

Department

CONSTITUTION OF LEWIS & CLARK DISTRICT NUMBER 5 DEPARTMENT OF MONTANA, THE AMERICAN LEGION

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 an 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; and to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I-NAME

Section I. The name of this organization shall be "Lewis & Clark District Number 5, Department of Montana, The American Legion."

ARTICLE II- Names, Objects, Purposes and Jurisdiction

Section I. The District shall be nonpolitical and shall not be used for the dissemination of partisan principles or the promotion of the candidacy of any person seeking public office or preferment.

Section 2. Each member shall perform his or her duty as a citizen according to his or her own conscience and understanding.

Section 3. The District shall not become involved in any controversy regarding litigation, purported policies of The American Legion, Department of Montana, or other serious matter without approval of the Department Executive Committee of Department of Montana, The American Legion.

Section 4. The objects and purposes of the District are and shall be to uphold, maintain and promote the principles and policies of The American Legion National and Department Constitution and By- Laws.

Section 5. To effect projects promoting the welfare, good fellowship, and acquaintance of ex-servicemen and women and for better cooperation, fellowship, and acquaintance of posts in The District and in the State of Montana.

Section 7. The District shall have jurisdiction within the boundaries established by the Executive Committee of The Department of Montana.

ARTICLE III-Organization and Membership

Section I. All local Posts of The American Legion, Department of Montana, within the jurisdiction of The District shall be members of The District.

Section 2 The District shall have advisory and supervisory powers over the Posts included within The District, under this Constitution and its By-Laws. II

Section 3. Any Post in The District which has not paid the dues prescribed to The District, or which refuses to obey the lawful mandate, Constitution or by-laws of The District shall not be entitled to official representation at any meeting of The District until such failure has been met by compliance therewith.

ARTICLE IV-Revenue

Section 1. Each Post of The District shall remit to The District Finance Officer One Dollar (\$1.00) per capita based upon its previous year's membership as of December 31 each year, and is to be remitted before the next Spring District Meeting. The District Finance Officer shall prepare and submit to the Commander of each Post of The District a proper bill showing the amount due, The Post Commander shall be responsible for prompt payment of this obligation.

Section 2. The fiscal year of The District shall be from July 1st to June 30th so as to conform to National and Department of Montana fiscal year.

Section 3. The District Commander shall submit an annual budget at the Fall District Meeting for approval by those present and eligible to vote.

Section 4. During the course of the District fiscal year should the District Commander, Finance Officer, and/or the Finance Committee deem it necessary to make a change or changes to the budget said changes shall be presented to two members of the Executive Committee (current Post Commanders) and they, representing the Executive Committee shall approve or disapprove the request. The two shall be volunteers willing to serve as budget advisors for a term of one (1) year.

ARTICLE V-Meetings

Section 1. The legislative power of The District shall be The District Meetings to be held from time to time at a place and time to be fixed as provided by this Constitution, subject to the legislative power of the National and Department Conventions.

Section 2. District meetings shall be held at times and places in The District as decided upon at the preceding meeting, and Department of Montana Fall Conference and the Departments convention. At least two meetings shall be held annually, spring and fall. At all meetings representatives from thirty percent (30%) of the Posts in The District shall be considered a quorum.

Section 3. All elected District officers, except the District Commander, shall be entitled to one vote each. In case of a tie the District Commander may vote.

Section 4. Having paid all current dues and assessments each Post shall be entitled to three (3) votes. At least one (1) delegate shall be present to cast said votes at The District meeting.

Section 5. All members are encouraged to attend meetings of the District. Every past District officer and every present and past Post Commander shall be entitled to attend all District meetings and serve on any committee thereof, and shall have all rights of a delegate, but may not cast a vote unless a duly elected delegate from a member Post.

Section 6. The District shall give each Post written notice of a meeting at its office as indicated by the records of the District Adjutant, at least thirty (30) days before each meeting.

Section 7. The order of business at the District meetings shall be as follows:

- (a) Roll call of Officers and Posts.
- (b) Statement by the Adjutant that written notice of the meeting was given as required herein
- (c) Reading and disposal of unapproved minutes.
- (d) Appointing Resolutions, Auditing, Time and Place; and Nominating (Spring District Meeting, as required, only) Committees.
- (e) Report of Finance Officer of receipts and expenditures since the last District meeting.
- (f) Report of standing and special committees.
- (g) Reading of communications and action thereon.
- (h) Reading of Reports of Activities by delegates of each Post at the spring District meeting. (i) Commander and Adjutant's reports.

