

THE AMERICAN LEGION

Department of Minnesota

Sixth District

CONSTITUTION OF THE AMERICAN LEGION SIXTH DISTRICT DEPARTMENT OF MINNESOTA

(Updated at District Convention Nisswa June 2021)

(Updated May 1, 2020)

Addendum A - District Mid-Winter Conference Recommendations

Addendum B - District Convention Recommendation

Addendum C - District Convention Rules

Addendum D - District Convention Voting Rules

(Updated for reprinting May 24, 2019)

(Updated at District Convention Brainerd 2015)

(Updated at District Convention Nisswa June 2013)

(Updated at District Convention St Augusta June 2010)

(Updated at District Convention Sauk Rapids May/June 2008)

(Updated with old resolutions October 7, 2007)

(Re-keyed March 2006 by Ray DeZurik)

(Amended at District Convention at Walker June 2005)

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 1

Name

The name of this organization shall be the Sixth District American Legion, Department of Minnesota, and its principal office shall be maintained in the city of the residence of the District Commander.

Article 2

Nature

The Sixth District American Legion shall be non-political and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking political office or preferment.

Article 3

Organization

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Section 1 The Sixth District American Legion, Department of Minnesota, shall be organized in four units, termed sub-districts.

Section 2 No post in the Sixth District American Legion shall be received in the organization until it shall have received a charter from the National Organization of the American Legion.

Article 4 Eligibility

Section 1 Eligibility for membership in this Sixth District American Legion shall be governed by the provisions of the National Constitution of the American Legion relating thereto.

Section 2 There shall be no form or class of membership except active membership as provided in the National Constitution.

Article 5 Legislative Organization

Section 1 The legislative body of this Sixth District American Legion shall be the District Convention, which shall be held annually at such places as shall be fixed by the preceding convention (in accordance with the National Constitution). In the event the time or place shall not be fixed by the preceding convention, it shall be fixed by the District Executive Committee. Each convention shall adopt its own rules of order. The District Convention shall precede the Department Convention by not less than 15 days no more than 90 days.

¹Section 2 In the event of an emergency declared by our national organization or by our department that makes it improper for our District Convention to meet in person, the Sixth District Executive Committee shall conduct the business of the District Convention. The Sixth District Executive Committee may conduct business by remote communication that complies with the requirements of Minnesota Statute 317A.231, subdivision 2. Any meeting to be held by remote communication must comply with the notice requirements of Minnesota Statute 317A.231, subdivision 4, but notice must be given as required at least 7 days before any such meeting.

If the District Executive Committee is faced with a declared emergency as described above, said District Executive Committee can choose to hold the annual District Convention by remote communication. In that event, the requirements of Minnesota Statute 317A.450 (Remote communication for meetings with members) must be followed. However, notice of a meeting to be held by remote communication must be given at least 7 days in advance of the convention. All other rules for the District Convention as set forth in this constitution shall be followed. This means that delegates

¹ Nisswa June 5, 2021

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to the District Convention must be members of the American Legion and must register for said convention in order to participate in that convention. Appropriate identification of any and all delegates may be required in order to secure the integrity of the voting process.

²Section 3 A quorum shall exist at the 6th District Convention when 20 percent of the posts are wholly or partially represented by duly elected delegates or alternates.

³Section 4 The voting roll call procedure of posts will begin with the low numbered posts on odd years and with the high numbered post on even numbered years.

Article 6 District Executive Committee

Section 1 The administrative power of the organization shall be vested in the District Commander and the District Executive Committee.

Section 2 The District Executive Committee shall consist of the District Commander, the four Vice Commanders, Adjutant, Membership Director, Finance Officer, Chaplain, Historian, Sergeant-at-Arms, Immediate Past Commander, Judge Advocate, Editor, and the Commander of each County Council in the District.

