

**CONSTITUTION AND BY-LAWS OF THE 21<sup>ST</sup> DISTRICT  
THE AMERICAN LEGION, DEPARTMENT OF TEXAS**

**CONSTITUTION**

**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 I - NAME**

The name of this organization shall be The 21<sup>st</sup> District, The American Legion, Department of Texas, and is an integral part of The Department of Texas. This District is an intermediate body recognized by Article VIII, National Constitution of The American Legion and established by Articles IV and VI of the Constitution of The American Legion, Department of Texas.

**ARTICLE II - PURPOSE**

This District shall promote the principles and policies stated in the above Preamble and perform all functions of a District as provided by the Constitution, Bylaws, Policies and Regulations of The American Legion, Department of Texas. This District shall provide leadership and guidance for the Posts in the District and support the mission and goals of The American Legion, Department of Texas.

**ARTICLE III - MEMBERS**

All Posts in good standing with The American Legion, Department of Texas within the boundaries established for this District by the Department Executive Committee shall comprise the membership of this District.

#### **ARTICLE IV – OFFICERS**

The officers of this District shall be a District Commander, a District Vice Commander, a District Adjutant, a District Finance Officer, a District Judge Advocate, a District Historian, a District Sergeant at Arms, a District Chaplain, a District Service Officer and the Immediate Past District Commander.

#### **ARTICLE V – AMENDMENT**

This Constitution may be amended at any District Convention by a two-thirds (2/3) of the delegates present. All proposed amendments must be presented in writing to the Chairman of the District Constitution and Bylaws Committee at least 14 days prior to the opening day of the District Convention. At the earliest possible opportunity after the District Convention opens, the Chairman of the District Constitution and By-Laws Committee will read and move to approve the amendments that have been approved by the Committee by a two-thirds majority vote. Other proposed amendments that were timely presented to, but not recommended by the committee can then be read and considered, if properly moved and seconded (no minority report of the Committee is necessary). All proposed amendments must have been read at the District Convention at least four hours before being voted upon and a record of the vote on all amendments shall be made a part of the minutes of the Convention.

## **BYLAWS**

### **ARTICLE I – EXECUTIVE COMMITTEE**

**Section 1. Management.** The administrative affairs of this District shall be under the supervision of a District Executive Committee between its conventions.

**Section 2. Composition.** The District Executive Committee is composed of the District Commander, each of the Post Commanders of the District, and the Immediate Past District Commander, each with both voice and vote. The other District Officers shall be members of the District Executive Committee with a voice only. If any Post Commander cannot attend the District Executive Committee meeting, an officer of that Post shall be designated by the Post Commander to represent the Post at the meeting. A majority of the voting members or their properly designated representatives shall constitute a quorum.

**Section 3. Immediate Past District Commander.** The person who last held the office of District Commander of this District, who remains in good standing in their Post in this District and a resident of this District or an adjacent District, is the Immediate Past Commander and a member of the District Executive Committee. Should, for any reason, the office of Immediate Past District Commander become vacant, it shall not be filled by any prior District Commander or by appointment but shall remain vacant until the current District Commander no longer holds that office.

**Section 4. Meetings.** Meetings of the District Executive Committee may be called at a place and time determined by the District Commander upon not less than five days' notice to all members.

### **ARTICLE II - OFFICERS**

**Section 1. Eligibility.** Each District Officer shall be throughout their term of office a member in good standing of a Post in this District and a resident of this District or an adjacent District.

**Section 2. Education Requirement.** As a prerequisite to be nominated for election as the District Commander, the candidate for the Office must have completed the most recent American Legion Extension Institute (ALEI) Basic Training Course. District Officers other than the District Commander must complete the ALEI Basic Training Course within three (3) months of their election or appointment. Failure to complete the course within three (3) months will cause the position to become vacant without further action.

#### **Section 3. District Commander and District Vice Commander.**

**a. Election.** The District Commander and District Vice Commander shall be elected at the District Convention held in this District in odd-numbered years.

**b. Not to Succeed Themselves.** The District Commander and District Vice Commander are not eligible to succeed themselves.

**c. Vacancy.** If the office of District Commander becomes vacant, the District Vice Commander will assume the office and perform the duties thereof until the next District Convention, at which time a District Commander shall be elected to fill the unexpired term. If the District Vice Commander fails to qualify then a majority of the Post Commanders shall appoint a District Commander to serve until the next District Convention at which time a District Commander and/or a District Vice Commander shall be elected to fill the unexpired term. If at the end of a District Commander's or District Vice Commander's term of office, no one has qualified to replace them, the office will be treated as a vacancy.

**d. Term of Office.** The District Commander and District Vice Commander shall serve a term of two (2) years commencing at the time of adjournment of the Department Convention following their election. Full terms and unexpired terms end at the time of adjournment of the Department Convention in the year the next election for this District is required.

