

THE AMERICAN LEGION
DEPARTMENT OF COLORADO
DISTRICT SEVEN

Constitution and By-Laws
Adopted and Corrected through
District Convention
May 19, 2013
Florence, Colorado

CONSTITUTION OF DISTRICT SEVEN
DEPARTMENT OF COLORADO
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 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 I

NAME

Section 1. Name. The name of this organization is the Seventh District, The American Legion, Department of Colorado.

ARTICLE II

NATURE

Section 1. Nature. This organization is a component of The American Legion, Department of Colorado, and possesses no power, duties or obligations except those conferred upon or possessed by virtue of the Constitution of The American Legion, Department of Colorado, the By-laws and mandates thereof. It is entirely non-political and it shall not be used for the dissemination of partisan principles, nor the promotion of the candidacy of any person seeking office or preferment.

ARTICLE III

DISTRICT BOUNDARY

Section 1. District Boundary. This District shall comprise the geographical area in constancy with the Constitution and By-Laws of The American Legion, Department of Colorado.

ARTICLE IV

ORGANIZATION

Section 1. Officers. The officers of the District shall be those prescribed by the Constitution of The American Legion, Department of Colorado, and such other officers as the District Convention or District Executive Committee may from time to time create.

- (A). Shall include the following:
- (1). Commander
 - (2). Senior Vice Commander
 - (3). Junior Vice Commander
 - (4). Adjutant
 - (5). Finance Officer
 - (6). Service Officer
 - (7). Chaplain
 - (8). Sergeant-at-Arms
 - (9). Historian
 - (10). Judge Advocate
 - (11). Department Executive Committeeman

(B). The District Commander shall be the presiding Officer at all District Meetings.

(C). The District Executive Committee shall consist of the Officers of the District as set forth in paragraph (A1 thru A11) of this section and one member from each Post of the District, such as Post representatives having been elected or appointed by the respective Post. The immediate Past Commander shall also be a member of the District Executive Committee with one vote. A quorum shall consist of a majority of the Executive Committee.

(D). Between sessions of the District Convention the District Executive Committee shall have jurisdiction.

Section 2. Elections and Vacancies. The officers of the District shall be elected annually at the District Convention for a term of one year, and shall hold office until their successors have been elected and qualified. Terms of office shall commence upon the adjournment of the Department Convention next held after their election or appointment. With the exception of the following:

(A). The Adjutant, Service Officer, and Judge Advocate shall be appointed by the newly-elected Commander. Terms of office shall commence upon adjournment of the Department Convention next held after their election or appointment.

(B). A Department Executive Committeeman shall be elected to serve for a term of two (2) years in odd numbered years. The term of said Department Executive Committeeperson shall commence at the close of the Department Convention in the year said Committeeperson is

elected and shall terminate when a successor shall have been elected and qualified.

(C). Vacancies in any office shall be filled by the District Executive committee to serve until the District Convention shall elect persons to fill the same, (reference; Section 3 Article X, Department of Colorado).

(D). There shall also be elected at each annual District Convention one delegate and one alternate Delegate to the National Convention of the American Legion, in accordance with the Constitution of the American Legion, Department of Colorado, concerning the selection of Delegates and Alternates to said National Convention.

Section 3. District Conventions:

(A). The District Convention is the legislative Body of the District and as such may take any action not in conflict with an existing mandate. (See Department of Colorado).

(B). The District Convention shall be held each year not more than ninety (90) days prior nor less than thirty (30) days prior to the Department Convention at such time and place as shall be determined by the District Executive Committee. Unlimited participation of all members of the District is encouraged.

(C). The District Commander is directed to appoint at least sixty (60) days prior to each District Convention, the members of the District Convention Committees for credentials, resolutions, nomination of officers, time and place and any other committee deemed necessary for the District.

Section 4. District Conference. An annual District conference shall be held in accordance with provisions of the Constitution of The American Legion, Department of Colorado, for discussion and promotion of the Programs of the American Legion. Such conferences shall be at a time and place within the District, fixed by the District Executive Committee with the consent and approval of the Department of Colorado. Unlimited participation of all members of the District is encouraged.

