

**Constitution and By-Laws for
8th District**

**The American Legion
Department of Wisconsin**



Approved by Membership

October 22, 2022

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 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 8th 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 efficiently.

SECTION 3: To promote a closer comradeship between the members and the posts of the 8th District for the overall good of the American Legion.

ARTICLE 3: ORGANIZATION

SECTION 1: The 8th District shall consist of all of the American Legion Posts in the 8th District, Department of Wisconsin, and the individual members thereof.

SECTION 2: The 8th District is composed of the following: Keshena, Marathon County, Menomonie/Shawano Counties, Portage County, Waupaca County, New London Post No. 263 in Outagamie County, Waushara County, and Wood County.

SECTION 3: The 8th 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 District 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 Commander of each County in the 8th District

ARTICLE 4: ELECTIONS

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

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 in the 8th 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 of appointment of a new Adjutant.

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 Committee 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 organization's 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 advice of the District Executive Committee, 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 in 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
- b. Second Vice Commander is responsible for membership in the counties assigned by the District Commander in addition to duties as assigned by the District Commander at the King Day Pilgrimage
- c. Third Vice Commander is responsible for membership in the counties assigned by the District Commander in addition to duties as assigned by the District Commander at the King Day Pilgrimage

SECTION 3: District Adjutant

- a. Perform the duties of the secretary at all District meetings, preserving all records in a permanent file

- b. Cause notice to be given of all regular District meetings
- c. Send a minimum of two newsletters to all District Posts and the District Executive Committee

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 two authorized officers sign all checks

SECTION 5: District Chaplain

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

SECTION 6: District Sergeants-at-Arms

- a. Shall be the custodian of the District Colors
- b. Be present to advance the colors at the 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 held
- e. Present the colors at the King Day Pilgrimage parade
- f. Shall be responsible to assist and escort any visiting guests at the District Conferences

SECTION 7: District Judge Advocate/Parliamentarian

- a. Interpret the District Constitution and By-Laws, convention resolutions and procedures, and other regulations and give his/her opinion thereon at the request of the District Commander or the District Executive Committee
- b. Annually receive into District possession copies of the latest National and Department of Wisconsin Constitutions and By-Laws and compare for any conflicts and advise the District Executive Committee
- c. 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 and 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 8th District
- d. Keep a record of all happenings 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 affect 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 three of its members, at least 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 of the Department or National Organization, such as resolutions proposing any change in policies of the American Legion
- e. It shall fill any vacancies occurring in the elected 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 and By-Laws

SECTION 2: The District Executive Committee may meet electronically, utilizing such platforms as Zoom, Microsoft Teams as well as by telephone conference and e-mail. Voting at any such meeting may be done electronically, by telephone and by e-mail.

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

ARTICLE 7: CONFERENCES

Section 1: The District shall hold two conference a year, one in the spring and one in the fall. The time and date will be set by the District Commander, within two weeks after the Department Executive Committee meetings.

SECTION 2: The place shall be determined at the previous District Conference. In the absence of the Bid at the conference, the District 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 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 By-Laws 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 a manner to be determined by the Post, two delegates and two alternates for the first fifteen paid up members of their membership and shall designate one additional delegate and alternate for each one hundred paid up members to attend the District Conference. The delegate number shall be based upon the number of paid up members of the Post as certified by the Department Adjutant 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 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 District 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 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 fifty cents per member
- b. District dues are payable on the basis of the Post's 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. The 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. Vice Commander \$100.00
- c. Adjutant \$200.00
- d. Finance Officer \$200.00
- e. Sergeant-at-Arms \$50.00
- f. Chaplain \$50.00
- g. Judge Advocate/Parliamentarian \$50.00
- h. Historian \$50.00

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:

- a. Department or National Commander or Department Vice Commander or National Vice Commander shall receive \$250.00 only
- b. 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 disburse 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 8th District to the Department Convention shall be entitled to vote on the National Convention 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 Alternates to the Department for certification by the start of the Department Convention.

ARTICLE 12: AMENDMENT

SECTION 1: Amendments to the District Constitution and 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:

- a. All proposed amendments to the Constitution and By-Laws shall be submitted to each Post for study and discussion at least sixty days prior to a District Conference
- 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: SCHOLARSHIPS 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: CONFLICT

SECTION 1: Any Constitution 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 Article and/or Section and/or word and/or any combination thereof null and void:

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

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 has been found.

SECTION 4: A reprinting of the corrected Constitution and By-Laws shall be implemented, printed and available within 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: DISCIPLINE OF OFFICERS, POSTS AND MEMBERS

SECTION 1: Incorporated by reference as if fully set forth herein and adopted as the Disciplinary provisions of District 8, American Legion Department of Wisconsin are:

- a. Article IX-Section 1 The American Legion of Wisconsin Constitution and Bylaws: Discipline or removal of an elected officer;