**Section 4. Other District Officers.** Upon commencement of a District Commander's term of office, whether elected or filling an unexpired term, the District Commander may appoint any District Officers other than the District Vice Commander and the Immediate Past District Commander. The appointed officers shall hold office at the pleasure of the District Commander until that District Commander no longer holds office as District Commander. There is no limit on the number of terms an appointed District Officer may hold such office.

#### **Section 5. Duties of Officers.**

**a. District Commander.** The District Commander shall be the executive head of the District with duties that include, but shall not be limited to:

- (1) call, and preside over District conventions, and any meetings of the District Executive Committee;
- (2) see that the Constitution and By-Laws of the Department, Division and District are strictly observed and that the District Officers properly execute their duties;
- (3) represent the District at all Department and Division conventions, meetings, and other activities;
- (4) serve on any Department or Division Committees and Commissions as required by the Department and Division Constitution and By-Laws and to which appointed by the Department Commander or Department Vice Commander;
- (5) appoint the chairman and any members to serve on District Committees as required;

- (6) perform duties as described in the current District Commander's Guide, and the current Department Objectives, Strategic Long Range Plan, Membership Plan, and Uniform Code of Procedures for Disciplinary Action;
- (7) perform installation ceremonies and on-site visits when requested by Posts within the District as often as possible; and
- (8) provide leadership and guidance to aid the District and the Posts within the District to accomplish the mission and goals of The American Legion.

**b. District Adjutant.** The District Adjutant shall:

- (1) attend all District conventions;
- (2) create and maintain a record of all the proceedings of the District convention, including copies of all committee reports;
- (3) distribute all documents referred to committees as required by the District Commander and notify the committees of their appointments to any duties;
- (4) maintain such records as the Department and National organizations require;
- (5) correspond with all levels of The American Legion on behalf of the District incidental to his/her office as directed by the District Commander; and
- (6) perform such other duties as may be required by District Commander.

**c. District Finance Officer.** The District Finance Officer shall:

- (1) receive all monies due in the District from any source, giving receipt therefor, and shall enter same in regular account(s) with the purpose for which intended;
- (2) make disbursements only upon written approval in advance by the District Commander and maintain any receipts for disbursements for audit;
- (3) make a report at the District conventions and meetings and such other reports as required by the Department or National organizations or the District Commander;
- (4) provide any District financial information to the Department Treasurer upon request; and
- (5) perform such other duties as may be required by District Commander.

**d. District Judge Advocate.** The District Judge Advocate shall:

- (1) supply professional advice in the conduct of the District business or to procure proper counsel;
- (2) interpret this Constitution and By-Laws when required by the District Commander and District officers and advise any District committee when requested;
- (3) perform such other duties as may be required by the District Commander.

**e. District Historian.** The District Historian shall:

- (1) attend all District conventions and meetings to historically document the events;
- (2) collect and provide historical material to Department, Division, District and Post Historians and Webmasters concerning the activities of the District for posting on websites and social media;
- (3) collect, prepare and submit annually a District Narrative History to the Department Convention for award and possible submission to National Headquarters for judging in the National contests; and
- (4) perform such other duties as may be required by the District Commander.

**f. District Sergeant at Arms.** District Sergeant at Arms shall:

- (1) attend all District conventions and meetings and maintain order and decorum in them;
- (2) carry all messages from the District Commander to any other officer, delegate, or member or vice versa;
- (3) perform such other duties as may be required by the District Commander.

**g. District Chaplain.** The District Chaplain shall:

- (1) be charged with the spiritual welfare of all District conventions;
- (2) attend all meetings which shall be opened and closed with divine, but nonsectarian prayer; and
- (3) perform such other duties as may be assigned by the District Commander.

**h. District Service Officer.** The District Service Officer shall:

- (1) become familiar with the Department of Veterans Affairs (DVA) medical centers and outpatient clinics located in the District's geographic area;
- (2) coordinate with and assist the DVA Voluntary Service Officer(s) to aid the districts in effective participation in the Veterans Affairs Voluntary Service (VAVS) program;
- (3) assist the Department Veterans Affairs and Rehabilitation Commission (VA&R) as requested in monitoring and implementing Department approved policies and procedures governing the appointment of and duties and functions of the VAVS Representatives and Deputy Representatives;
- (4) assist the Department Veteran Service Officers as required to ensure the Department VAVS policies and procedures are effectively implemented;
- (5) report to the District Commander as requested on the status of the compliance of the districts with the requirements of the Department VAVS policies and procedures; and
- (6) perform such other duties as may be required by the District Commander.

