

***FIRST DISTRICT  
THE AMERICAN LEGION  
DEPARTMENT OF WISCONSIN***



***CONSTITUTION AND BY-LAWS***

**Revised May, 2019**

*The Mission of The First District, The American Legion, Department of Wisconsin is to provide service to veterans, their families and their communities.*

**CONSTITUTION**  
OF  
THE FIRST DISTRICT  
THE AMERICAN LEGION  
DEPARTMENT OF WISCONSIN

**PREAMBLE**

For God and Country, we associate ourselves together for the following purpose: 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; 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 The First District, The American Legion, Department of Wisconsin. The boundaries of the District shall be as set forth in Article III, Section 4 (a) of the Constitution and By-Laws of the American Legion Department of Wisconsin.

**ARTICLE II**

**OBJECTS**

Section 1. The object and purposes of this organization shall be to promote the principles and policies as set forth in the foregoing Preamble and the National and Department Constitutions of The American Legion.

**ARTICLE III**

**NATURE**

SECTION 1. The American Legion is a civilian organization - membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion: no member shall be addressed by his military or naval title in any convention or meeting of The American Legion.

SECTION 2. The American Legion shall be absolutely non-political and shall not be used for the dissemination of partisan principals nor for the promotion of the candidacy of any person seeking public office or preferment.

SECTION 3. Any eligible Legionnaire may be elected or appointed to any office; and the use herein of the masculine pronoun shall be held to include the feminine.

## **ARTICLE IV**

### **MEMBERSHIP**

Section 1: Any regularly chartered Post in good standing located within the boundaries of the District shall be automatically a member of the District organization.

## **ARTICLE V**

### **ORGANIZATION**

Section 1. The elective officers of this District, elected biennially in May of even-numbered years, shall be as follows: one District Commander, one 1<sup>st</sup> Vice Commander, one 2<sup>nd</sup> Vice Commander, one 3<sup>rd</sup> Vice Commander, one Finance Officer, and two Sergeants-at-Arms. In the event of a vacancy in any elective office, the District Commander shall appoint a successor, with the advice and consent of the District Executive Committee. The successor shall serve for the remainder of the term of the office of which he is appointed.

Section 2. Should the District Commander be removed from office or become incapacitated, the 1<sup>st</sup> Vice Commander shall become acting District Commander and fulfill the term or hold the office until the District Commander is able to adequately resume his duties.

Section 3. Upon taking office, the District Commander shall appoint one District Adjutant, one District Chaplain, one District Historian, one District Service Officer, one District Communications Officer and one District Judge Advocate.

Section 4. The terms of office of both elected and appointed officers shall be that of the District Commander.

## **ARTICLE VI**

### **DISTRICT EXECUTIVE COMMITTEE**

Section 1. The District Executive Committee shall consist of the District Commander, the immediate Past District Commander, the three (3) District Vice Commanders, the District Finance Officer, and the five (5) County Commanders. All Past District Commanders who have served in that capacity while members of The First District, The American Legion Department of Wisconsin, while in good standing in their respective Posts, shall have a voice at all District Executive Committee meetings, without vote. The District Adjutant and the District Judge Advocate shall serve as consultants to the District Executive Committee.

Section 2. A quorum of the District Executive Committee shall consist of five (5) members.

Section 3. When deemed appropriate, the District Commander may authorize meetings of the District Executive Committee via electronic media.

## **ARTICLE VII**

### **ANNUAL POST ASSESSMENTS**

Section 1: The District shall have full power and authority to levy and collect an annual assessment from each Post. The assessment of a Post shall consist of a fixed rate based on the size of the membership, and a per capita assessment based on the final membership count thirty (30) days prior to the previous Department Convention.

Section 2: The Annual Post assessment and Per Capita Dues shall be paid to the District Finance Officer prior to September 15th of each year.

Section 3: No delegate shall be entitled to a seat or a vote at any meeting of the District unless the Post from which he is elected has paid all financial obligations owing to the District.

## **ARTICLE VIII**

### **DELEGATES TO THE NATIONAL CONVENTION**

Section 1. Each county shall be entitled to one (1) delegate to the National Convention. The District Commander shall be an automatic delegate. In an election year, the incoming and outgoing District Commanders shall be automatic delegates.

Section 2. If the District is entitled to more delegates, the additional delegates shall be elected at the District May Conference. In addition, alternates in number equal to the entire District delegation shall be elected at the May meeting. The District Commander shall call for nominations from the floor to fill the delegation. At the completion of nominations, a vote shall be taken, by paper ballot, and the nominees shall be ranked by vote total, and assigned to the open positions by that rank.

Section 3. All delegates and alternates shall meet the qualifications of Article VI, Section 2 of the Department Constitution of the American Legion Department of Wisconsin.

