

District 9 Inc American Legion Dept GA

Constitution & Bylaws

May 1st 2022

Supercedes December 4, 2016

Johnny Varner, Commander

Mac McKinny, Judge Advocate



CONSTITUTION

DISTRICT 9 INC AMERICAN LEGION DEPT GA

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; *ALL*
- To preserve the memories and incidents of our associations 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 principles of justice, freedom and democracy;
- To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Article I - Organization

Section I. The name of this organization shall be **District 9 Inc American Legion Dept GA**

Section II. The objects of this Constitution are those set forth in the Preamble of the Constitution of The American Legion and to implement and integrate the interests of the efforts of the combined membership of the several Posts chartered in the geographical area comprising the Ninth District of Georgia in the service of the Community, State and Nation, and generally to serve the purpose of the American Legion and to advance the interests of the American Legion in this District and in the Department of Georgia.

Section III. All male terms (he, him, his, etc.) will include the female term, unless stated otherwise.

Article II-Membership

Section I. All Posts within the Ninth District of Georgia, now or hereafter holding charters from the National Organization of the American Legion shall compose the constituency of this organization. It shall recognize the sovereign equality of all Posts

Section II. Such posts shall exercise their membership through the medium of delegates at stated Conventions of this District on the corresponding basis of representation applicable to conventions of the Dept. of GA, as now or here after determined; and through a District Executive Committee composed of the elected District Officers and the Commander of each Post within said District with one alternate for each Post. There shall be three (3) ex-officio members of the DEC with voice but without vote, they are the three most recent past District Commanders.

Section III. The Ninth District shall be divided into geographical areas by the Commander and each said area shall be under supervision of an assigned District Junior Vice-Commander (JVC) who, in turn, shall be responsible to the District Commander and the Senior Vice-Commander (SVC).

Article III — Officers

Section I. At each annual District Convention, there shall be elected a District Commander, a Sr. Vice-Commander (SVC) and five Jr. Vice Commanders (JVCs) the latter to serve without seniority.

Section II. Such election shall comply with the provisions for the election of officers as is published in the Constitution and Bylaws of The Department of GA (DOG) and their tenure in office shall conform to the same rules.

Section III. The District Commander shall immediately upon assuming office, appoint a District Adjutant (ADJUTANT), Finance Officer (F/O) Judge Advocate (JA), Service Officer (S/O), Chaplain, Historian, and Sgt.—at-Arms, all of whom shall serve at the pleasure of the Commander and subject to the approval of the District Executive Committee.

Section IV. 214. All District Officers elected or appointed shall provide a copy of their DD214 or equivalent to the District Adjutant prior to their election or appointment.

Article IV — DEC meetings, quorum & voting.

Section I. Notice. All members of the DEC shall be promptly notified by the Adjutant, of the regular DEC meeting schedule. Post CDrs are urged to provide the District CDR & ADJ with the name/s alternates that can speak for the post in absence of the CDR and SVC. For special meetings see **Article VI Section I.**

Section II. If the District Commander is absent the SVC shall preside over the meeting and if he/she too is absent the DEC may choose a temporary presiding officer. The Adjutant shall serve as Secretary.

Section III. Quorum. The total strength currently of the DEC is 29 members consisting of the 22 Post Commanders and the 7 elected district Officers. Therefore a quorum is 15.

Section IV. Voting. Whenever a vote during a DEC meeting is to be determined on any question other than the election of officers and delegates or by amending the C/BL, the District Commander may determine division by 1) voice vote, 2) rising vote, 3) roll call vote of the DEC members present. A roll call vote shall be taken if 25% of the members so request. 51% of those present casting a yes vote, are sufficient for an issue to pass.