Chairman of standing committees shall be non-voting advisory members of the District Executive Committee. In case of a vacancy on the District Executive Committee, the District Commander shall appoint a representative, subject to approval of the District Executive Committee at the next regular Board meeting, from the sub-district in which the vacancy occurs, except where the vacancy is a District wide representative, the appointment may be made from the District as a whole, the member to serve until the next District Convention. In case of a vacancy in the representation of the District on the Department Executive Committee, the District Commander shall fill the vacancy by appointing an active member of the Sixth District for the balance of the unexpired term. All appointments shall have the approval of the District Executive Committee.

Section 3 The District Executive Committee shall meet at the call of the District Commander but in no event more than ⁴22 days after the final adjournment of the District Convention, and thereafter at the call of the District Commander. The first meeting of the District Executive Committee shall not include the chairman of standing committees. The District Commander will recommend the Chairman of standing committees to the

² Niswaga June 5, 2021

³ Walker June 4, 2005

⁴ Brainerd June 6, 2015

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District Executive Committee for approval. The District Commander shall schedule a District Executive Committee meeting in each of the four sub-districts.

Section 4 The District Executive Committee may appoint such committees as may be necessary.

Section 5 A majority of the District Executive Committee constitutes a quorum.

Article 7

District Officers

Section 1 The elective officers of the District shall be a Commander, four Vice Commanders, Finance Officer, Chaplain, Historian, Sergeant-at-Arms, and a County Council Commander for each of the active County Councils, ⁵where an active County Council is defined as having at least four (4) active meetings annually with attendance of the Posts for the given County Council:

Morrison – Benton, Sherburne – East Stearns – West Stearns – Todd,
Wadena – Aitkin, Crow Wing – Cass-Hubbard – Lake of the Woods –
Beltrami.

Sub-section 1 The appointive officers shall be Adjutant, Editor, Membership Director, Judge Advocate, and such others as are designated by the District Executive Committee.

Section 2 The District Commander shall be elected annually at the District Convention and shall hold office until the close of the Department Convention following election of the new Department Commander. In case of vacancy in the office of Commander, the District Executive Committee shall designate one of the four Vice Commanders as Commander.

Section 3 The Vice Commanders shall be elected annually by the District Convention, one from each of the sub-districts herein designated:

Sub-district 1 (South) – Counties of Benton, Sherburne, and Stearns

Sub-district 2 (East) – Counties of Aitkin, Crow Wing, Morrison and City of Pillager

Sub-district 3 (West) – Counties of Hubbard, Todd, and Wadena

Sub-district 4 (North) – Counties of Beltrami, Cass--less the City of Pillager, and Lake of the Woods

Section 4 County Council Commanders shall be elected annually by a caucus of their respective County Council areas at the District Convention. ⁶If a County Council Commander has not been elected by their respective area, the newly elected District Commander shall appoint the County Council Commander for that area.

⁵ Niswaga June 1, 2013

⁶ St Augusta June 5, 2010

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Section 5 All elective officers of the District Executive Committee shall be entitled to one vote on the District Convention floor. District Officers shall not be permitted to cast their vote at the District Convention by proxy.

Section 6 ⁷A District Commander elected by the District Convention shall be eligible to succeed him/herself in the same office for only one term and then, if so desired, shall be eligible for the same office after another election term has expired.

Section 7 The District Standing Committees are established by the District Executive Committee. The District Commander shall appoint the Chairman of the standing committees and the appointive Officers, subject to the approval of the District Executive Committee and shall hold office during the ensuing year.

Section 8 The appointive officers and Chairmen of standing committees shall be appointed by the District Commander, subject to approval of the District Executive Committee, and shall hold office during the ensuing year. ⁸Removal of Committee Chairman and/or District Officers for unsatisfactory performance shall be the privilege of the District Commander who shall present his/her recommendations to the District Executive Committee for ratification.

Section 9 The District Commander, Adjutant, Membership Director, 4 - Vice Commanders, County Council Commanders, Finance Officer, Historian, Sergeant-at-Arms and Editor shall be paid a stipend and expenses as may be determined by the District Finance Committee.

