

CONSTITUTION
THIRD DISTRICT OF THE AMERICAN LEGION
DEPARTMENT OF IOWA

ARTICLE I. NAME

SECTION 1. The name of this organization shall be the THIRD DISTRICT OF THE AMERICAN LEGION, DEPARTMENT OF IOWA.

ARTICLE II. OBJECTS

SECTION 1. The object and purpose of this organization shall be to strengthen The American Legion by obtaining closer cooperation between the National, State, District, and County organizations and the local Posts in the Third District of the Department of Iowa.

SECTION 2. Further; this organization shall be conducted and operated for the benefit of the various County Associations and the various Posts in the Third District of the Department of Iowa.

ARTICLE III. NATURE

SECTION 1. This organization shall be absolutely non-political and non-sectarian, 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 2. 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, unless such person is on active duty in the armed forces.

ARTICLE IV. MEMBERSHIP

SECTION 1. Every regularly chartered Post in the Third District of the Department of Iowa shall be considered a member of this District organization.

SECTION 2. Membership in this organization is automatically conferred with the charter from the Department of Iowa.

ARTICLE V. OFFICERS

SECTION 1. The officers of this organization shall be:

- A. Commander, who shall preside over the District meetings, have general supervision over the business and affairs of the District. He shall approve all orders for the disbursement of District funds. He shall make a report to the annual meeting of the District covering the business of the District and recommendations for the ensuing year.

B. Three Vice Commanders of equal rank, one of whom may be delegated to assume the duties of the Commander in the absence of the Commander. The Commander shall divide the District into three parts and allocate one part to each Vice Commander, and each Vice Commander shall have special charge and supervision over his sub-division.

C. A fourth Vice Commander of equal rank may be appointed by the incoming Commander each year after the Spring Conference or as needed during the course of the year to serve at the direction of the Commander with the approval of the District Executive Committee.

D. Adjutant and Finance Officer who shall be appointed by the incoming Commander each year after the Spring Conference and before the annual Department Convention. They may be one and the same person.

E. Chaplain who shall be appointed by the incoming Commander each year after the Spring Conference and before the annual Department Convention. He shall be charged with the spiritual welfare of the District comrades and shall perform divine and non-sectarian services in event of public functions and meetings and shall adhere to such ceremonial rituals as may be recommended by National or Department Headquarters from time to time.

F. Judge Advocate who shall be appointed by the incoming Commander each year after the Spring Conference and before the annual Department Convention. He shall advise the District Officers and Executive Committee on the construction and interpretation of the District Constitution and By-laws, act as parliamentarian for all meetings, and perform such other duties as are usually incident to the office.

G. Historian who shall be appointed by the incoming Commander each year after the Spring Conference and before the annual Department Convention.

H. Sergeant-at-Arms who shall be appointed by the incoming Commander each year after the Spring Conference and before the annual Department Convention.

SECTION 2. The Officers, except an appointed Vice Commander, the Adjutant, Finance Officer, Chaplain, Judge Advocate, Historian and Sergeant-at-Arms, shall be elected annually at the regular Spring Conference and shall assume office immediately after the close of the annual convention of the Department of Iowa and hold office until their successors are duly elected and qualified or as otherwise herein provided. However, the term of the Finance Officer shall begin with the beginning of the fiscal year (July 1).

SECTION 3. Every member in good standing of any Post in this District shall be eligible to hold an office in this District unless otherwise provided herein.

SECTION 4. The duties of the Officers and Executive Committee shall be those usually pertaining to such officers in The American Legion.

ARTICLE VI. FINANCES

SECTION 1. The revenue of this District organization shall be derived from an annual assessment of One Dollar and fifty cents (\$1.50) per member, and shall be collected by each Post with its annual dues.

SECTION 2. The Finance Officer shall make disbursement by check only and by written order only of the District Commander or pursuant to authorization from the Executive Committee or the District meeting.

SECTION 3. The incoming Commander each year, immediately after the annual Department Convention, shall appoint an Auditing and Budgeting Committee, consisting of three members, one of whom shall be a Past District Commander.

