

10/28/09

**EIGHTH DISTRICT
AMERICAN LEGION
DEPARTMENT OF WISCONSIN**

**CONSTITUTION
AND
BY-LAWS**

November 1, 2008

EIGHTH DISTRICT
The American Legion
Department of Wisconsin

CONSTITUTION and BY-LAWS

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 per cent Americanism; To preserve the memories and incidents of our associations in the great wars; To inculcate a sense of individual obligation in 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 goodwill 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 1: NAME

SECTION 1: The name of this organization shall be the Eighth District, American Legion, Department of Wisconsin.

ARTICLE 2: OBJECTS

SECTION 1: The objectives and purposes of this organization shall be to promote the principles and policies as set forth in the foregoing preamble, and in the Constitutions of the National Organization and the Department of Wisconsin.

SECTION 2: To assist the individual posts to function more efficiency.

SECTION 3: To promote a closer comradeship between the members and the posts of the Eighth District for the overall good of the American Legion.

ARTICLE 3: ORGANAZATION

SECTION 1: The Eighth District shall consist of all the American Legion Posts in the Eighth District, Department of Wisconsin and the individual members thereof.

SECTION 2: Eighth District is composed of the following, Keshena, Marathon, Portage, Waupaca, New London Post No. 263 in Outagamie County, Waushara, Wood and Shawano/Menominee Counties.

SECTION 3: The Eighth District shall have the following Officers who shall hold office for a term of two years:

- a. One District Commander
- b. One District First Vice Commander
- c. One District Second Vice Commander
- d. One District Third Vice Commander
- e. One District Adjutant
- f. One District Finance Officer
- g. One District Historian
- h. One Judge Advocate/Parliamentarian
- i. One District Chaplain
- j. Two District Sergeants-at-Arms

SECTION 4: Between District Conferences, the administrative powers of the District shall be vested in the District Executive Committee. The District Executive Committee shall consist of the following:

- a. The District Commander
- b. The Three Immediate Past District Commanders
- c. The District Vice Commanders
- d. The District Adjutant
- e. The District Finance Officer
- f. The District Historian
- g. The District Judge Advocate/Parliamentarian
- h. The District Chaplain
- i. The Two District Sergeants-at-Arms
- j. The County Commanders of each County in the Eighth District

ARTICLE 4: ELECTIONS

SECTION 1: The District Commander, the three District Vice Commanders, the two Sergeants-at-Arms, the Chaplain, the Finance Officer, the Historian, and Judge Advocate/Parliamentarian shall be elected every two years (odd numbered years) at the District Spring Conference immediately preceding the Department Convention by the designated delegates.

ELECTIONS 4: ELECTIONS (continued)

SECTION 2: The election shall be held at the District Conference at the time and place designated by the District Commander pursuant to Section 1. The District Commander shall notify each Post Commander of the Eighth District in writing at least thirty days prior to the date of the District Conference at which elections will be held.

SECTION 3: The District Adjutant shall be appointed by the District Commander within one month after the Commander's election and shall serve a term from the date of appointment to the date a new Adjutant is appointed.

SECTION 4: If an elected Officer is unable to fulfill his/her elected position and resigns, the District Commander can recommend to the District Executive Board that someone fill that position.

ARTICLE 5: DUTIES of OFFICERS

SECTION 1: District Commander:

In addition to the duties prescribed by the Department Constitution the District Commander shall:

- a. Be responsible for the execution of the organizations Constitution and By-Laws;
- b. Be the presiding officer at all District meetings;
- c. Receive all complaints and present them to the District Executive Committee for appropriate action;
- d. With the advise of the District Executive, shall appoint any Department persons called for by the Department Administration;
- e. With the approval of the District Executive Committee, appoint any committee necessary for the greater efficiency of the District;
- f. Be overall Chairman of the King Day Pilgrimage.

SECTION 2: District Vice Commanders:

The District Vice Commanders shall assume any and all duties of the District Commander's absence (If the District Commander so requests such service.) or upon designation by the District Executive Committee except as such duties may conflict with those described by the Department Constitution and By-Laws.

a. First Vice Commander:

Is Overall District Membership Chairman and also responsible for those counties assigned by the District Commander.

ARTICLE 5: DUTIES of OFFICERS (continued)

SECTION 2: District Vice Commanders: (Continued)

- b. Second Vice Commander
Membership for counties assigned by the District Commander, in addition duties as assigned by the District Commander at the King Day Pilgrimage.
- c. Third Vice Commander:
Same as Second Vice Commander

SECTION 3: District Adjutant:

- a. Perform the duties of the Secretary at all District meetings, preserving all records in a permanent file or book;
- b. Cause notice to be given of all regular District meetings;
- c. Send a minimum of two (2) newsletters per year to all District Posts and the Executive Board.

SECTION 4: District Finance Officer:

- a. Shall be bonded in the amount determined by the District Executive Committee not less than \$2,000, such bond purchased by the District;
- b. Receive from posts any dues and assessments;
- c. Make disbursements with the approval of the District Commander;
- d. Keep complete record of all such transactions;
- e. Insure that (2) two authorized officers sign a check.

