CONSTITUTION AND BY-LAWS

of

DISTRICT NO. 4

THE AMERICAN LEGION
Department of Montana

REVISED EDITION
AMENDED

(Revised June 26, 2005, 87th Annual Convention, Calgary, Alberta, Canada)

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 the Great 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 NO. 4
of the
THE AMERICAN LEGION
Department of Montana

ARTICLE I

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, Purposes and Jurisdiction

Section 1. District No. 4, The American Legion, Department of Montana, 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.

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 designated for and tending 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 re determined and fixed by the Executive Committee of the American Legion, Department of Montana, and designated as District No. 4.

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 the 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 a 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 Constitution 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.

Section 2. In the event it becomes necessary to raise the District dues, a two-thirds 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 Fall meeting of the District.

Section 4. The fiscal year of the District shall be from September 1 to August 31 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. One meeting shall be held in the northern area and one in the southern area of the District.

Section 2. At all meetings representatives from thirty percent (30%) of the Posts 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 meetings shall be as follows:

a. Each Post has all current dues and assessments paid.
b. Each Post shall have three votes.
c. Post membership shall be considered as that recorded at the Department Headquarters on September 1 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. The District Commander shall be allowed $25.00 for expenses to visit each Post of the District annually, except his own, subject to the approval by the Auditing 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 auditing committee.

The District Commander-elect shall be allowed $100.00 or such amount as the delegates approve to attend the Department Convention, unless Department Convention is in his/her home of record.

Expenses incurred by the District Commander and the District Adjutant, such as stamps and telephone calls incurred in performance of their duties, shall be reimbursed quarterly by the District upon presentation of a supporting bill.

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
h. Introduction of guests (to speak at convenient times of meeting)
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 Committee
m. New business.

n. Spring meeting - Report of Nominating Committee and election of District officers in order in which they appear in the Constitution.
o. Selection of next meeting place.
p. Good of the Legion.
q. Adjournment.

ARTICLE VI

District Officers

Section 1. At the annual Spring District meeting, the following District officers shall be elected:
   a. District Commander
   b. District Vice-Commander

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

Section 3. All elective and appointive District officers shall assume office after 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 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 voice (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 (10) days' 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 call 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. District No. 4, The American Legion, Department of Montana, shall not be liable for any debts or contracts of local Posts.

ARTICLE X

Auxiliaries

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

Section 2. District No. 4 Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee, The American Legion, 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 is a quorum.

ARTICLE XII

Section 1. This Constitution and all Articles and Sections thereof shall have full force and effect on and after the 1st day of July, 2005 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, 2005, at 12:00 p.m., of said day.

By-LAWS

of

DISTRICT NO. 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

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 Post, 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.

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 maintain close affiliation with the Veterans’ Home at Columbia Falls and be cognizant of the sick and needy. 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 Office 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 the delegates present, providing there is a quorum.

ARTICLE IV

Section 1. These By-Laws and all Articles and Sections thereof shall have full force and effect on and after the 1st day of July, 2005, 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 appealed and shall cease to be effective on and after the 1st day of July, 2005, at 12:00 p.m. of said day.

Done and dated this 24th day of June, 2005, Calgary, Alberta, Canada.

Lee Heser

Jeff Nelson

Don Bogut