A. It shall be the duty of this Committee to audit the books of the District, especially the books and reports of the Finance Officer, within thirty (30) days after the close of the fiscal year. The Committee shall make its auditing report to the membership at the Fall Conference, for approval or other action.

B. It shall be the further duty of this Committee, with the assistance and advice of the District Commander, to formulate and present for approval by the membership at the Spring Conference a budget for the succeeding administration. There shall be estimated and set out in the budget the anticipated revenue for the year. There shall be appropriations from the funds, not to exceed the anticipated income or other money on hand, for the expenses of the various District Officers and District activities, which budget shall be the guide for the new Commander to follow and it shall not be exceeded.

C. There shall be included, appropriated, and set aside a "Reserve Fund" of not less than \$25.00 each year plus all unexpended appropriations and any other revenue on hand at the end of each year, which fund can be resorted to in emergencies by the District Commander, only with a majority vote of the Executive Committee, or for any purpose authorized by a majority vote of the members present at any regular District meeting.

SECTION 4. No indebtedness shall be incurred, and no obligation assumed in excess of the amount on hand in the treasury.

SECTION 5. The Third District of the Iowa Department of The American Legion shall adopt a Fiscal Year beginning July 1 and ending June 30 annually.

ARTICLE VII. DISTRICT LIAISON COMMITTEE

SECTION 1. A District Liaison Committee consisting of three members elected on rotating terms at the annual Spring Conference, as provided for in the Third District By-laws, shall be recognized.

ARTICLE VIII. ADMINISTRATION (THE EXECUTIVE COMMITTEE)

SECTION 1. The Executive and Administrative powers of this organization shall be vested in an Executive Committee composed of the elected District Officers, the appointed Vice Commander, the Commanders of County Organizations, the immediate Past District Commander, the District Adjutant, the District Finance Officer, the Chaplain and the Sergeant-at-Arms.

SECTION 2. Should the office of the District Commander become vacant by death or resignation or for any other reason, the Executive Committee of the District shall within thirty (30) days from the date of said vacancy elect a new District Commander to fill the vacancy, Four or more members of the Executive Committee shall constitute a quorum, and a simple majority of said quorum will elect. It shall be the duty of the Adjutant to set the time and place of the election and to notify all Executive Committee members in writing at least five (5) days prior to the date of the election. Any member in the District is an eligible candidate for this office. Until a successor is elected in the manner described above, the Adjutant is hereby given the power and authority of and shall assume the duty of the District Commander.

SECTION 3. Should a vacancy occur in any of the elective offices other than that of the District Commander, the District Commander is hereby empowered to appoint a successor to fill the vacancy. Such appointment shall be subject to the approval of the District Executive Committee.

SECTION 4. There shall be a Fall Conference, a Mid-Winter Conference (at the time of the Department's Mid-Winter Conference), a Spring Conference, and a Summer Conference (at the time of the annual Department Convention) for the transaction of all District business. A Summer Stag may be called by the District Commander.

SECTION 5. The date and place of the regularly called District meetings, other than those at the annual Department Mid-Winter Conference and the Department Convention, shall be determined by the vote of the membership of the District at the Spring and Fall Conferences. In the event that no invitation has been received and accepted at the previous Conference, this power shall be delegated to the Commander and/or Executive Committee.

ARTICLE IX. QUORUM

SECTION 1. Delegate Assembly--A quorum shall consist of a majority of the registered delegates.

SECTION 2. Executive Committee--Four (4) members shall constitute a quorum.

SECTION 3. Other meetings—A majority of the members present shall constitute a quorum.

ARTICLE X. AMENDMENTS

SECTION 1. This Constitution may be amended at any regular District meeting by a two-thirds vote of the members present at such meeting, provided that the proposed amendment shall have been submitted in writing to the District Commander at least three (3) hours prior to the time set

for the said District meeting for submission to the Executive Committee.

SECTION 2. The District Executive Committee is empowered and authorized to amend this Constitution by a two-thirds vote of its members to conform to any change made at any time in the National Constitution or Department Constitution of The American Legion, when said amendments cannot, in the opinion of a majority of the District Executive Committee, be deferred to the next regular meeting of the District.

The action of said committee shall be placed before the next regular meeting of the District held thereafter for ratification according to the provisions of Section One (1) of this article.