Section 10 All District Executive Committee members and Chairman of standing committees shall be paid for expenses as determined by the District Finance Committee in accordance with the number of District Executive Committee meetings personally attended during the ensuing year. The Adjutant is responsible to provide the attendance record of said members to the Finance Officer.

Article 8 Dues

Section 1 The revenue of the District organization shall be derived from annual membership fees, the amount of which shall be designated by the District Convention for the following year.

⁷ Brainerd June 5, 2015

⁸ Sauk Rapids May 31, 2008

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Article 9

Finance Committee

Section 1 ⁹A District Finance Committee was established for the purpose of controlling a budget for the financial operation of the District.

Section 2 The committee shall consist of five members. One member shall be appointed by the District Commander from each of the four sub-districts. The elected Finance Officer will be the fifth member. Each appointed member shall serve for four years and will be chairman of said committee in the fourth year of his/her term. The appointed members are not eligible to succeed themselves and are not eligible for reappointment for one calendar year. Any vacancies will be filled by the District Commander making appointments from the sub-district from which the vacancy occurs.

Section 3 The District Commander will serve as an ex-officio member of said committee.

Section 4 Membership on the finance committee shall not prohibit the holding of other elected or appointed offices within the District structure.

Section 5 Duties of the Finance Committee are to establish a budget at the beginning of the Districts' fiscal year. Said budget is to be presented to the District Executive Committee for approval at their second Executive Board meeting of the year. All expenditures not specifically included in the budget must be approved by the Finance Committee.

Article 10

Fiscal Year

Section 1 The fiscal year of the District will be from August 1 to July 31 in order to coincide with the term of the Department Commander.

Article 11

National American Legion Convention Delegates

Section 1 The outgoing District Commander and the newly elected District Commander shall automatically be delegates to the National Convention.

Section 2 The out-going District Commander shall be the delegation chairperson for the National Convention. In the event the out-going District Commander cannot attend, then the newly elected District Commander shall be the delegation chairperson.

⁹ Walker June 4, 1977

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Section 3 ¹⁰Delegates will be elected by each of the four sub-districts using the following formulation chart.

0,000 – 2,500	1 delegate
2,501 – 3,500	2 delegates
3,501 – 4,500	3 delegates
4,501 – 5,500	4 delegates
5,501 – 6,500	5 delegates
6,501 – 7,500	6 delegates

Section 4 Any additional delegates earned by the District because of its total membership will be elected as delegates-at-large from the District membership by the convention delegates in attendance.

Section 5 ¹¹The 6th District Finance Committee will determine the stipend each national delegate will receive for attendance at the National Convention from 6th District funds.

Section 6 The delegates are elected by using post delegate voting strength within their respective sub-districts at the sub-district caucuses. The delegates having their Post endorsement would be considered first to be elected, before the non-endorsed candidates. Voting strength is determined by post membership 30 days prior to District Convention. A delegate can be an alternate at large and an alternate in his/her sub-district. The post at large (Sobieski #666) will not be counted in any sub-district area.

Section 7 Each sub-district may elect as many alternates as they have delegates. Said alternates shall be designated as first alternate, second alternate, etc. In the event that a delegate from a sub-district is not able to attend, then the first alternate from the said sub-district shall replace the delegate with all privileges of the original delegate.

Section 8 The District Convention may elect as many alternates at large as the District is entitled to delegates at large and will be designated as 1st alternate, 2nd alternate etc. according to the number of votes each received in the election.

Section 9 The first alternate at large shall replace either the outgoing or incoming District Commander if necessary or be the first assigned alternate to replace a delegate at large who cannot attend. Further delegate assignments shall be made by the delegation chairperson as necessary according to numerical position.

Section 10 In case a sub-district delegate is unable to attend and the sub-district does not have an available alternate, then the assignment shall be made from the alternate at large list by numerical priority.

¹⁰ Walker June 4, 2005

¹¹ Sauk Rapids May 31, 2008

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Section 11 In the case where there are no remaining delegates or alternates available to fill the complement of the 6th District delegation, the delegation chairperson may select a member, in good standing, of the 6th District who will be entitled to all privileges of the original delegate.

