

**By-Laws of District Five
The American Legion
Department of Colorado**

Article I

OFFICERS AND DUTIES

Section 1. The Officers of District Five shall consist of:

District Commander
Department Executive Committeeman
District Senior Vice Commander A
District Senior Vice Commander B
District Junior Vice Commander A West
District Junior Vice Commander A East
District Junior Vice Commander B West
District Junior Vice Commander B East
District Adjutant
District Deputy Adjutant (When needed)
District Finance Officer
District Historian
District Chaplain
District Sergeant-at-Arms
Assistant Sergeant-at-Arms
District Judge Advocate

Section 2. DUTIES: The duties of the District Commander, Department Executive Committeeman, District Senior Vice Commanders, District Junior Vice Commanders, District Adjutant, and District Finance Officer shall be those prescribed by the Constitution of The American Legion Department of Colorado, Article VII. The Senior Vice Commanders will visit each post in their respective sections twice each Legion year once independent of any other District Officer Visit. The Junior Vice Commanders will visit the post in their respective subsections at least twice each Legion year independent of District Commander and Senior Vice Commander of their section visitation. The Senior and Junior Vice Commanders will assist posts in such matters as membership drives, fundraisers, recruitment, problems and any issues a post commander requests help with.

Section 3. DISTRICT HISTORIAN: The District Historian shall collect, compile and deliver to his successor, all matters bearing upon the history of District Five during his term of office and deliver to his successor all papers received by him from his predecessor. He shall make an annual report to the District Convention. The Historian is enjoined to perform his duties efficiently, capably and well to the end that posterity may have accurate knowledge of the transactions of the District and of the men and women who were active in its affairs.

Section 4. DISTRICT CHAPLAIN: The District Chaplain shall be the spiritual advisor of the District. He shall offer prayer at the opening and closing of each District Convention, District Conference and perform such other duties as the District Commander or the District Executive Committee may request.

Section 5. DISTRICT SERGEANT-AT-ARMS: The District Sergeant-at-Arms shall be the color bearer of the District; he shall preserve order under the direction of the presiding officer at each Convention and Conference. He shall, under the direction of the District Commander, have charge of organizing Posts of the District and other participants in all parades in which the District participates; and he shall perform such other duties as may be incidental to his office or assigned by the District Commander or the District Executive Committeeman.

Section 6. ASSISTANT DISTRICT SERGEANT-AT-ARMS: The Assistant Sergeant-at-Arms shall assist the District Sergeant-at-Arms in performing his duty.

Section 7. DISTRICT JUDGE ADVOCATE: The District Judge Advocate duties shall be to give advice to the District Officers and the District Executive Committee on matters touching the proper performance of their duties and upon the interpretation and construction of this Constitution and By-Laws and that of the Department of Colorado Constitution and By-Laws. No opinion shall be rendered altering Department or National policies of The American Legion, until after a conference with the Department Judge Advocate on subject matters of such opinion.

Article II

COMMITTEES

Section 1. There shall be the following standing committees of District Five:

Americanism

Children and Youth

Legislative

Oratorical

Sons of the American Legion

Constitution and By-Laws

Audit

Awards Committee

Section 2. Each committee chair shall be appointed by the District Commander, and shall serve during the current year or until his successors are appointed.

Article III

DUTIES OF COMMITTEES:

Section 1. **AMERICANISM:** The Americanism Committee shall be charged with the duties of promoting and developing within the District the Americanism program of the American Legion, as outlined and mandated by the National and Department organizations of The American Legion. It shall be the duty of this committee to cooperate with the Department Americanism Chairman and Americanism Chairman in each post in generating interest in the Legion programs, and to assist in arranging for speakers and programs in posts within the District.

Section 2. **CHILDREN AND YOUTH:** Children and Youth committee shall assist the Children and Youth Chairman and Service Officers of the posts in coordinating and improving their activities. The District Children and Youth Committee Chairman shall assist the Department Children and Youth Chairman and Service Officer in obtaining reports from the posts within the District, and in arranging programs and meetings within the District to further the Children and Youth programs of The American Legion, The American Legion Auxiliary and Sons of The American Legion.