ARTICLE XI. LIMITATIONS

SECTION 1. The National and Department Constitutions of The American Legion are recognized as the supreme authority in all matters arising within the District and no action shall be taken which is in conflict therewith.

BY-LAWS THIRD DISTRICT OF THE AMERICAN LEGION DEPARTMENT OF IOWA

SECTION I. VOTING

Voting at all District meetings shall be by a voice vote upon any and all questions other than elections at such meetings. Elections shall be by roll call of the Posts with each Post being entitled to cast the same number of votes to which it was entitled at the last Department Convention. The delegate or delegates present may vote the entire delegation votes even though all are not present.

SECTION II. ELIGIBILITY FOR OFFICE

Any member in good standing of any Post in the District shall be eligible for any District Office. It is recognized that the various Counties comprising the District should be considered in the distribution of the elective and appointive Officers. Each Vice Commander shall be from a different County.

SECTION III. REMOVAL OF OFFICERS

Any Officer of this organization may be suspended or expelled from office for inefficiency or for conduct grossly detrimental to the interest of the organization by a three-fourths vote at any District meeting prior to which notice by mail has been given each Post in the District at least ten (10) days prior thereto that a vote shall be called on the question of such Officer's removal. The sending of such notice must be authorized by the Executive Committee.

SECTION IV. BOND OF FINANCE OFFICER

The Finance Officer shall qualify by giving a corporate surety bond in the sum of at least Twenty-Five Thousand Dollars (\$25,000.00) conditioned upon his accounting for all moneys that may come into his hands. Said bond must be filed with and satisfactory to the District Commander. When filed with and approved by the District Commander, he shall endorse the date of filing and approval upon said bond. The premium on said bond shall be paid out of district funds.

SECTION V. QUORUM OF EXECUTIVE COMMITTEE

Four (4) members shall constitute a quorum of the Executive Committee.

SECTION VI. STANDING COMMITTEES

The District Commander shall appoint a Chairman for each standing Committee as will conform with the activities of the Iowa Department. The Chairman of each such Committee shall appoint one Legionnaire from each County to serve on each such Committee.

SECTION VII. A DISTRICT LIAISON COMMITTEE

A District Liaison Committee, consisting of three members, is hereby recognized and provided for. The duties and functions of the Committee shall be to represent with authority the political interests of the District and to attend the Department Liaison Committee meeting whenever held. The Committee shall maintain liaison with the Department Committee and shall keep the District properly informed and advised of all matters within the political structure of the Legion, reporting at the District meetings provided for by Article VIII, Section 4 of the District Constitution. One of the Committee members shall be elected annually for a three-year term at the regular Spring Conference and shall assume the duties of the office immediately after the close of the Annual Convention of the Iowa Department and shall hold office until their successors are duly elected and qualified. In the event of a vacancy for any reason, the District Commander shall have the authority, with the approval of the District Executive Committee, to appoint a member to fill the vacancy for the remainder of the term. Further, in the event any member of the committee is unable to attend any called meeting of the Department Liaison Committee, the District Commander shall designate some Legionnaire from the District, with interim authority, to attend such meeting only.

In addition to serving as voting members of the Department Liaison Committee, they shall also serve as members of the District Candidate Coordinating Committee. They will help to identify, recruit and mentor endorsed and announced candidates for district offices. The chairman shall also regularly call and conduct meetings of the combined committees.

SECTION VIII. CANDIDATE COORDINATING COMMITTEE

A District Candidate Coordinating Committee, consisting of the three immediate Past District

Commanders, members in good standing of any Post in the District, plus the District Commander as an ex-officio member is hereby recognized and provided for.

The duties and functions of this Committee shall be as follows:

- (1) To act as an informative group to notify the Posts of the Third District of the endorsement of candidates for District offices.
- (2) If thirty (30) days prior to the Spring Conference, the Candidate Coordinating Committee has not been notified by the Posts of the District of endorsed candidates for all elective Offices of the District, it shall be the duty of the Committee to seek out at least one willing and qualified candidate for the Office for which there has been no endorsement. It shall be the responsibility of each Post to notify the District Commander immediately or at least thirty (30) days prior to the Spring Conference of any endorsement of a member of its Post as a candidate for a District Office. In case of a vacancy occurring for any reason on this Committee, such vacancy shall be filled by a Past District Commander appointed by the District Executive Committee to fill the unexpired term. The action taken by the Candidate Coordinating Committee shall in no way prohibit nominations from the floor for the elective offices of the District on the day of the election of officers.