## **ARTICLE IX**

### **DISCIPLINE**

Section 1. The District Executive Committee shall have full power to suspend or remove from office for inefficiency, neglect of duty, misconduct in office, or other good cause shown, any elected or appointed officer of the District, after a fair and impartial hearing on written charges brought against such officer.

Section 2. Notice containing a statement of the charges shall be given the officer at least ten (10) days prior to the date fixed therein for said hearing. Said hearing shall be conducted pursuant to such rules and regulations as said District Executive Committee shall prescribe. After the filing of such charges, the District Commander may at once, if he deems advisable, temporarily suspend any such officer pending the hearing of said charges. He shall also have the power to call a special meeting of District Executive Committee to fill any vacancy

caused by any such suspension. Upon the hearing of said charges, no officer shall be removed unless two-thirds (2/3) of the District Executive Committee at such meeting shall vote in favor of the removal.

Section 3. If the District Commander is the subject of said disciplinary proceedings, the Past District Commander on the District Executive Committee shall preside over all affairs of the proceedings until said proceedings have been concluded and a successor to the District Commander has been appointed and confirmed.

Section 4. Any officer who shall be removed or suspended by the District Executive Committee shall have the right to appeal to the next District Conference by giving notice in writing to the District Adjutant within ten (10) days after such removal or suspension. It shall then be the duty of the District Adjutant to bring such appeal to the attention and vote of the District Conference.

## **ARTICLE X**

### **AMENDMENTS**

Section 1. This Constitution may be amended as follows: any proposed amendments to this Constitution shall be submitted in definite written form to the voting members of the District Executive Committee at least forty-five (45) days prior to the date of the scheduled meeting of the District. At least thirty (30) days prior to the date of the meeting at which such proposed amendment is to be voted on, the District Adjutant shall deliver a brief synopsis of such amendment to each Post of the District and inform said Post in writing of the date and place of the regular meeting at which such proposed amendment is to be voted on. Passage of said amendment shall require a two-thirds (2/3) vote of the delegates present.

Section 2. Resolutions amending this Constitution shall only be in order at the regular Spring and Fall meetings of the District.

Section 3. Amendments to the Department Constitution of The American Legion Department of Wisconsin shall automatically operate to amend the Constitution of the District where ever said amendment affects the Constitution of the District.

**BY-LAWS**  
OF  
THE FIRST DISTRICT  
THE AMERICAN LEGION  
DEPARTMENT OF WISCONSIN

**ARTICLE I**

**MEETINGS**

Section 1. Subject to a mandated date by the Department Executive Committee, a meeting of this District shall be held regularly, on the first Sunday in May, the first Sunday in October and at Department Convention, at a time and place to be designated by vote of a prior meeting of the District, or by the District Commander when no appropriate action has been taken to call such a meeting.

Section 2. A majority of the Posts of the District, when represented wholly or in part by duly accredited delegates or alternates, shall constitute a quorum at any District meeting.

Section 3. The District Executive Committee shall meet within thirty (30) days following the Department Convention in the year of their election. The purpose of this meeting shall be to install elected and appointed officers of the District, other than the District Commander, who shall have been installed at the Department Convention and to approve a biennial budget. The District Commander shall appoint an available Past District Commander, or current or past Department or National Officer of his choosing to be the installing officer.

Section 4. The District Commander can call a meeting of the District Executive Committee at a time and place to be designated by him, as he deems necessary.

Section 5. The District Commander shall call a meeting of the District Executive Committee at a time and place to be designated by him, within twenty (20) days of receiving a written request of any three (3) members of the District Executive Committee.

**ARTICLE II**

**APPOINTMENTS AND COMMITTEES**

Section 1. Upon taking office, the District Commander shall appoint Committee Chairs to the following District Committees: A&G Testing, Americanism, Badger Boys State, Camp American Legion, Children and Youth, Hospital Liaison, Legion Riders, Legislative, Membership, National and Homeland Security, Oratorical, POW/MIA, Sons of the American Legion, and Veterans Affairs and Rehabilitation.

Section 2. The District Commander shall be an ex-officio member of all District Committees. The District Adjutant shall serve a consultant to all District Committees.

## **ARTICLE III**

### **DELEGATES TO DISTRICT MEETINGS**

Section 1. The delegates/alternates of each Post, at any District meeting, shall be on the same basis as said Post's representation at the previous annual Department Convention. Each delegate present at any District meeting shall have one vote. In his absence, an alternate, if present, may vote in his stead. Alternates shall have all the privileges of delegates excepting that of voting. All members of the District Executive Committee, all appointed District Officers, all Past First District Commanders, and all five (5) County Commanders shall have the status of delegates to any District meeting.

## **ARTICLE IV**

### **ELECTIONS**

Section 1. Elections shall be conducted under New Business at the May Conference in even-numbered years. Each office shall be elected individually, beginning with the District Commander, each District Vice Commander in descending order, the District Finance Officer and the two (2) District Sergeants-at-Arms.