### **ARTICLE III - CONVENTIONS**

**Section 1. Composition.** District Conventions shall be composed of (a) the District Commander and District Officers, none of whom shall be entitled to a vote unless duly elected as a delegate to the convention by their Post, and the duly elected delegates from the Posts in the District.

**Section 2. Time.** The District will hold at least one Convention each year at the call of the District Commander, the dates of which shall be coordinated with the Department Commander and Department Adjutant. Within thirty days after the convention, the District Adjutant shall transmit a copy of the proceedings to the Department Adjutant. In the event of failure or refusal by the District Commander to call a regular convention, three Posts in the District shall have the authority to call the convention to be presided over by the District Vice Commander.

**Section 3. Registration Fee.** The registration fee for the District Convention shall be set by the Host Post, with the express consent of the District Commander.

**Section 4. Notice.** The District Commander, or the District Adjutant, as the District Commander may direct, shall notify all Posts of the date and place not less than twenty-one days prior to a convention.

**Section 5. Resolutions.** All resolutions of State or National scope presented to a committee, reported to the District, or adopted by the District shall merely embody the opinion of this District on the subject and a copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the District is

taken.

**Section 6. Procedure.** Unless otherwise provided herein, the proceedings of the District Convention shall be conducted in a manner consistent with the Uniform Code of Procedure for the Organization of Department Conventions for the Department of Texas and the current edition of Robert's Rules of Order Newly Revised.

**Section 7. Quorum.** An attendance of representatives of five percent (5%) of the Posts in the District shall constitute a quorum of the District Convention.

**Section 8. Post-Convention Duties.** The District Commander presiding at each District Convention shall be responsible for forwarding a certified copy of the District officers, a listing of the National Convention Delegates and Alternate Delegates elected, and a copy of all resolutions passed at said Convention to the Department Adjutant within ten (10) days after the adjournment of such District Convention.

#### **ARTICLE IV - DELEGATES**

**Section 1. District Convention.** Each Post shall elect or select delegates to the District Convention in accordance with Department and National Constitution and By-Laws, who shall be certified by Post Officials. Delegates may only be elected and certified by their respective Posts. If the Post does not submit a list of certified delegates in accordance with its by-laws said post will have no delegates at the Convention. The Credentials Committee may not appoint nor recommend seating as delegates any person not certified by their Post.

**Section 2. National Convention.** The District Convention shall elect One Delegate and One Alternate to the National Convention. Upon election, each District Delegate and Alternate to the National Convention shall remit their registration fee to the Department as required by the Department Constitution and By-Laws. By remittance of their registration fee, each Delegate and Alternate Delegate becomes obligated to stay in the host hotel for at least three (3) nights during the National Convention.

#### **ARTICLE V - COMMITTEES**

**Section 1. Standing Committees.** Subject to approval by the District Executive Committee, the District Commander may appoint such Standing Committees with duties as are consistent with the committees and commissions of the Department. A member of any Standing Committee may be removed for cause by the District Commander, subject to the approval of the District Executive Committee or District Convention.

**Section 2. Convention Committees.** In addition to the Standing Committees referred to above, the District Commander shall designate, out of the membership, the below-named Convention Committees:



- a. Credentials and Rules
- b. Finance and Budget
- c. Resolutions
- d. Convention City
- e. Constitution and By-Laws

The District Commander shall designate a Chairman of each Committee prior to each convention. The duties of each committee shall be determined by the District Commander as are consistent with the committees and commissions of the Department and shall make their report to the District Convention for its consideration.

#### **ARTICLE VI - VOTING STRENGTH**

The voting strength, on roll call votes, of each Post shall be in accordance with the Uniform Code of Procedure for the Organization of Department Conventions for the Department of Texas. All voices or standing votes shall be by each Post member present and voting, provided upon request of any delegate a roll call must be held on any question. Voting may be conducted by written, secret ballot, with each post having the number of votes certified at the convention. Every person voting must be present on the floor of the convention. The registered and certified delegates present at the District Convention may cast the total votes authorized for the Post.

#### **ARTICLE VII - QUORUM**

An attendance of representatives of five percent (5%) of the Posts in the Division shall constitute a quorum of the Division Convention, unless otherwise provided in the Department Constitution and Bylaws, the Uniform Code of Procedure for the Organization of Department Conventions or this Division Constitution and Bylaws.

#### **ARTICLE VIII - ENDORSEMENT OF CANDIDATES FOR OFFICE ABOVE DISTRICT LEVEL**

The District shall not endorse any candidate for American Legion office above the District level, who is not, at the time of the endorsement, a member of the District.

#### **ARTICLE IX - FINANCES**

**Section 1. Bank Accounts.** The banking arrangements used for District funds will be directed and managed by the Department of Texas, with the Department Treasurer and the District Finance Officer as signatories on any District bank account. The District bank account records shall bear the Department's Employer's Identification Number (EIN) issued by the Internal Revenue Service.