SECTION 5. District Chaplain:

- a. Officiate as such at all District Conferences;
- b. Perform such duties incident to the office of Chaplain as shall be assigned by the District Commander;
- c. Officiate at the King Day Pilgrimage;
- d. Have a Memorial Program at District Spring Conference for District deceased Veterans.

SECTION 6: Two District Sergeants-at-Arms:

- a. Shall be the custodian of the District Colors;
- b. Be present to advance the colors at District Conferences;
- c. Perform such duties as shall be assigned to him/her by the District Commander;
- d. Present the colors at the Department Convention parade if held;
- e. Present the colors at the King Day Pilgrimage parade;
- f. Shall be responsible to assist and escort any visiting guests at District Conference.

ARTICLE 5: DUTIES of OFFICERS (continued)

SECTION 7: District Judge Advocate/Parliamentarian:

- a. Interpret the District Constitution, convention resolutions and procedures, and other regulations and give his/her opinion thereon at the request of the District Commander or the District Executive;
- b. Annually receive into District possession copies of the latest National and Department of Wisconsin Constitution and By-Laws and compare same with the Constitution and By-Laws of the District for any conflicts and advise the District Executive;
- c. Judge Advocate shall prosecute or defend on behalf of the District, any action before any court.

SECTION 8: District Historian:

- a. Shall be responsible for compiling of a complete historical record of the District;
- b. Have authority to request from the Officers or Committee Chairmen of the District and the Posts therein, information necessary for the performance of his/her duties;
- c. Preserve and care for the archives of the Eighth District;
- d. Keep a record of all happening in the District with each District Commander starting when he/she is elected District Commander;
- e. Display all Historical Documents or History Book at District Conferences.

ARTICLE 6: EXECUTIVE COMMITTEE

SECTION 1: In addition to the foregoing, the following provisions shall effect the District Executive Committee.

- a. An audit committee shall audit the books of the district Finance Officer at least once a year;
- b. It shall be called into session at the discretion of the District Commander or when requested to do so by (3) three of its members, at least (2) two of which are County Commanders, after duly required notification of all District Executive Committee Members;
- c. It shall give full assistance to completion of the duties of all Department Committees;
- d. Incumbent upon this committee shall be apprising the proper Department Officials of any and all action taken by the District which may be of significance to the Department or National Organization, such as resolutions proposing any change in policies of the American Legion;

ARTICLE 6: EXECUTIVE COMMITTEE (continued)

SECTION 1: (continued)

- e. It shall fill any vacancies occurring in the elective officers of the District until the next regular elections of such officers;
- f. It shall have authority over all other business not regulated by specific provisions in the National, Department or District Constitution.

SECTION 2: All elected or appointed District Officers, immediate (3) three Past District Commanders, all current County Commanders (or their designee) will comprise the Executive Board.

ARTICLE 7: CONFERENCES

SECTION 1: The District shall hold (2) two conferences a year, (1) one in the Spring and (1) one in the Fall. The time is set by the District Commander, within (2) two weeks after the Department Executive meeting.

SECTION 2: The place shall be determined at the previous District Conference. In the absence of the invitation (BIDS) at the conference, the Executive Committee may receive invitations and act upon them.

SECTION 3: The Post holding the District Conference shall be responsible for the mailing of all Conference notices. Notices must be sent out (30) thirty days in advance of the Conference.

SECTION 4: The host Post shall furnish all necessary accommodations to invited Department guests.

SECTION 5: Conferences may be held with the District Auxiliary if it fits the schedules.

ARTICLE 8: DELEGATES

SECTION 1: For the purpose of carrying out the provisions of this Constitution and for taking action upon other definite business as may come before a conference, delegates shall be sent from each Post in the District. Each Post shall designate in manner to be determined by the Post, (2) two delegates and (2) two alternates for the first (15) fifteen paid up members of their membership and shall designate (1) one additional delegate and alternate for each (100) one hundred paid up members to attend the District Conference.

ARTICLE 8: DELEGATES (continued)

SECTION 1: (continued)

The delegate number shall be based upon the number of paid up members of the Post as certified by the Department Adjutant (30) thirty days prior to the Department Convention next preceding the Conference or Conferences. The Post Adjutant shall verify this number to the District Commander at least (30) thirty days prior to the District Conference. No delegate from any Post shall be seated until all dues and assessments of the Post have been paid to date.

SECTION 2: The District Officers, County Commanders of the Counties within the District and all past Commanders shall be delegates at large to all District Conferences and entitled to vote.

ARTICLE 9: QUORUM

SECTION 1: A quorum at any committee meeting or Conference shall consist of (25%) twenty-five percent of the elected members or delegates present thereat.

ARTICLE 10: DUES and EXPENDITURES

SECTION 1: For the purpose of defraying the expenses of the District, annual dues shall be levied upon the Posts as follows:

- a. Each Post shall be assessed (.50) fifty cents per member;
- b. District dues are payable on the basis of the posts preceding membership (at the end of week 50) as certified by the Department. Each post shall send dues as assessed to the District Finance Officer;
- c. District Finance Officer shall submit a notice to all Posts in the District on August 1st that their dues are due October 1st annually.