Section 12 The delegation chairperson (or selected representative) may appoint an alternate delegate, who is in attendance at the National Convention, as a replacement delegate with all the privileges of the original delegate.

Section 13 Delegates to the National Convention must check in with the delegation chairperson (or selected representative); at the beginning and the end of each session.

Section 14 The delegate must be in attendance at the required business sessions unless excused by the delegation chairperson (or selected representative). Exceptions will be honored such as serving on a standing committee, National Convention Committee, National Commission, Sgt-at-Arms, call in meetings and whatever else the delegation chairperson (or selected representative) will honor.

Section 15 Delegates will be able to leave after the second business session is complete (normally Wednesday) or early Thursday if their travel itinerary dictates so. The delegation chairperson (or selected representative) should be made aware of these situations prior to the start of the National Convention.

Section 16 If a delegate is absent from the caucus and the scheduled meetings and is not excused by the delegate chairperson (or selected representative); one day per diem will be deducted from the delegate stipend for each day of unexcused absences. If the delegate has three or more unexcused absences, he/she will forfeit the delegate stipend and must return any advanced district monies.

Section 17 If a delegate does not go to the National Convention, any advanced district monies must be reimbursed to the District immediately. If a delegate does not return advanced delegate funds, he/she will be ineligible to be a delegate to the National Convention in future years.

Section 18 The delegation chairperson (or designated representative) will forward the names of the delegates in attendance at the National Convention to the District Finance Officer immediately upon the closure of the National Convention.

Section 19 If a delegate has not fulfilled their obligation with unexcused absences by the delegation chairperson (or selected representative); their check will be prorated based upon the per diem formula. Any remaining balance will be divided among the other delegates,

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Section 20 The District Finance Officer will mail the convention check to the delegates within two weeks after receipt of the delegates name in attendance and any corresponding comments to the unexcused absences.

Article 12

Time and Place

Section 1 It is the duty of the District Convention to establish the Time and Place for the following years for the Mid-Winter Conference and District Convention.

Section 2 The District Commander shall appoint three (3) delegates to a Convention Time and Place Committee. The members shall not be from posts wishing to host either the Mid-Winter Conference or District Convention.

Section 3 The Time and Place Committee will review the written proposals and entertain further information from the post delegation. Thereafter, the committee will make a recommendation on the ability of a post to host a successful affair and report to the assembled delegates on the convention floor which posts qualify to host the Mid-Winter Conference and the District Convention.

Section 4 If there is more than one qualified post, the District Commander will allow a delegate from each post to make an oral presentation to the District Convention delegates. The District Commander will then instruct the Adjutant to conduct a vote of the delegates. A simple majority of the District delegates will determine the site of the Convention or Mid-Winter Conference.

Article 13

Rules

Section 1 The rules of procedure at the District Convention shall be those set forth in 'Roberts Rules of Order', modified and supplemented by rules adopted by a two-thirds vote of the Convention.

Article 14

Amendments

Section 1 This constitution may be amended by a two-thirds vote at any Convention.

Section 2 Insofar as this Constitution may be in conflict with the provisions of the National or Department American Legion Constitution, now or in the future, that constitution with which this constitution shall conflict, will control.

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ADDENDUM A

District Mid-Winter Conference Recommendations:

Note: This list does not replace the Constitution and Bylaws of the Sixth District American Legion, Article 12 – Time and Place; but is to be used in conjunction with and as further clarification of that document. As amended June 2, 2018, this list of requirements is to become effective with the close of the 2018 Convention and henceforth.

The request to host a District Mid-Winter Conference must be made by the host Post Adjutant in writing, showing approval of the membership at a host Post meeting. It must state the date and year requested and is presented 30 days prior to the preceding District Convention for review by the Time and Place Committee at Convention.

The District Mid-Winter Conference is a one-day event and to be held on or as close as practicable to the first Saturday in February.

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Housing should be available in the area Friday night.

There must be adequate meeting places for the Legion, Auxiliary, SAL and Legion Riders.