Section V. email voting. For purposed of expediency, matters that cannot wait for the next regular DEC meeting, the Commander may conduct a vote using emails to/from the members of the DEC, this will not include elections of any kind nor will it include any amendment to the District C/BL. Financial requests not in the approved budget, may be voted on subject to a cap of \$1,000.00 per item. A short explanation of the issue will be appropriate. The District Adjutant shall be required to save the results of all emails for inclusion in the printed minutes routinely presented at the next regular District meeting. Voters are instructed to use the return path method for their vote. Voter emails arriving from an address not on file with the District Adjutant, will not be counted. DEC members without email shall so notify the Adjutant so that other means of rapid voting can be used. Time limit for voting is 48 hours from the original recorded announcement.

Article V.

Section I. The District Commander shall be empowered to appoint such standing or special committees except the nominating committee, as may be authorized by the DEC or The District Convention, to advance the programs of The American Legion in the Ninth District. Membership on any such committee shall not be restricted to the members of the DEC. The following standing committees are: Baseball, Boy Scouts, Shooting, Oratorical, School Awards, Blood Donor, Patriotic Observance, SAL, Community Service, Religious Emphasis, Children & Youth, Employment, National Security, Public Relations, Alcohol & Drug Abuse, POW/MIA, VA/Rehab, Boys State, **Children's** Miracle Network, and Honor Guard.

Section II. The District Adjutant shall serve as Secretary for all general meetings, also for the annual District Convention. The Adjutant will also provide notice of all general meetings and the annual convention to all District Officers, Post Commanders and Committee Chairman.

Section III. General meetings, annual Convention, (quorum and voting.) At all general meetings including the Convention, quorum is 51%. Note: This differs from Article III Section III, pertaining solely to election of delegates to the National Convention. Note: Not to be confused with the DEC quorum of 15.

Section IV. Meetings. The legislative body of District shall be Convention to be held annually at such time and place as fixed by the DEC. In the event of a failure on the part of the DEC on or before the first day of May, to fix a time and place for the Convention, then the Commander shall fix a time and location for said meeting and issue a call to all Post Commanders and District Officers in the District. The District annual Convention shall be called to meet not earlier than sixty (60) days nor later than fifteen days prior to the start of DOG Convention.

Section V. District Convention. Each post shall be entitled to five (5) delegates and one (1) additional delegate for each twenty five (25) members or fraction thereof as shown on the most recent DOG membership report and one alternate for each delegate. Only the person seated as the delegate shall vote. There shall be no email voting or other form of absentee voting. Be sure your alternate is present. All voting members of DOG DEC shall be delegates to the District Convention with vote as well as all Past DOG Commanders with vote that will be exercised with their respective posts.

Section VI. At the last regular meeting of the District Executive Committee preceding the annual District meeting, the Executive Committee shall elect a Nominating Committee of five (5) members including the Chairman for the purpose of recommending a slate of candidates for the elective District Officers. Members of the Nominating Committee are not excluded from being nominees for office. The Nominating Committee shall submit their recommendations to the District Adjutant to send to each Post at least thirty (30) days prior to the annual District Convention. Additional members may be nominated from the floor at the annual District Convention. Although more than one member from any given Post may be nominated for the Nominating Committee, only that Post member receiving the highest number of votes shall be elected; unless there are not enough candidates from other Posts.

Section VII. In the event of the vacancy of The District Commander, The District Sr Vice Commander shall succeed to the office of The CDR without further election. If such SVC succeeds to the office of The CDR, resigns or be unable to serve, The District Executive Committee (DEC) shall elect from among The District Jr. Vice Commanders for the unexpired SVC term. In the event a JVC is unable to serve The District CDR shall appoint a replacement subject to ratification by the DEC. If this occurs after Feb 28th, the matter defers to normal April nominations and the May election at The Annual Convention of the 9th District.

Section I. Special meetings of the District Executive Committee may be held at any time on call of the District Commander for any special purpose, or to plan any special work, upon (5) days' notice to the Executive Committee members in writing.

Section II. Standing committees shall meet on the call of the Chairman, and a Secretary designated for that purpose by the Chairman shall record their deliberation and actions.

Section III. The actions of the standing committees shall be as prescribed by The American Legion post Commander's Guide and Manual of Ceremonies.