- (j) Unfinished business.
- (k) Report of Resolutions Committee.
- (l) Election of Officers at the District meeting immediately before the annual Department of Montana Convention (installation takes place and effect at close of Department Convention.)
- (m) New business and good of the Legion.
- (n) Adjournment.

Section 8. The District Commander shall attend the Department of Montana Convention and the mid-winter Executive Committee meeting to represent The District, be a member of the Department Executive Committee, and shall be reimbursed for expenses by the Department of Montana. The rate of this compensation shall be governed by the Finance Committee of the Department. Expenses will be allowed for three days at the Department Convention and for two (2) days at the mid-winter meeting.

Section 9. The incoming District Commander attending the Department Convention shall receive travel expenses and per diem for one (1) day as shown for the District Commander in Article V, Section 8, except when paid by the Department of Montana. This amount shall be included in The District budget unless the District Commanders are funded as a delegate by a Post or the Department of Montana.

Section 10. The District Commander shall attend at least one (1) meeting with each Post in The District during the Commander's term of office and shall be reimbursed from travel from District funds. The Commander will be reimbursed for only one visitation to each Post during each Membership year.

Section 11. The District Commander shall attend two (2) District meetings per year and shall be allowed travel expenses from District funds, as per Article V, Section 8. No substitution for the District Commander on his or her meetings shall be permitted.

Section 12. District funds may be spent only on District business or on programs of The District or of the Department of Montana or National.

ARTICLE VI- Election of District Officers.

Section I. At the last District meeting before the Department Convention on odd numbered years The District shall elect the following District Officers to take office at the same time the Department Officers take office after adjournment of the Department Convention.

- (a) District Commander.
- (b) District First Vice-Commander.
- (c) District Second Vice-Commander.
- (d) District-Finance Officer.

Section 2. All District officers shall hold office for a term of two years, at the end of which time their successors may be qualified and elected.

Section 3. The District Adjutant, District Sergeant-at-Arms, Service Officer, Chaplain, Historian, and Parliamentarian shall be appointed by the newly installed District Commander and approved by The District Executive Committee.

Section 4. In the event, and for any reason that The District Commander must submit his or her resignation before the fulfillment of term of office, an election for a new commander will take place at the very next District meeting. In the interim between the departure of the Commander and the election of a new commander the First Vice-Commander will serve as pro tem commander.

ARTICLE VII-Dunes and Powers of Officers.

Section I. Commander. The District Commander shall preside at all meetings of The District, act as Chairman of the Executive Committee, and perform other duties as are usually affected by such officers and as may be prescribed in this Constitution and its By-Laws.

Section 2. First Vice-Commander. The First Vice-Commander shall officiate in the absence of the District Commander and shall perform such duties as may devolve upon him or her as a member of the Executive Committee. Should the District Commander resign, die or become unable to perform his or her duties, the First- Vice Commander shall become District Commander only until the election of a new commander at the next meeting following the Commanders departure from office.

Section 3. Second Vice-Commander. The Second Vice-Commander shall assist the District Commander and the First- Vice Commander in their duties as assigned by the District Commander. His or her primary duty is to promote membership through the Post membership chairpersons.

Section 4. Adjutant. The District Adjutant shall keep all records and minutes of the District meetings, shall receive all communication address to The District and answer such communications as directed by the Executive Committee, and shall perform such other duties as pertain to the office. He or she will be a member of the Executive Committee, without vote.

Section 5. Finance Officer. The Finance Officer shall have charge of all monies of The District and make disbursement upon warrants properly drawn, sign with the District Commander or Vice- Commander all checks drawn upon the treasury, keep a correct roster of each member Post and its financial standing, notify the District Commander at each meeting as to Post in arrears in the payment of dues, receipt for all dues received, and perform such other duties as are prescribed and are usual to the office. He or she will be a member of the Executive Committee, without vote.

Section 6. Sergeant-at-Arms. The District Sergeant-at Arms shall assist the Commander in preserving order at all meetings, perform such other duties as directed by the District Commander and as are customary to such office, and have the power to appoint such deputies at any meeting as he or she deems necessary. He or she will be a member of the Executive Committee, without vote.