Section 5. Delegate Voting and Quorum at District Convention:

(A). At the District Convention each Post shall be entitled to two (2) delegates at large and one (1) delegate for each ten (10) members, or major fraction thereof (more than 5); the membership of each Post for the purpose of this section to be calculated on the basis of the membership thereof as paid into and received by the Department Adjutant at the immediate last Department Convention, except that a new Post established within the District will have entitlements to delegates based upon membership of that new Post as of ninety (90) days prior to District Convention.

(B). The District Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, and Finance officer shall be entitled to one vote in the Convention. Additionally, those Post Commanders in attendance shall be entitled to one vote.

(C). Each delegate shall be entitled to one vote. Voting by proxy shall not be permitted, and the vote of any delegate absent shall be cast by the majority of delegates present from that post.

(D). A quorum of the Convention shall consist of one (1) delegate from each of a majority of the Posts represented and qualified to vote at the Convention.

ARTICLE V

REVENUE

Section 1. Source of Revenue. The revenue of the District shall be derived from sources permitted by the Department of Colorado. The District Executive Committee shall determine the amount of revenue needed and the sources from which it shall be derived. The District Convention shall alter or repeal any action of the District Executive Committee on this regard.

Section 2. Assessment. Each Post in the District shall be assessed twenty cents (\$.20) per member, per year to cover cost of postage, stationary and necessary travel expense of the Department Executive Committeeperson.

Section 3. Failure to submit. The assessment for the current year, based upon the membership of the previous year, must be in the hands of the Finance Officer of the District before the opening of the District Convention. Failure to submit assessments by the date due will cause the loss of one vote in both the District and Department Conventions.

ARTICLE VI

AMENDMENTS

Section 1. Amendments. This Constitution may be amended at any District Convention by a two-thirds vote of the delegates present, in the presence of a quorum.

ARTICLE VII

SAVINGS CLAUSE

Section 1. This Constitution adopted at the District Convention in 2013 supersedes and takes the place of all earlier Constitutions, and the same are hereby repealed. Any provisions of this Constitution

that is inconsistent with or contrary to the Constitution of the American Legion, Department of Colorado, shall be inoperative.

BY-LAWS OF DISTRICT SEVEN
DEPARTMENT OF COLORADO
THE AMERICAN LEGION

ARTICLE I

Section 1. Alterations and Amendments. The District Executive Committee shall have the power to recommend alterations and Amendments to these By-Laws for the government of the District, not inconsistent with the District Constitution or with the Department of Colorado Constitution.

Section 2. Commander's Pin.

(A). The District shall purchase a Commander's pin and presented to the newly elected Commander immediately upon being elected to the position.

(B). The District shall purchase and bestow upon all out-going District Commanders, a Past Commander's Pin of suitable design in recognition of services performed in the office of the District Commander.

Section 3. Per Diem and Mileage.

(A). The District, if requested in writing within 30 days of the event, shall pay to the Department Executive Committee person per diem and mileage expense (as established by the General Services Administration (www.gsa.gov) for travel to two (2) Department Executive Committee meetings each year.

(B). The District shall pay to the District Commander the same rate per diem and mileage for the Department Mid-Year Conference and Convention.

Section 4. Budget. The District Finance officer shall prepare with the aid of Committee persons a proposed budget to be presented to the District Executive Committee for their approval within thirty (30) days after the close of the District Convention.

Section 5. Bonding. The District Finance Officer shall at the direction of the District Executive Committee give bond with such surety and in such amount as said committee shall direct, provided the premium on said bond, as required by the Department, be paid by the District.

Section 6. Audit. The District Commander shall, at the close of the District Convention, appoint a committee to audit the Finance officer's book and approve the minutes of the District Convention within thirty (30) days after the close of the Convention.

Section 7. District Officer Pins and Caps

(A). The District shall purchase either pins or sew on officers patches, whichever is preferred by the officer, as prescribed by the Department of Colorado, for each elected officer, as noted in Article IV of this Constitution.