Article VII: -Auxiliary

Section I. The Ninth District recognizes an auxiliary organization known as the American Legion Auxiliary.

Section II. The Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by the Department of Georgia.

Article VIII - Amendments

Section I. This Constitution may be amended by a District Convention by a vote of two-thirds of the total authorized representation thereat, provided that the proposed amendment shall have been sponsored and endorsed either by a Post within the District or by the District Executive Committee, and shall have been submitted through the District Adjutant to the Posts by mailing the text thereof to them at least thirty (30) days prior to the convening of the District Convention.

Section II. All previous Constitutions adopted or purporting to be in effect within the Ninth District are hereby rescinded and repealed; and this Constitution shall be deemed to supersede the same.

BYLAWS

DISTRICT 9 INC AMERICAN LEGION DEPT GA

Article I - Duties of Officers

Section I. District Commander:-It shall be the duty of the District Commander to perform the functions usually devolving upon the Chief Executive Officer of any parliamentary organization; to appoint the committees provided for either in the Constitution or By-Laws; to insure the discharge by the respective officers and committees of the duties confided to them; to sign all documents required by usage, and to maintain order and decorum- He shall assemble the District Executive Committee within thirty (30) days of his installation for announcing his appointments.

Section II. District Senior Vice Commander: It shall be his duty to assist the District Commander and to discharge the duties of the former in the event of his inability to do so until such inability ceases or the Ninth District takes other appropriate action to fill the vacancy. He shall also serve as Membership Chairman for the District.

Section III. District Junior Vice Commanders: It shall be their duty to assist the District Commander and Senior Vice-Commander and perform such duties assigned by them.

Section IV. District Adjutant: It shall be his duty to keep and record the proceedings of all Ninth District Meetings; to send out notices of meetings; to conduct the correspondence of the Ninth District; to maintain a roster of the District Officers, Committee Chairmen and Posts; to acquaint committee appointees of their selection; to authenticate all documents required by usage; and generally to discharge the duties usually incumbent upon the secretary of similar organizations.

Section V. District Finance Officer: It shall be his duty to prepare a budget; collect and account for all funds of the Ninth District; and to pay the same only upon proper voucher bearing the approval of the District Commander. All checks must have two signatures. He shall report on the condition of the Treasury at each District meeting and whenever requested to do by the District Commander or the District Executive Committee. He shall submit a complete written report itemizing all income and disbursements at each District Convention and provide a copy for District Commander and Adjutant. **The Commander, Adjutant and Finance Officer must have signatory authority on all accounts.**

Section VI. District Judge Advocate: He shall be the adviser of the District Commander and the other District Officers on legal questions and upon matters involving the interpretation of parliamentary procedure and of the Constitution and By-Laws of the Ninth District.

Section VII. District Service Officer: He shall assist veterans and their dependents in obtaining benefits from governmental agencies; he shall inform himself as to the provisions of Federal and State Statutes in behalf of veterans and their dependents and is responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted to them by law. He shall generally act as liaison representative between the Posts of this District and the branches of the national and state Governments relative to questions affecting veterans and their dependents.

Section VIII. District Chaplain: He shall conduct memorial exercises and render such spiritual and religious services at meetings within the Ninth District as may be appropriate.

Section IX. District Historian: He shall preserve the records and archives of the Ninth District and shall file and publish from time to time such historical data as may be appropriate, and collaborate with Post historians throughout the Ninth District and the Department of Georgia in filing and arranging for presentation of the historical data of The American Legion.

Section X. District Sergeant-at-Arms: He shall assist the District Commander in maintaining order and decorum at all meetings; be the custodian of all paraphernalia and colors and see that they are appropriately displayed in accordance with the Manual of Ceremonies of The American Legion.

Article II - Management

Section I. Each Post Commander shall file with the District Adjutant a list showing the name and address of the Post Commander, the Post Adjutant, two (2) accredited delegates from the Post and three (3) alternates appointed or selected from such Post to serve as standing representatives on the District Executive Committee.