Section 7. Chaplain. The District Chaplain shall perform the duties usually pertinent to this office. He or she will be a member of the Executive Committee, without vote.

Section 8. Historian. The District historian shall be the statistician of The District. He or she shall prepare and maintain a history of The District. He or she will be a member of the Executive Committee, without vote, and shall perform such duties as devolve upon him or her in that capacity.

Section 9. Service Officer. The District Service Officer shall inform all Post Service Officers of laws relating to vocational or physical rehabilitation. He or she will maintain close affiliation with the Department Service Officer, the Veterans Affairs officials and hospitals, and the Montana Veterans Affairs Division, and shall perform such other duties usually incident to the office. He or she will be a member of the Executive Committee, without vote.

Section 10. Parliamentarian. The District Parliamentarian assists The District Commander in the orderly transaction of The District's business during the spring and fall District meetings. The Parliamentarian is to express an opinion on points in question when requested to do so. The ruling or decision based upon his or her advice must be stated by The District Commander. The Parliamentarian must be a member who is well informed on parliamentary law and have in his possession at the meeting the latest revision of "Robert's Rules of Order." He or she will be a member of the Executive Committee, without vote.

ARTICLE VIII-Executive Committee

Section I. The Executive Committee shall consist of:

- (a) Commander.
- (b) First Vice-Commander.
- (c) Second Vice-Commander.
- (d) Appointed District officers.

- (e) Finance Officer.
- (f) Immediate Past District Commander.
- (g) Commanders of all District Posts shall be members of the Executive Committee.

Section 2. The Adjutant shall attend the meetings of the Executive Committee and shall act as secretary thereof.

Section 3. The Executive Committee shall be charged with administering the affairs of The District, subject to the restrictions of the Constitution (and by-laws) between meetings. No officer or member of the Executive Committee shall receive and salary from The District but shall be paid travel and per diem as outlined elsewhere in this Constitution.

Section 4. The Executive Committee shall fill any vacancies occurring in elective offices between District meetings. Any officer so selected will hold office until the next District meeting or until his or her successor is elected and qualified.

Section 5. The Executive Committee may appoint sub-committees to carry out its duties.

Section 6. The Executive Committee is to aid in organizing Posts, and is to carry on any work designed to assist the Posts but not including those responsibilities specifically limited to National or to The Department of Montana.

Section 7. The Executive Committee shall interpret this Constitution and by-laws whenever any controversy concerning interpretation of any of its provisions arises. A majority of the Executive Committee shall adopt a final interpretation of such provision.

Section 8. From time to time in its discretion the Executive Committee shall direct the District Finance Officer to invest The District funds not required for immediate use in such securities in an effort to bring the greatest return on monies invested consistent with security.

Section 9. The Executive Committee shall meet once a month on the second Thursday of each month at 1200 hours (noon) in Missoula at a place designated by the District Commander. A quorum will consist of five (5) members.

ARTICLE IX-Other Committees and Their Duties.

Section 1. Within two (2) weeks after installation into office The District Commander shall appoint the following standing committees to hold office during his or her term as Commander:

- (a) Membership and Program,
- (b) Publicity and Public Relations,
- (c) Auditing,
- (d) Time and Place,
- (e) Legislative,
- (f) American Legion Boys' State, (g) Oratorical.

Section 2. The Membership and Program Committee, which will consist of not less than three (3) or more than seven (7) members, shall contact the various Posts within The District and assist them in increasing Post membership. The Committee shall also suggest programs to widen the scope of Post participation in District activities. Such suggestion shall be open to challenge. The Second Vice- Commander shall chair this committee.

Section 3. The Publicity and Public Relations Committee shall consist of three (3) members whose duty it will be to present to the media favorable and timely publicity regarding the activities, meetings and accomplishments of The District and of its Posts therein. Members of this committee shall also seek opportunities to present The District and its Posts in a favorable light to the communities in which it serves. This can be done by welcoming home returning military units, by attending the funerals of fallen veterans, and by making The Districts presence felt at applicable civic functions.

Section 4. The Nominating Committee shall consist of members from half the Posts of The District, and shall be appointed at the fall District meeting. At the next fall District meeting the members of the Committee shall be appointed from the other half of the Posts, alternating year after year. This Committee shall confer during the year and by the spring District meeting shall present a list of candidates for election at that meeting.