Section 3. **BUDGET AND FINANCE:** The duties of the Budget and Finance Committee shall be to prepare and submit to the District Executive Committee and District Convention a proposed budget for the ensuing year.

Section 4. **LEGISLATIVE:** The Legislative Committee shall submit to the District Executive Committee and District Convention, recommendations or proposed legislation concerning veterans' affairs, within the scope of American Legion activities. They shall cooperate with the Department Legislative Committee and its chairman in sponsoring legislation endorsed by the Department and endeavor to obtain post support within the District for any such recommended legislation.

Section 5. **ORATORICAL:** The Oratorical Committee shall work as liaison between the Department Oratorical Committee and the Oratorical chairman of the posts within the District to encourage participation of contestants in The American Legion Department Oratorical Contest by eligible students.

Section 6. **CONSTITUTION AND BY-LAWS:** The Constitution and By-Laws Committee shall make recommendations to changes in the District Constitution and By-Laws, as shall appear appropriate from time to time. The committee shall be charged with the drafting of changes requested by the District Executive Committee or the District Convention and shall submit drafts to the appropriate body. It shall also be the duty of this committee to see the copies of the Constitution and By-Laws, and amendments thereto, are filed with the Department Adjutant. At least one meeting of this

committee shall be held approximately forty five (45) days before the District Convention for consideration, or any recommendations to be submitted to the District Executive Committee or District Convention.

Section 7. AUDIT: The Audit Committee shall meet at a minimum annually to audit the records of the District Officers charged with receipts and disbursements of the District funds and report their findings to the District Convention.

Section 8. AWARDS: The Awards Committee shall be appointed by the District Commander. The committee may recommend trophies and awards or citations as set forth by the District Executive Committee and District Five Convention.

Article IV

ORDER OF BUSINESS

Section 1. The Order of Business at District Convention shall, unless the District Convention adopts rules to the contrary, be as follows:

- (a) Call to order by the District Commander
- (b) Advancement of Colors.
- (c) Invocation.
- (d) Preamble.
- (e) Report of the Credentials Committee.
- (f) Report of Rules and Order Committee.
- (g) Report of Officers.
- (h) Report of the Resolutions Committee.
- (i) Report of the Constitution and By-Laws Committee.
- (j) Election and installation of Officers.
- (k) Order of election of officers shall be as follows.
 - (1) District Commander.
 - (2) District Senior Vice Commander A
 - (3) District Senior Vice Commander B.

- (4) District Junior Vice Commander A West.
- (5) District Junior Vice Commander A East.
- (6) District Junior Vice Commander B West
- (7) District Junior Vice Commander B East
- (8) District Finance Officer.
- (9) District Historian.
- (10) District Chaplain.
- (11) District Sergeant-at-Arms
- (12) District Assistant Sergeant-at-Arms
- (13) Department Executive Committeeman. (Every odd year)
- (14) Delegates and Alternates to National Convention.

(i) Adjournment

Section 2. BALLOTING AND VOTING PROCEDURE: All balloting shall be by voice or standing vote, unless the District Convention by two-thirds vote of the accredited delegates present and voting directs otherwise. If a secret ballot is ordered, the election shall be by ballot and a vote taken on each candidate separately. When the convention requires the vote be taken by ballot, it shall be out of order to move that the adjutant, or any other person, shall cast the ballot of the assembly, as a ballot is a secret vote, and each chairman must cast the delegation ballot. The chairman of each post shall indicate the vote of his delegation on the ballot supplied for the purpose, and shall place thereon the name and number of his post. The ballot shall be passed to the tellers. The tellers shall retire and tabulate the vote. No business shall be conducted or discussed nor any nominations be made while the tellers are tabulating the vote. The tellers shall report to the convention the number of votes cast for or against a question or officer, as the case may be, but shall not disclose to anyone the vote of any post.

If the District Convention elects to vote by voice on each candidate separately or all candidates in a group, the District Convention shall by majority vote order the vote to be taken. When requested by the chairmen to two post delegations, voice voting shall be by roll call and all posts shall be called in numerical order followed by a call of the post delegation chairman entitled to vote.