(B). Each officer shall purchase their own District Officers Cap from American Legion Flag & Emblem website (emblem.legion.org) or use one from the current supply by depositing \$15.00 for return of said cap at the termination of their term of office.

Section 8. Rules of Order. Except as may otherwise be provided by action of the District Convention, the proceedings of the District Convention shall be governed by Robert's Revised Rules of Order.

ARTICLE II

DUTIES OF THE DISTRICT OFFICERS

Section 1. District Commander. The District Commander shall have general supervision, subject to the direction of the Department Commander, over all of the Posts within this District; shall visit each Post in this District at least twice during their year and shall endeavor in all ways to promote membership in the programs of the American Legion; shall attend the District Convention and Conference and preside at meetings of the District Executive Committee; and shall perform such other duties as enjoined by the Department Commander, The Department Executive Committee or the District Executive Committee.

Section 2. District Vice Commanders. In the event of the death, resignation or disability (declared by the District Executive Committee to exist) of the District Commander, the Senior and Junior Vice Commanders in their order shall succeed to their office and have and possess all the powers and duties of the District Commander; and shall perform such other duties as required of them by the Department Commander or the District Executive Committee.

Section 3. District Adjutant. The District Adjutant shall conduct the official correspondence of the District; shall keep an accurate record of the proceedings of the District Convention and District Conference; shall keep such other books and records as are necessary or proper in the performance of his duties; and shall pay over all monies coming into his hands and belonging to the District to the District Finance Officer.

Section 4. District Finance Officer. The District Finance Officer shall faithfully keep all monies of the District coming into their hands and account thereof; shall keep such book and records as necessary and proper in the performance of their duties; shall pay and deliver over to their successor all funds, books and records that are in or should be in their hands; and shall render a written report of

financial condition of the District at all District Executive Committee meetings and at the District Convention.

Section 5. District Chaplain. The District Chaplain shall be the spiritual advisor to the District; shall offer prayer at the opening of each day's session of the District Convention; and perform such other duties pertaining to his office that the District Commander may request.

Section 6. District Historian. The District Historian shall collect, compile and deliver to their successor all papers received by them and from their predecessor; shall make an annual report to the District Convention; is enjoined to perform their duties to the end that posterity may have an accurate knowledge of the transactions of the District and of the men and women who were active in its affairs; and shall display the District History Book at each meeting of the District Executive Committee and the District Convention.

Section 7. District Service Officer. The District Service Officer shall assist Posts within the District of bringing to the attention of veterans and their dependents the rights and benefits granted them by law and of the expert services available through Legion channels, as well as those of other agencies in the District or State; shall render an annual report to each District Convention; and perform duties as are usually incident to the office.

Section 8. District Judge Advocate. The District Judge Advocate is the legal officer of the District and shall advise the District Commander, District Post Officers upon request, all matters touching on the interpretation of construction of this Constitution and By-laws adopted pursuant thereto; shall act as parliamentarian of the District Convention; and perform such other duties as are usually incident to the office.

Section 9. Sergeant at Arms. The District Sergeant-at-Arms shall be the color bearer of the District; shall preserve order, under the direction of the presiding Officer, at sessions of the District Convention and Conference; and perform such other duties as are usually incident to the officer.

Section 10. Department Executive Committeeman. It shall be the duty of the Department Executive Committeeperson under the direction and supervision of the Department Commander to:

(1). Assist the Department Commander and Department Committees in the performance of their duties and the carrying out of the American Legion programs in this District.

(2). Attend each Convention and Conference of this District; to make at least two (2) annual visitations to the Posts of this District with the regular visitations of the District Officers; and

(3). Perform other duties as may be assigned by the Department Commander, The Department Executive Committee or the District Executive Committee.

ARTICLE III

STANDING COMMITTEES

Section 1. District Executive Committee. The District Executive Committee members shall serve as members of the following suggested standing committees, if necessary and as appointed by the District Commander:

- (A). Americanism
- (B). Children and Youth
- (C). Oratorical
- (D). Legislation
- (E). Budget and Finance
- (F). Constitution and By-Laws

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Attest:

Larry Johnson
District 7 Adjutant

Michael J. Christensen
District 7 Commander