Section 5. Before each District meeting the District Commander shall appoint a District Committee on Resolutions of three (3) members and in the notice for The District meeting the name of the chairman of the District Committee on Resolutions for that meeting shall be communicated to each Post in The District. The Resolutions Committee shall consider all resolutions before presentation to the floor of The District meeting and report them for consideration with recommendations at the meeting, after approval by such Committee, such resolutions as are not prohibited by The District, National, or Department of Montana Constitution and By-Laws. No resolution which has not been presented to the Resolutions Committee shall be discussed or voted on in The District meeting.

ARTICLE X-mections

Section 1. Officer(s) elections shall be held by secret ballot unless only one nomination has been made for that office and a motion carries that a unanimous ballot be cast for the candidate

Section 2. No person shall be nominated for any District office without that person's permission.

Section 3. All voting for other than District offices may be by hand, voice or ballot vote

ARTICLE XI-Emergency District Meeting.

Section 1. If the Executive Committee decides that an emergency exists which requires a District meeting, a meeting shall be called.

Section 2. At least ten (10) days' notice of an emergency meeting shall be given in writing by the District Adjutant to all Posts. Said notice shall specify the existing emergency and the reason for calling the meeting.

Section 3. Only business pertaining to the emergency may be transacted at the meeting.

BY-LAWS OF THE CONSTITUTION OF LEWIS & CLARK DISTRICT NUMBER FIVE, DEPARTMENT OF MONTANA THE AMERICAN LEGION

ARTICLE I-Liabilities

Section 1. The District shall not be liable for the financial indebtedness or contracts incurred by any Post.

Section 2. No Post in the District shall be liable to the District for more than the per capita annual assessment.

Section 3. Any conflict between interpretation of the District Constitution and By-Laws must be resolved in favor of the National and Department of Montana Constitutions. Any special provision in the By-laws shall have the effect of overruling any general provision where an ambiguity exists.

ARTICLE II-Amending the Constitution.

Section 1. Amendments to the District Constitution or By-Laws may be adopted at a regular meeting of the District provided that:

- (a) They do not conflict with the Constitutions of National or the Department of Montana.
- (b) The Resolution Committee has properly processed the proposed amendment before being presented at a regular District meeting, and
- (c) A quorum of the voting membership is present and a 2/3 majority of the present membership votes to pass the amendment.

ARTICLE III-Adoption of By-Laws.

Section 1. The District may adopt such By-Laws as may be required for the accomplishment of its mission as long as they do not conflict with National and Department of Montana Constitution.

ARTICLE IV-Discipline of Posts and Post Members.

Section 1 -Each Post of The American Legion shall be the judge of its own membership subject to the restriction of the National and Department of Montana Constitutions and By-Laws

ARTICLE V-Education

Section 1. The District will produce scholarships for the winners of the annual Oratorical Contest for first place=second place and for third place, the amount to be determined by the Fall District Meeting. These scholarships to be paid from interest from the Herbert I Barrett Scholarship Award. The District will pay expenses of the winner of the District Five Oratorical Contest to the Zone contest. This expense to include lodging and mileage at the Department of Montana accepted rate is to be included in the District budget.

Section 2. The District will procure and distribute to each Post in the District an initial set of extension correspondence course books, which cover the origin, organization, objectives, and programs of The American Legion. The incumbent Post Commanders and other officers of the Post should be encouraged to complete the course. Incoming Post officers, as one of their assumed responsibilities, should also complete the course.

ARTICLE VI Annual Activity Report.

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

Section 2. Each Post shall be incorporated. The status of incorporation shall be reported in the Post annual report to the District Commander.


Section 3. Each Post shall conduct an audit of their finances each year, the results to be included in the Post annual report.

Section 4. Each Post shall appoint a Membership/Program Chairperson and a Publicity/Public Relations Chairperson.

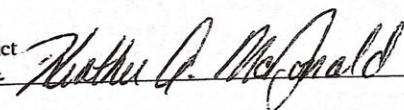
ARTICLE VII-Effective Dates.

Section I. 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 at Midnight, the 9th day of November, 2017 and shall remain in force until amended by the duly approved process at a later date.

Signature Lewis & Clark District
Commander

 11/9/17

Signature Lewis & Clark District
Adjutant

 11/9/17