Minimum seating of 100 for the Legion

Minimum seating of 100 for the Auxiliary

Minimum seating of 30 for the SAL

Minimum seating of 30 for the Legion Riders

Breakout meeting rooms for smaller committees of the Legion and Auxiliary are also required

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Seating for 125 – 150 is required for joint afternoon session.

An adequate PA system should be available for all larger meeting rooms.

Noon lunch on Saturday should be available for purchase. Proceeds are to be retained by host Post.

Provide for pre-registration and onsite registration at the conference. The cost should be approved by the District Commander and retained by the host Post.

A neat printed program must be provided and paid for by host Post which shall include an agenda. The program and agenda is provided by the District Commander.

ADDENDUM B

District Convention Recommendations:

Note: This list does not replace the Constitution and Bylaws of the Sixth District American Legion, Article 12 – Time and Place; but to be used in conjunction with and as further clarification of that document. As amended June 2, 2018 this list of requirements is to become effective with the close of the 2018 Convention and henceforth.

The request to host a District Convention must be made by the Post Adjutant in writing, showing approval of the membership at a Post meeting. It must state the date and year requested and is presented 30 days prior to the preceding District Convention for review by the Time and Place Committee at Convention.

The District Convention is to be held on Friday and Saturday only and to be held on or as close to the first weekend in June. However, the second weekend of June may be acceptable. The Convention for all delegates will be held on Saturday only.

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There must be a commitment on housing with a minimum of 30 rooms.

Accommodations for “Hospitality Rooms” or “Open-Houses” on Friday evenings may be arranged by individual candidates if permitted by lodging property. These rooms must be closed at 8:00 PM.

Consideration should be given to having bus or shuttle service.

There must be adequate meeting places for the Legion, Auxiliary, SAL and Legion Riders.

- Minimum seating of 100 for the Legion
- Minimum seating of 100 for the Auxiliary
- Minimum seating of 20 for the SAL
- Minimum seating of 20 for the Legion Riders

Breakout meeting rooms for smaller committees of the Legion and Auxiliary are also required.

An adequate PA system should be available for all larger meeting rooms.

Host Post must provide a Past Commander’s Dinner for 50 to 60 people on Friday evening including a ‘wet bar’. The dinner may be held at a local supper club or at the Legion Post home. The immediate Past Commander will notify all Past District Commanders, organize the dinner, program and approves the cost. The total cost is to be paid by the District as long as it is within the District budget.

Host Post shall provide a site for the Memorial Service on Saturday to seat 100-150 people. This will be a service remembering the deceased Legion family members with the individual names read by Post number. The Legion Family members in attendance will stand as the names of their Legion family are read. Names will be printed and will be part of the Memorial Service Program. This program will be provided by the District Chaplain and paid for by the host Post.

Host Post will provide a location for Gold Star Family luncheon at noon on Saturday with seating for 100 – 150 people. The purpose of the Gold Star luncheon is to honor the parents of those service personnel who gave the supreme sacrifice. Host Post will set the price of the luncheon with the approval of the District Commander. Host Post will provide a guest speaker for the Gold Star Family luncheon and is responsible for the cost of the speaker. The speaker is will be approved in advance by the District Commander. Host Post is responsible if housing is required for guest speaker.

Optional events such as golf, horseshoes, beanbags or bowling tournaments may be held on Friday morning at the discretion of the host Post.

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Host Post will provide paid housing for the District Commander and District President for Friday night only.

Host Post will provide for pre-registration and onsite registration at the convention. The cost should be approved by the District Commander and retained by the host Post.

Host Post will provide a program or booklet to include the agenda and Past Commander information supplied by the District Commander or Adjutant. The host Post has the option of selling advertising to other Posts and private businesses. The proceeds from this advertising are retained by the host Post to cover costs and for added income.

The District Commander will be responsible to provide pictures of the Past District Commanders who have gone to Post Everlasting during the past year. The picture/pictures will be displayed near the podium throughout the convention on the convention floor, with due reverence.

