeting shall require two (2) passing actions of consecutive District Executive Committee meetings and shall be passed by a 2/3 majority vote.

The total amount of the annual budget shall not exceed the total previous year's income plus all The interest income and all funds in excess of the restricted reserve fund.

#### **ARTICLE X - AUXILIARY**

**Section 1:** The American Legion, Department of Minnesota, First District, recognizes an Auxiliary organization known as the American Legion Auxiliary.

**Section 2:** Membership in the Auxiliary shall be as prescribed in the Department of Minnesota and National Constitutions.

**Section 3;** The American Legion Auxiliary in the District shall be governed by such rules and regulations as may be prescribed by the National Executive Committee.

#### **ARTICLE XI - RULING**

**Section 1:** In so far as this Constitution may at any time be in conflict with the provisions of the Department and National Constitutions, the latter shall prevail.

#### **ARTICLE XXI - AMEMNDMENTS**

**Section 1:** This Constitution may be amended at any Convention by the vote of a majority of the Delegates present, provided that the proposed amendment shall have been read at such convention as the first order business at the convention opening and voting on the amendments shall be the last order of business before the nominating committee report.

#### **ARTICLE XII - SONS OF THE AMERICAN LEGION**

**Section 1:** The American Legion, Department of Minnesota, First District recognizes the Sons of The American Legion organization known as the American Legion Sons of The American Legion.

**Section 2:** Membership in the Sons of the American Legion shall be as prescribed in the Department of Minnesota and National Conventions.

**Section 3:** The Sons of The American Legion shall be governed by such rules and regulations as may be Prescribed by the National Executive Committee.

#### **ARTICLE XIV - AMERICAN LEGION RIDERS**

**Section 1:** The American Legion, Department of Minnesota, First District , recognizes the American

Legion Riders organization known as The American Legion Riders of the American Legion.

**Section 2:** Membership in the American Legion Riders shall be as prescribed in the Department of Minnesota and National Conventions.

**Section 3:** The American Legion Riders in the District shall be governed by such rules and regulations as may be prescribed by the National Executive Committee.