**Section 2. Fiscal Year.** The fiscal year for the District shall be the same as the fiscal year for the Department of Texas.

**Section 3. Budget.** As soon as possible after the District Convention, the District Finance and Budget Committee shall meet and prepare a proposed budget for the District fiscal year. Upon adoption by the District Executive Committee, a copy will be transmitted to the Department Treasurer as soon as possible prior to the fall meeting of the Department Executive Committee.

**Section 4. Real Estate.** The District may not acquire any interest in real estate.

#### **ARTICLE X - SOCIAL MEDIA AND THE INTERNET**

**Section 1.** The District and all participants in the District programs are required to adhere to the Social Media Guidelines promulgated by the Department of Texas.

**Section 2.** Applicants for social media accounts and registrants of domain names for this District or its programs are serving as agents of this District and ownership of these accounts and domain names are vested in this District, Department of Texas, American Legion. Applicants or registrants should obtain approval from the District Commander to establish a domain name or social media account. Applicants or registrants shall, upon demand, transfer the account or domain name to another individual designated by the District Commander.

#### **ARTICLE XI - ELECTRONIC MEETINGS**

The District may conduct any meeting, which includes its convention, by electronic or other remote access means as reasonably necessary.

- a. The District shall use its best efforts to implement any such virtual meetings with full regard for the need to provide as much as possible accessibility for all members, including those with disabilities and those who lack the access to sophisticated technology.
- b. Any action that could be taken at an in-person meeting, including amendment of the constitution and by-laws, may also be taken at a virtual meeting held pursuant to this provision so long as (1) each person participating in the meeting is able to communicate with all other persons participating, and (2) reasonable measures are taken to verify that every person voting at the meeting by means of remote communications is sufficiently identified.
- c. During a virtual meeting, the District Adjutant or other person acting as the secretary shall ensure that all participants are members in good standing and that a quorum is present.
- d. The District Commander shall determine the need for a virtual meeting.
- e. The Adjutant or other person acting as secretary of the meeting must make a record of the meeting.

## ARTICLE XII

### COMPLIANCE WITH NATIONAL AND DEPARTMENT POLICIES

**Section 1. Nondiscrimination.** In its efforts to promote nondiscrimination, this District does not discriminate based on race, religion, color, national origin, gender, sex or disability in accordance with Title VI of the Civil Rights Act of 1964, as amended.

**Section 2. Whistleblower-Protection Policy.** Neither the District Commander nor any District Officer shall unlawfully retaliate against any member for bringing a grievance or complaint under the National, Department, Division or District Constitutions or By-Laws.

**Section 3. Conflict of Interest Policy.** No person in a position of authority over the District, such as the District Commander or other District Officers may benefit personally from a decision he or she could make.

**Section 4. Protection of Confidential and Sensitive Information Policy.** Any person that possesses or maintains documents or data containing confidential or sensitive information is required to take reasonable measures to protect against unauthorized access to, or use of the information in connection with its disposal.

**Section 5. Record Types and Retention Periods.** Any person possessing or maintaining documents or data of the following District activities shall maintain and retain such according to the following schedule.

- (1) Accounts Payable/Receivable Ledgers – 7 years
- (2) Audit Reports of Accounts – Permanently
- (3) Bank Statements – 7 years
- (4) Contracts and Leases – Permanently
- (5) Correspondence (Legal) – Permanently
- (6) Insurance Records – Permanently
- (7) Training Manuals – Permanently

## ARTICLE XIII - AMENDMENTS

These By-Laws may be amended at the District Convention by a two-thirds (2/3) majority vote of the delegates present. All proposed amendments must be presented in writing to the Chairman of the District Constitution and Bylaws Committee at least 14 days prior to the opening day of the District Convention. At the earliest possible opportunity after the District Convention opens, the Chairman of the District Constitution and By-Laws Committee will read and move to approve the amendments that have been approved by the Committee by a two-thirds majority vote. Other proposed amendments that were timely presented to, but not recommended by the committee can then be read and considered, if properly moved and seconded (no minority report of the Committee is necessary). All proposed amendments must have been read at the District

Convention at least four hours before being voted upon and a record of the vote on all amendments shall be made a part of the minutes of the Convention.

**CERTIFICATION**

We, the following District Officers hereby certify that the foregoing Constitution and By-laws, as amended, after due notice was given to all members, was adopted at the District Convention held on the \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ in \_\_\_\_\_, Texas.

\_\_\_\_\_  
District Commander  
The American Legion, Department of Texas

\_\_\_\_\_  
District Adjutant  
The American Legion, Department of Texas

**DEPARTMENT APPROVAL**

After review, the above District Constitution and By-laws were approved by the Department Judge Advocate on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Department Judge Advocate