

AMERICAN LEGION

THIRD DISTRICT ASSOCIATION OF MICHIGAN



CONSTITUTION AND BY LAWS

2023

District Membership Approved – November 7, 2021
Department Approved – March 3, 2022
Signed by District 3 Executive Committee- March 6, 2022
Revised: June 4, 2023



Constitution of the Third District Association,
Department of Michigan

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 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—Name

Section 1: The name of this organization shall be Third District Association, The American Legion, Department of Michigan.

Article II—Objects

Section 1: The objects and purposes of this District Association shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of The American Legion.

Article III—Nature

Section 1: This Association is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2: This organization shall be absolutely nonpolitical 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 3: Rank does not exist in The American Legion; no member shall be addressed by his military or naval title in any meeting of this District.

Section 4: This organization is a constituent part of, and subject to, the American Legion, Department of Michigan

Article IV – Powers

Section 1: This Association shall have such power and authority necessary or incidental to carry out the provisions of these Constitution and By-Laws. It being provided that nothing herein contained shall in any way authorize or empower this Association to interfere with the action of any Post in the administration of its internal affairs.

Section 2: The powers and authority of this Association are subject to the limitations and restrictions of the National and Departmental Constitution and By-Laws.

Article V—Membership

Section 1: Eligibility to membership in The American Legion shall be as prescribed by the National Constitution of The American Legion.

Section 2: All American Legion Posts residing within this District shall be eligible for membership in this Association. All members in good standing and/or the duly authorized delegates of said Posts in the Third District shall be deemed members of this district and representatives of their respective Posts with voice and vote when authorized. When voting at District Level, each Post in attendance shall be allowed 3 (**three**) votes. The Posts shall choose who will cast the votes for their post.

Section 3: The boundaries of this District covering the Counties of Branch, Calhoun, Eaton, Hillsdale, and Kalamazoo.

Article VI—Officers

Section 1: The administrative affairs of this District Association of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of the officers of the District. The term of office of members of the Executive Committee shall be for one (1) year. This Association, by its By-

Laws, may provide for such other standing committees as the business of the organization may require.

Section 2: The officers of this Association shall be; a Commander, a First Vice-Commander, a Second Vice-Commander, an Adjutant, a Finance Officer, a Historian, a Chaplain, a Service Officer, a Judge Advocate and a Sergeant-at-Arms, and such other officers as may be deemed necessary by this association, who shall be nominated from the floor at the meeting preceding the annual election.

Section 3: The Commander, First Vice-Commander, Second Vice-Commander, and Finance Officer shall be elected annually, and they shall hold office until their successors are duly installed, or as otherwise provided. Any officer may be removed for inefficiency by the Executive Committee or at a regular district meeting, a two-thirds ($2/3$) vote being necessary to affect such removal.

Section 4: The Adjutant, Historian, Chaplain, Service Officer, Judge Advocate, and Sergeant-at-Arms shall be appointed by the Commander.

Section 5: Every member of this Association in good standing shall be eligible to hold office in this organization.

Section 6: The duties of officers and the executive committee shall be as those usually appertaining to such officers or committee and as further provided in the By-Laws.

Section 7: This Association shall hold the annual election of District Officers not less than fifteen (15) days nor more than sixty (60) days prior to the annual Department Convention. The newly elected District Commander and Alternate shall assume their offices at the close of the annual Department Convention. All other District Officers shall be installed as prescribed by the By-Laws or as otherwise provided. All District Officers shall have paid their dues for the year of their term of office by the time of their installation.

Section 8: The District Commander and the Alternate Commander shall be required to submit to the Department Adjutant proof of honorable service in the Armed Forces of the United States, pursuant to Article II, Section 2 of the Department Bylaws.

Article VII—Finance

Section 1: The revenue of this District Association shall be derived from an annual levy upon each Post in the district as an assessment in order to defray its expenses, and from such other sources as may be approved by the Executive Committee.

Section 2: Each Post shall pay annually, per capita dues, into the Association treasury, for each member of said Post regularly admitted and in good standing. Dues calculation for each Post for the current year shall be computed based on the final membership report as published at the immediate past Department Convention. The sum shall be due and payable on or before December 31st each year. All Posts failing to pay these District dues by the said date shall be deemed delinquent and shall lose all rights and privileges until such dues are paid.

Section 3: The amount of such per capita dues shall be fixed and determined by this Association. This amount may be changed at any District meeting by a Two-Thirds (2/3) vote and shall take effect in the ensuing year.

Article VIII—Allied Organizations

Section 1: This Association recognizes an auxiliary organization to be known as The American Legion Auxiliary, Third District Association, Department of Michigan.

Section 2: Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

Section 3: This Association recognizes the Sons of The American Legion, Third District Association, Department of Michigan

Section 4: Membership in the Sons of The American Legion shall be as prescribed by the National Constitution of the American Legion.

Article IX—Amendments

Section 1: This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Department Constitution of the Department of Michigan, The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2: This Constitution may be amended at any regular District meeting by vote of two-thirds (2/3) of the members of said District attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said District, and providing, further, written notice shall have been given to all Posts at least thirty (30) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.



By-Laws of the Third District Association Department of Michigan

Article I

Section 1: The 3rd District Association existing under these By-Laws is to be known as the Third District Association, The American Legion, Department of Michigan.

Section 2: The objects of this Association are as set forth in the Constitution.

Article II—Management

Section 1: The government and management of this Association is entrusted to an Executive Committee, to be known as the “Executive Committee.”

Section 2: The Executive Committee shall consist of the officers of this District and shall be elected annually and take office at the meeting next following that of the election. All elections of officers shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

Section 3: All vacancies existing in the Executive Committee or in any office of the District from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who succeeded. A vacancy shall exist when a member or officer is absent from the District for a continuous period considered detrimental to the interest of the District by the Executive Committee.