Section II. The District Commander shall file with the District Adjutant a similar list containing the names and addresses of those who, by virtue of the Constitution and By-Laws of the Ninth District, are ex-officio members of the District Executive Committee and entitled to vote at District Conventions, plus the names of the chairman of appointed committees.

Article III Delegates

Section I. Delegates and alternate delegates from the Ninth District to the National Convention of The American Legion shall be elected at the District Convention, with the exception of the Commander-elect, who shall automatically become a delegate on his election and shall serve as Chairman of the District delegation. Delegates and alternate delegates to the National Convention shall be nominated and elected from the floor. The fact, that delegates and alternate delegates to the National Convention will be elected at the District Convention, will be included in the Call for the District Convention.

Section II. Delegates from the Ninth District to the National Convention of The American Legion shall be elected as follows: Any member in good standing may run/be nominated for the remaining delegate positions. Although more than one member from any given Post may run or be nominated, only that Post (including the Commander-elect's Post) member receiving the highest number of votes shall be elected; unless there are not enough candidates from other Posts to fill the delegate quota.

Section III. After the election of delegates, alternate delegates will be elected. Alternate delegates from the Ninth District to the National Convention of The American Legion shall be limited as follows: Any member in good standing may run/be nominated for the alternate delegate positions. Although more than one member from a given Post may run or be nominated, only that Post member receiving the highest number of votes shall be elected; unless there are not enough nominees from other Posts to fill the alternate delegate quota. Nominees for the alternate delegate positions, equal to the number of delegates who receive the highest number of votes shall be elected alternate delegates. The nominee who receives the highest number of votes shall be the first alternate; the nominee who receives the next highest number of votes shall be the second alternate; etc.

Article IV - Order of Business

Section I. The order of business to be observed at each meeting of the District Convention, or of the District Executive Committee is as follows:

- a. Call to Order by the District Commander
- b. Presentation of Colors
- c. Invocation
- d. POW/MIA recognition
- e. Pledge of Allegiance
- f. Preamble
- g. Roll Call of District Officers
- h. Roll call of Posts
- i. Reading of the Minutes of the Previous Meeting
- j. Finance Report
- k. Reports of Standing Committees
- l. Reports of Special Committees
- m. Unfinished Business
- n. New Business
- o. Good of The Legion
- p. District Conventions: Report of Nominating Committee and Elections of Officers and Delegates
- q. Benediction
- r. Retirement of Colors
- s. Adjournment

Section II. The order of business for any meeting may be changed by a special order established for that meeting by majority vote.

Article V - Quorum

Section 1. At all General meetings of the Ninth District, fifty-one (51) percent of the Posts, as disclosed by the response to roll call, shall constitute a quorum. However, for the Annual Convention, called for the purpose of electing the officers for the ensuing year, the quorum shall be a majority of the Posts in good standing as disclosed in like manner. The **DEC** quorum is 51% of the current total of 29 members (22 posts & 7 elected District Officers.

Article VI - Parliamentary Procedure

Section 1. Except as modified by this Constitution and By-Laws enacted under this authority, Robert's Rules of Order shall govern as Parliamentary law.

Article VII - Amendments

Section 1. These By-Laws may be amended by a District Convention by a vote of two thirds of the total authorized representation thereat, provided that the proposed amendment shall have been sponsored and endorsed either by a Post with the District or by the District Executive Committee, and shall have been submitted through the District Adjutant to the Posts by mailing the text thereof to them at least thirty (30) days prior to the convening of the District Convention.

Section 11. All previous By-Laws adopted or purporting to be in effect within the Ninth District are hereby rescinded and repealed; and these By-Laws shall be deemed to supersede the same.

The above Constitution and Bylaws of the Ninth District, Department of Georgia, were approved on 4 December 2016 at the Ninth District quarterly meeting at Post 127, Buford GA.

Amended May 1st 2022 at the annual District 9 Convention at Post 7