Section 2. Each registered delegate present at the conference shall have one vote, and each delegate shall, upon registration, receive an identifying badge containing his name and Post number, and Identifying him as a delegate or alternate. Immediately prior to the commencement of the election, the District Adjutant shall call the roll of delegates from each post and delegates-at-large to determine the total number of delegates present and eligible to vote.

Section 3. The District Commander shall then call for nominations, beginning with the office of District Commander. Nominating speeches for all officers shall be limited to two minutes and the seconding for all officers shall come from the floor, which will be a one sentence seconding as follows: I second the nomination of (name of candidate) for the office of (name of office for which the candidate is nominated). When nominations for a specific office have been completed, the District Commander shall announce the name(s) of the nominee(s) and call for the vote. When more than one candidate is nominated for a specific office, the vote shall be taken by paper ballot. The District Commander shall appoint a sufficient number of tellers to collect, count and report the vote to the Conference. A candidate shall be required to obtain a majority vote of delegates present and voting to be elected. The District Commander shall announce the number of votes required to be elected and the total vote of each candidate. In the event that no candidate for a specific office receives a majority of votes cast, the candidate receiving the fewest number of votes shall be removed from the ballot and a second round of voting shall immediately take place. This procedure shall continue until one candidate has received a majority of votes cast. This process shall then continue for the rest of the District offices, excepting that the two (2) District Sergeants-at-Arms may be elected on the same ballot.

Section 4. A motion to direct the District Adjutant to retain the ballots for ten (10) days and then destroy them shall be in order at the conclusion of all voting.

**ARTICLE V**

**RULES OF ORDER**

The meetings of the District shall be governed by Robert’s Rules of Order, current edition, except as modified by this Constitution and By-Laws.

**ARTICLE VI**

**NOTICES**

Section 1. Every Post in the District shall furnish the District Adjutant with the names and addresses of all Post Officers within 30 days of election of said officers. The District Adjutant shall cause notice of all District meetings to be given to each Post at least thirty (30) days prior thereto.

**ARTICLE VII**

**RESOLUTIONS**

Section 1. Unless otherwise directed by this Constitution and By-laws, all resolutions offered for consideration at any meeting of the District or of any committee thereof, shall be submitted in writing and presented to the delegates before any vote is taken. Resolutions not presented in writing may be brought before any meeting of the District for action with the approval of two-thirds (2/3) of the delegates present.

**ARTICLE VIII**

**SCHEDULE OF POST ASSESSMENTS AND PER CAPITA DUES**

Section 1. Post assessments shall be determined according to the following schedule:

<u>Membership</u>	<u>Assessment</u>
15-100	\$25.00
101-200	\$30.00
201-300	\$35.00
301-400	\$40.00
401-500	\$45.00
501-600	\$50.00
601-700	\$55.00
701-800	\$60.00
801-900	\$65.00
901+	\$70.00



Section 2. Per Capita Dues. Post are to pay thirty-five (35) cents per member based on Post membership as used to determine delegate strength at the previous Department Convention.

Section 3. At the time of any regularly scheduled District meeting, the Per Capita and Assessment amounts may be adjusted by a motion from the floor and passed by two-thirds (2/3) vote of the authorized delegates.

## **ARTICLE IX**

### **APPAREL**

Section 1. All District Officers, whether elected or appointed shall wear the District Officer's cap during their term of office. Caps shall be purchased by the member at their own expense.

## **ARTICLE X**

### **AWARDS**

Section 1. District plaques shall be awarded to the first Post in each category defined in Section 2 that has equaled or exceeded its annual Department of Wisconsin assigned goal. Memberships must be received by Department Headquarters and the award period terminates thirty (30) days prior to the District May meeting.

Section 2. Awards shall be given to each Post referenced in Section 1 in the following categories: Post membership of 1 – 50, 51 – 100, 101 – 200, 201 – 300, 301 – 400, 401 or more.

Section 3. Plaques shall be purchased at District expense.

## **ARTICLE XI**

### **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 present.

Section 2. A resolution of amendment to these By-laws shall be read as a special order of business at the morning session of the conference. Said resolution shall then be taken up under new business at the afternoon session, read again, and a vote taken.

Section 3. Resolutions amending these By-laws shall only be in order at the regular Spring and Fall meetings of the District.

This Constitution and By-Laws was reviewed by the Department Judge Advocate of the Department of Wisconsin, and adopted by the delegates of the First District, The American Legion Department of Wisconsin at the District Conference held in Brookfield, Wisconsin on May 5, 2019, and is hereby declared in effect.

\_\_\_\_\_  
David P. Latimer, Sr., District Commander

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Kenneth Zilisch, District Adjutant