

**CONSTITUTION AND BY-LAWS  
OF  
DISTRICT NUMBER 4  
OF  
THE AMERICAN LEGION  
DEPARTMENT OF MONTANA  
REVISED EDITION**

**AMENDED**

(Revised April 28, 2019, Ronan, Montana 59864)

**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.**

Amended as of April 28, 2019

**CONSTITUTION AND BY-LAWS**  
**OF**  
**DISTRICT NUMBER 4**  
**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 4, 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. 4, 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. 4, 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. 4 and The Department of Montana.

Section 5. District No. 4 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. 4.

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. 4 of that organization shall become members of District No. 4, The American Legion, Department of Montana.

Section 2. District No. 4, 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. 4, The American Legion, Department of Montana, which has not paid the legal dues prescribed to said District No. 4, 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. 4 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 4 Meeting.

Section 2. In the event it becomes necessary to raise the District dues, a two-thirds (2/3) 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 July 1<sup>st</sup> to June 30<sup>th</sup> of each year.

Section 5. 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. 4 Fall Meeting before the District Finance Officer can make quarterly reimbursements.

## ARTICLE VI

### 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. The Fall Meeting shall be held in the northern area of the District which include: Columbia Falls, Eureka, Big Fork, Libby, Whitefish and Kalispell. The Spring Meeting shall be held in the southern area of the District which include: Thompson Falls, Saint Ignatius, Polson, Charlo, Paradise, Ronan and Arlee.

Section 2. At all meetings representatives from twenty five percent (25%) of the Posts belonging to this organization shall constitute a quorum, or a minimum of 3 Posts.

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. 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 from District No. 4 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. Delegate or delegates attending the Department Convention shall be named in writing. All members attending the District No. 4 meeting may vote, providing their Posts have met the required per capita dues.

Section 5. Notice of each 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.

Section 6. The District Commander shall be allowed \$50.00 for expenses to visit each Post of the District annually, except his own post, subject to the approval by the Finance Committee, with the consent of the delegates at any regular District Meeting. He/she may submit expenses for emergency visits to troubled Posts - payment subject to approval of finance committee.

- a. The District Commander and Commander-elect each shall be allowed \$150.00 or such amount as the delegates approve to attend the Department Convention, unless Department Convention is within twenty five (25) miles of his/her home town. If the current District Commander is re-elected then he/she will only be allowed \$150.00 and will not be allowed the monies for both persons.
- b. Expenses incurred by the District Commander and the District Adjutant, such as stamps and telephone calls incurred in the performance of their duties, shall be reimbursed quarterly by the District upon presentation of a supporting bill.

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. Appoint various committees
- g. Introduction of guests (to speak at convenient times of meeting)
- h. Recess (Committees to meet and discharge their respective duties)
- 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 VII**

### Voting

Section 1. All voting shall be by voice (except election of officers). A roll call may be requested by any delegate 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 31<sup>st</sup> of the preceding year.

## **ARTICLE VIII**

### 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 shall complete The American Legion Extension Institute Course, now known as American Legion Basic Training.

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



- g. District Parliamentarian (if someone is qualified)

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. 4 unless He/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 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. The District Commandeer will call the meeting of District Executive Committee: no quorum is required.

## **ARTICLE IX**

### Post Officers

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 Officers of each Post shall be as follows:

- a. Post Commander
- b. Post Vice-Commander or Vice-Commanders
- c. Post Adjutant
- d. Post Treasurer or Finance Officer
- e. Post Historian
- f. Post Service Officer
- g. Post Chaplain

- h. Post Parliamentarian (if someone is qualified)
- i. Any other necessary Officers provided for by the Constitution of the Posts

Section 4. The Terms of all Post Officers shall begin on or before July 1<sup>st</sup>.

Section 5. 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 15<sup>th</sup> for inclusion in the Department roster for the upcoming year.

## **ARTICLE X**

### 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 XI**

### 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. 4, The American Legion, Department of Montana, shall not be liable for any debts or contracts of local Posts.

## **ARTICLE XII**

### 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 XIII**

#### Auxiliaries

Section 1. District No. 4, The American Legion, Department of Montana, recognizes an Auxiliary organization known as District No. 4. Auxiliary.

### **ARTICLE XIV**

#### Amendments

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

### **ARTICLE XV**

#### 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. 4, a special provision shall overrule a general provision, where an ambiguity exists.

## ARTICLE XVI

### 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 XVII

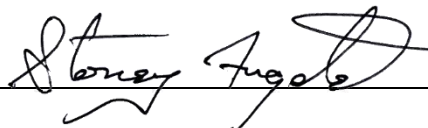
### Effective Date

Section 1. This Constitution and all Articles and Sections thereof shall have full force and effect on and after the 1<sup>st</sup> day of July, 2019 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 1<sup>st</sup> day of July, 2019, at 12:00 p.m., of said day.

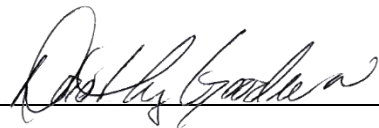
Amended as of the 28<sup>th</sup> day of April, 2019, Ronan, Montana.



Glen Sharbono, District Commander (Post #138)



Stoney Fugate, Vice Commander (Post #74)



Dorothy Goodwin, District Adjutant (Post #112)



William Rhine, Member (Post #72)

**BY-LAWS**  
**OF**  
**DISTRICT NUMBER 4**  
**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 of this District 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 a regular monthly meeting of each post in District 4 at least once annually as well as all District Meetings, the Fall Conference, Department Oratory Contest 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 4 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. Historian: The Historian shall be charged with the individual records and incidents of the District and District No. 4 Posts, 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 maintain close affiliation with the Veterans' Affairs of Montana and be cognizant of the sick and needy. He/she shall perform such other duties as are usually incidental 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. 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 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. He/she shall be responsible for offering the invocation during the “Opening and Closing” ceremonies of the District Meeting.

Section 9. Parliamentarian: The District Parliamentarian shall perform duties normally pertaining to this office. Using the latest edition of Roberts Rules of Order, Newly Revised, the District Constitution and Bylaws, previous minutes and resolutions, He/she will advise the Commander or others when called upon to do so.

Section 10. 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 11. 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 12. All Standing Committee members shall perform the duties pertaining to that specific committee or as the District Commander may direct.

Section 13. 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. 4 Fall Meeting before the District Finance Officer can make quarterly reimbursements.

## **ARTICLE IV**

### Amendments

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

**ARTICLE V**

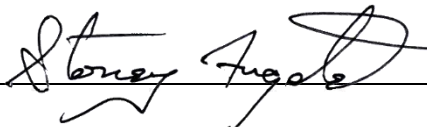
Effective Date

Section 1. These By-Laws and Articles and Sections thereof shall have full force and effect on and after the 1<sup>st</sup> day of July, 2019, 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 1<sup>st</sup> day of July, 2019, at 12:00 p.m. of said day.

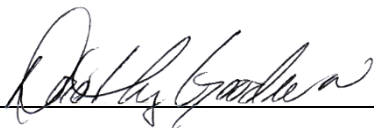
Adopted as of the 28<sup>th</sup> day of April, 2019, Ronan, Montana.



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