Section 3. CONVENTION COMMITTEE:

(a) **CREDENTIAL COMMITTEE:** The District Commander shall, at least thirty (30) days prior to the District Convention, appoint a Credentials Committee, who shall inspect the last Department membership record ten (10) days prior to convention. The committee shall report to the District Convention the number of votes to which the posts in the District are entitled at the District Convention.

(b) **RULES AND ORDERS COMMITTEE:** The District Commander shall, at least five (5) days before the District Convention, appoint a Committee on Rules and Order of Business. This committee shall formulate rules for government of the Convention and direct the Order of Business at the convention based on Robert's Revised Rules of Order.

(c) **Resolution Committee:** The District 5 Commander shall, at least ten (10) days before the District 5 Convention, shall appoint a Resolutions Committee of not less than three (3) members from among the delegates to the Convention . All resolutions for the consideration of the Convention shall be first submitted to the Resolutions Committee, with the exception of resolutions emanating from or within the jurisdiction of other Convention Committees and germane to their respective purposes. No resolution shall be considered on the District floor unless it has been approved or rejected by the Resolutions Committee or other Convention Committees having jurisdiction of the same; provided nothing herein contained shall be construed to forbid the amendment of any resolution properly before the Convention.

Article V

POST, CHARTERS AND REVOCATION

Section 1. **OFFICERS REPORT:** All posts within District Five will be required to hold a minimum of one (1) meeting per calendar quarter, with a quorum of the membership in attendance. The second calendar quarter meeting will be for the purpose of electing post officers and the "certification" of post officers. The Consolidated Post Report should be forwarded to the Department of Colorado Headquarters no later than thirty (30) days after the close of the District Convention. Any post that fails to comply may be recommended to the Department Executive Committee for suspension/cancellation of charter.

Section 2. **MAINTENANCE OF MEMBERSHIP:** Any post that fails to maintain the chartered minimum membership will have assistance from that sections Senior Vice Commander and subsection Junior Vice Commander. If attempts to bring the post into charter membership fails, then the District Executive Committee shall recommended to the Department Executive Committeeman to suspension/cancellation that post's charter. The order of recommendation to the Department Executive Committee will be suspension over cancellation.

Article VI

AMENDMENTS

Section 1. The Constitution of the District Five Convention may be amended at any District Convention by two-thirds vote of the delegates present, providing a quorum is present, provided the proposed amendment shall be in writing and the proposed amendment be sent to each post in the District at least thirty (30) days prior to the District Convention.

Section 2. REVISION OF BY-LAWS: The revision of the By-Laws of the District Five Constitution shall be made in accordance with Article IX, Section 1, of this Constitution (The Constitution and By-Laws Committee met at the May 3, 2003, District Five Convention and additions, corrections, and revisions were approved.)

Standing Rules of District Five

- (1) Travel expenses for the Department Executive Committeeman and the District Commander will be based on the IRS allowable mileage formula, with a limit not to exceed the budgeted amount per year per officer. The District Executive Committeeman shall not claim mileage when reimbursed by Department. Mileage vouchers for each of the above officers will be submitted to the Budget and Finance chairperson 15 days prior to the District Five Convention for verification and a recommendation for approval/disapproval.
- (2) The District Five Commander has the authority to call a District Five Executive Committee meeting or call for a standing committee meeting as necessary to conduct the business of District Five.
- (3) The District Executive Committeeman and the District Commander will visit each post in District Five as least twice a year in accordance with the Department Constitution.
- (4) The Budget and Finance Committee will prepare and submit to the District Five Convention a budget for the following year.
- (5) A copy of all District Five minutes, records, and documentation will be filed in the District Five records located at The American Legion Department of Colorado Headquarters.
- (6) The District Executive Committeeman will have the authority to spend up to \$300.00 a year, for miscellaneous expenses without having to bring it to the District for approval.



DISTRICT V

District Commander

James R. Kent

May 12, 2012 rev.

District Adjutant

Harry Ciruli