SECTION IX. ELECTION OF DELEGATES TO NATIONAL CONVENTION

The incoming District Commander, District Vice Commanders and Adjutant shall receive first consideration as delegates to the National Convention of the American Legion. Thereafter nominations shall be received from the floor. In the event the total delegation is not filled or a vacancy occurs, the District Commander shall be empowered to appoint and certify to the Iowa Department Headquarters members to fill such vacancies.

SECTION X. ROBERT RULES OF ORDER

Robert's Rules of Order newly Revised shall govern parliamentary procedures at each District meeting where there is no District rule or regulation governing it.

SECTION XI. AMENDMENTS

These By-laws may be amended at any regular district meeting by a vote of two-thirds of the Legion members present at such meeting, provided that the proposed amendment shall have been submitted in writing to the District Commander at least three (3) hours prior to the time set for the said District meeting for submission to the Executive Committee.

The foregoing are the Constitution and By-laws, Third District, The American Legion, Department of Iowa, as Revised and Adopted October 31, 2009, Fall Conference, Shellsburg, Iowa, Carroll E. Wegner, Third District Judge Advocate, 2009-2010. Published as Revised and Adopted October 31, 2009.

Sections 1 and 2, Article V, Constitution, Third District, The American Legion, Department of Iowa, (Revised 2009) were amended April 16, 2011, Spring Conference, Conrad, Iowa, Marvin Behrens, Third District Judge Advocate, 2010-2011. Revised April 17, 2011.

Sections 1E, 1H, and 2, Article V, Sections 3A and 4, Article VI, Sections 1 and 5, Article VIII, Constitution, and Section VII, By-laws, Third District, The American Legion, Department of Iowa, (Revised 2009) were amended October 15, 2011, Fall Conference, Marshalltown, Iowa, Marvin Behrens, Third District Judge Advocate, 2011-2012. Revised October 17, 2011.

Section 1, Article VI, Constitution, Third District, The American Legion, Department of Iowa, (Revised 2009) was amended October 6, 2012, Fall Conference, Marshalltown, Iowa, Marvin Behrens, Third District Judge Advocate, 2012-2013. Effective 2014 membership year. Revised March 15, 2013.

Sections 1B, 1C, and 2, Article V, Constitution, Third District, The American Legion, Department of Iowa, (Revised 2009) were amended October 17, 2015, Fall Conference, Gladbrook, Iowa, Marvin Behrens, Third District Judge Advocate, 2015-2016. Revised October 17, 2015.

Section VII, By-laws, Third District, The American Legion, Department of Iowa, (Revised 2009) was amended April 16, 2016, Spring Conference, Parkersburg, Iowa, Marvin Behrens, Third District Judge Advocate, 2015-2016. Revised April 17, 2016

Section 2, Article V, and Section 5, Article VI, Constitution, Third District, The American Legion, Department of Iowa, (Revised 2009) were amended October 21, 2017, Fall Conference, Conrad, Iowa, Marvin Behrens, Third District Judge Advocate, 2017-2018. Revised October 22, 2017

Section V, By-laws, Third District, The American Legion, Department of Iowa, (Revised 2009) was amended September 22, 2018, Fall Conference, Gladbrook, Iowa, Marvin Behrens, Third District Judge Advocate, 2018-2019. Revised September 22, 2018

Section 2, Article VIII and Article IX, X and XI, Constitution, Third District, The American Legion, Department of Iowa, (Revised 2009) were amended April 27, 2019, Spring Conference, Waverly, Iowa, Marvin Behrens, Third District Judge Advocate, 2018-2019. Revised April 27, 2019

Article VIII, Constitution, Third District, The American Legion, Department of Iowa, (Revised 2009) was amended May 10, 2020, District Executive Committee *Teleconference*, Marvin Behrens, Third District Judge Advocate, 2019-2020. Revised May 10, 2020