Article III—Executive Committee

Section 1: The Executive Committee shall meet for organization and such other business as may come before it at the call of the commander within ten (10) days after the installation of the new officers. Thereafter the Executive Committee shall meet at the call of the commander, at least every two months, or as often as said commander may deem necessary. The commander shall call a meeting of the Executive Committee upon the joint written request of three or more members of said Executive Committee. Five (5) members of the committee attending shall constitute a quorum thereof.

Section 2: The Executive Committee shall require adequate bonds from all persons having the custody of Association funds; and generally, shall have charge of and be responsible for the management of the affairs of this Association between the District meetings.

Article IV—Duties of Officers

Section 1: Duties of District Commander. It shall be the duty of the District Commander to preside at all meetings of the District and to have general supervision over the business and affairs of the District Association, and such officer shall be the chief executive officer of the District. The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Association for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department adjutant. The Commander shall perform such other duties as directed by the Association.

Section 2: Duties of First Vice-Commander. The first vice-commander shall assume and discharge the duties of the office of commander in the absence or disability of, or when called upon by the District Commander. He/she shall be in charge of membership in the District and shall perform such other duties as are customary of the office.

Section 3: Duties of the Second Vice-Commander. The second vice-commander shall supervise the activities of the District and shall perform such other duties as are customary of the office.

Section 4: Duties of Adjutant. The adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National Organizations may require, render reports of membership annually or when called upon at a meeting, and under direction of the commander handle all correspondence of the Association.

Section 5: Duties of the Finance Officer The finance officer/treasurer of the District shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report at all District meetings the condition of the finances of the Association, with such recommendations as may be deemed expedient or necessary. The Finance Officer/Treasurer shall sign all checks disbursing the monies of the Association and shall furnish such surety bonds in such sum as shall be fixed by the Executive Committee.

Section 6: Duties of Historian. The District historian shall be charged with the individual records and incidents of the District and its members and shall perform such other duties as may properly pertain to the office as may be determined by the Association or the Executive Committee.

Section 7: Duties of Chaplain. The District chaplain shall be charged with the spiritual welfare of the District Association and shall offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time.

Section 8: Duties of the Judge Advocate. The District Judge Advocate shall advise on the interpretation of the National, Department or District Constitution and By-Laws when called upon. He/she may also serve as the ex officio parliamentarian at all meetings and shall perform such other duties as are customary of the office.

Section 9: Duties of Sergeant-at-Arms. The sergeant-at-arms shall preserve order at meetings. He/she shall have charge of the colors and shall introduce and escort all VIPs/guests and shall perform such other duties as may be from time to time assigned by the Association.

Article V—Delegates

Section 1: Delegates and alternates to the National Convention shall be elected by ballot at the annual meeting of the Association, to be held at the District Convention.

Section 2: The newly elected District Commander and the outgoing District Commander shall be delegates to the National Convention.

Article VI—Appointments

Section 1: The District Commander, immediately upon taking office each year, shall appoint such officers and Standing Committee Chairmen as is deemed necessary in the best interest of the Association.

Section 2: The Chairmen of the Standing Committees shall be prepared to deliver informative reports on the floor at all district meetings.

Section 3: The suggested Standing Committees include: **Americanism, Boys' State, Children and Youth, Economics, Education & Scholarship, Legislative, Membership, National Security & Foreign Relations, Publications, Public Relations, Reconnect, Sons of The American Legion, Scouting, Student Trooper, VA &R** and such other committees as the Association may deem prudent.

Article VII—Resolutions

Section 1: All resolutions of state or national scope presented to this District by a member or reported to this District by a committee shall merely embody the opinion of this District on the subject and copy of same shall be forwarded to the Department headquarters for its approval before any publicity is given or action other than mere passage by the District is taken.

Article VIII—Meetings

Section 1: The District Association shall hold six(6) meetings including the Department Convention caucus, at which may be transacted such business as may properly be brought up for action. The District meetings place and time shall be determined by the District Commander and shall be published with notice sent to all Posts in the District and to the Department Adjutant.

Section 2: The District Commander or a majority of the Executive Committee shall have power to call a special meeting of the District at any time.

Section 3: Upon the written request of six(6) Posts, the Executive Committee shall call a special meeting of the District.

Section 4: Six (6) member Posts at a meeting shall constitute a quorum.

Section 5: This District shall conduct, open, and close its meetings as per the national “Officer’s Guide and Manual of Ceremonies” or its successor publication unless otherwise herein specified.

Section 6: Voting at meetings shall normally be by voice vote. In the event of a call for a Roll Call vote, each Post shall have 3 votes. Any authorized Post representative may demand a Roll Call vote. Voting for District Level Officers shall be per Article 5, Section 2 of our Constitution which states in part, “...each post in attendance shall be allowed 3 (three) votes. The Posts shall choose who will cast the votes for their post.”

Article IX—Notices

Section 1: Every Post in the District shall furnish the District Adjutant with a mailing and/or email address for notices and District minutes.

Section 2: The District Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

Article X—Rules of Order

Section 1: All proceedings of this Association shall be conducted under and pursuant to Roberts’ Rules of Order newly revised; except, as herein otherwise provided.

Article XI – Limitations of Liabilities

Section 1: The Association shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other District, Post, subdivision, members of The American Legion, or individuals, corporations, or organizations.

Article XII – Amendments

Section 1: These By-Laws may be amended at any regular District meeting by a vote of two-thirds (2/3) of the members of said District attending such regular meeting: Provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said District and Provided further, that written notice shall have been given to all members at least 30 in advance of the date when such amendment is to be voted upon, notifying said members that as such meeting a proposal to amend the By-Laws is to be voted upon.

Revised 6-4-2023