SECTION 2. District Officers shall receive a stipend for their term of office as follows:

- a. Commander \$200.00
- b. First Vice Commander \$100.00
- c. Second Vice Commander \$100.00
- d. Third Vice Commander \$100.00
- e. Adjutant \$200.00
- f. Finance Officer \$200.00
- g. 1st Sergeant-at-Arms \$50.00
- h. 2nd Sergeant-at-Arms \$50.00
- i. Chaplain \$50.00
- j. Judge Advocate/Parliamentarian \$50.00
- k. Historian \$50.00

ARTICLE 10: DUES and EXPENDITURES (continues)

SECTION 3: All District Officers handling American Legion monies shall be properly bonded with a good and solvent bonding and surety company, as surety, to cover double the average amount of money handled in a single year.

SECTION 4: Any candidate running for Department or National office from the District having the backing of the District shall receive campaign money as follows; Department or National Commander or Department Vice Commander or National Vice Commander shall receive \$250.00 only. All other campaign funds must be raised through personal money, donations or fund drives.

SECTION 5: District Officers, upon submission of receipt for postage, telephone expenses and other documented expenses on an 8th District "Claim for Expenses Form" to the District Commander for approval. The Finance Officer will dispense expenses approved by the District Commander.

ARTICLE 11: NATIONAL CONVENTION

SECTION 1: District delegates and alternates to the National Convention shall be selected in accordance with the following procedure:

- a. The delegates and alternate delegates to the National Convention shall be elected annually;
- b. The election shall be held at a caucus of the District during the Department Convention preceding the National Convention;
- c. Delegates from the Posts in the Eighth District to the Department Convention shall be entitled to vote on the National Delegates;
- d. The District Commander shall by virtue of his office be a delegate to the National Convention and shall be the floor leader of the District's delegation;
- e. The District Commander shall submit the names of the National Convention delegates and alternate delegates to the Department Adjutant for certification by the Department Convention Assembled.

ARTICLE 12: AMENDMENT

SECTION 1: Amendments to the District Constitution and/or By-Laws may be made with the consent of two-thirds of the quorum at any District Conference.

SECTION 2: Submission of all proposed amendments and/or By-Laws:

- a. All proposed amendments to the Constitution and/or By-Laws shall be submitted to each Post for study and discussion at least (60) sixty days prior to a District Conference;

ARTICLE 12: AMENDMENT (continued)

SECTION 2: (continued)

- b. Failure to submit proposed amendments will preclude consideration of the proposed amendment referred to in this section by the District Conference unless over-ruled by a two-thirds vote of those delegates present.

ARTICLE 13: SCHOLORSHIPS and CERTIFICATES

SECTION 1: The oratorical is the only scholarship offered by the District, in the following amounts:

- a. 1st Place - \$400.00
- b. 2nd Place - \$250.00
- c. 3rd Place - \$150.00

SECTION 2: All persons endorsed by the District for Department awards, and winners of District programs will be presented with a certificate from the District commemorating their achievement.

ARTICLE 14: BY-LAW CONFLICT

SECTION 1: Any Constitution and/or By-Law Article and/or Section and/or word and/or combination thereof that is rendered in conflict with any of the following subsections shall render that particular By-Law Article and/or Section and/or word and/or any combination thereof null and void:

- a. The National Charter and any new Changes thereof;
- b. The National American Legion Constitution and By-Laws and any new changes thereof;
- c. The Department of Wisconsin American Legion Constitution and By-Laws and any new changes thereof;
- d. Any National, State or Local Law and/or code and any new changes thereof.

SECTION 2: Any remaining Constitution and By-Laws shall remain in effect and in force.

SECTION 3: A correction shall be implemented by the District as soon as a conflict is found.

SECTION 4: A reprinting of the corrected Constitution and By-Laws shall be implemented, printed and available within (90) Ninety days with the District bearing the cost of reprinting.

ARTICLE 15: RULES of ORDER


SECTION 1: Deliberation of all meetings shall be governed by **Roberts Rules of Order**.

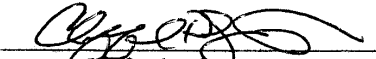
ARTICLE 16: ENACTING CLAUSE

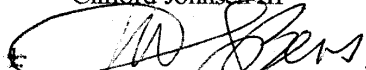
SECTION 1: This Constitution and By-Laws shall go into effect immediately subject to the approval of the District Executive Committee and in accordance with the Department By-Laws and shall be considered as in effect there after unless action is taken to the contrary.

SECTION 2: Each Post in the Eighth District shall be furnished with (3) three copies of this Constitution and By-Laws upon its adoption and approval. The copies shall be distributed to the Post Commander, the Post Adjutant and to the Posts permanent record file. The copies shall be turned over to each new Commander and Adjutant as they take office.

Adopted this 1st day of **November**, 2008 at **Wausau**, Wisconsin by the District Conference of the Eighth District then assembled.

Attest: , District Commander
Donald C. Southworth

, District Adjutant
Clifford Johnson III

, Department Judge Advocate
Signed this 6th day of August, 2009.