ADDENDUM C

District Convention Rules:

The following are the standing Convention rules adopted by the Sixth District American Legion Convention held at Sauk Rapids, Minnesota, on May 30, 31, June 1, 2008.

1. With the following modifications, Robert's Rule of Order, Revised, is adopted for this convention.
2. (a) That the speech of any delegate recognized by the District Commander or acting Chairman shall be limited to 3 (three) minutes and no more, and that each speaker must identify themselves by name and post.
(b) Where a motion is made to table a resolution, the sponsor shall be entitled to speak to the convention floor for 3 (three) minutes on the subject. 3 (three) minutes shall be granted for a rebuttal to the maker of the motion to table before the motion is put.

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3. That the floor be permitted but once to any individual on any one subject except with the unanimous approval of the Convention.
4. That when the poll of any post delegation is demanded by the delegate of any post, the secretary of the convention shall poll the vote of that delegation by delegates without debate or discussion.
5. That, on roll call, the chairman or acting chairman of each delegation shall announce the vote of his/her delegation.
6. Persons, not duly accredited, shall not participate directly or indirectly in debate on any subject before the Convention. But Past District Commanders shall have the privilege of speaking from the floor but are not allowed to vote unless they are also delegates.
7. That no delegate be permitted on the convention floor unless he/she is certified by his/her post as a delegate or alternate, and that each delegate or alternate is duly accredited. To be duly accredited, he/she must be registered.
8. No delegate shall act by proxy for his/her post. No post shall vote unless there is at least one duly accredited delegate or alternate on the convention floor.
9. Voting shall be by acclamation except when a roll call is demanded by the Chairman or acting chairman of at least three Post Delegations, and except in the election of the District Officers, which shall be by roll call, providing there is more than one candidate running for that office.
10. Any guests who are not on the official program as speakers shall be introduced by the District Commander or acting chairman and shall be limited to an address of no more than 3 (three) minutes.
11. No intoxicating liquors shall be sold or 'sampled' in the building of the convention meeting unless authorized by the Convention Corporation.
12. No elected political office holder shall be permitted to speak during the convention except the Chief Executive Officer of the state of Minnesota and the Chief Executive Officer of the convention city or their representatives and such person as on the printed and published program.
13. The Credentials Committee shall be responsible for securing from the Registration Committee a list of the posts which have registered at least one accredited delegate or alternate to the convention. The Credentials Committee shall have the responsibility to update this list as additional posts register.

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14. That all resolutions, with the exception of those submitted to the Resolutions Committee at last thirty days prior to the Convention, must be presented in writing and referred to the Resolutions Committee for consideration to be brought up on the floor. This must be done prior to the Resolutions Committee meeting at the Annual Convention.
15. Nominations for District Officers shall be made from the floor.
16. Nominating speeches for District Officers shall be limited to 3 (three) minutes. No seconding speeches shall be made.
17. In the event more than 2 (two) candidates are nominated for any office, the balloting shall continue until one candidate shall have received a majority of the votes cast.
18. The order of business of the Convention shall be in accordance with the printed program except that the District Commander or acting Chairman may deviate from the program in case of emergency.

ADDENDUM D

6th District Voting Procedure

Each year at our District Convention, there is confusion on the voting procedure when there are multiple candidates for offices or delegates to the National Convention. Here are the rules.

I will be using a post example that has 6 votes in the examples.

1. The maximum number of votes any one candidate can get is the voting strength of the post. The post does not have to exercise its complete vote. *(The post could cast 6 votes but they could cast from 0-6 for a candidate)*
2. If a post decides to split its votes, the total votes cast cannot exceed the voting strength times the number of those to be elected. *(Let's say we elect 2 but have 4 candidates. The total votes that could be cast would be 12 with no candidate receiving more than 6. Here are some combinations that could be used – 6-6-0-0 6-0-0-0 6-2-2-2 6-3-3-0 3-3-3-3, etc These are just some of the combinations.)*
3. No 'half' votes allowed.

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