

**CONSTITUTION
Of
THE AMERICAN LEGION
NINTH DISTRICT
Department of Florida**

**As adopted at
District Constitutional Conference**

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 Americanism; to preserve the memories and incidents of our association in the Great 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

Section 1. The name of this organization will be THE AMERICAN LEGION, NINTH DISTRICT.

ARTICLE II * OBJECTS

Section 1. To promote and maintain the principles and policies of The American Legion as set forth in the foregoing Preamble, and to provide to the best of it's abilities, those services that aid and inspire the individual Post's in their endeavors to carry out the programs of The American Legion and to assist in solving problems common to all Posts within the 9th District.

ARTICLE III * NATURE

Section 1. This District is a civilian organization and membership therein does not effect or increase liability for military or police service.

Section 2. This organization will not be used for the promotion of the candidacy of any person seeking public office or preferment.

ARTICLE IV * MEMBERSHIP

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

Section 2. Membership on the District Staff shall be by invitation of the incoming District Commander.

Section 3. There shall be no dues charged by the District, with members dues being paid to the Post annually.

ARTICLE V * ORGANIZATION

Section 1. The American Legion, Ninth District, is a constituent part of and a subordinate to The American Legion, Department of Florida, and shall comply with the provisions of this Constitution and it's By-Laws. The Ninth District embraces all Posts within Broward County.

Section 2. The administrative and Executive power shall be vested in the District Commander, and be officered as herein after provided.

Section 3. There shall be one regular Annual District Conference, and there may be a special conference called in the manner hereinafter provided.

Section 4. There shall be such standing Committees as shall be provided in the District By-Laws, membership of which shall be appointed by the District Commander. The District Commander may also appoint such special committees as may appear necessary or desirable, or as directed by the Annual Conference, for such term as set forth in the enabling resolution. The District Commander may remove any chairman from office for failure to perform their necessary duties.

Section 5.

By-Laws shall be adopted for the further government and regulation of the District, not inconsistent with this Constitution.

ARTICLE VI * CONFERENCE

Section 1. The legislative body of the District shall be a Constitutional Conference to be held annually at a time and place to be fixed by the District Commander, as provided by the Department Constitution.

Section 2. The Annual District Conference shall be composed of delegates and alternates from each chartered Post of The American Legion of the Ninth District. Each Post shall be entitled to two delegates and two alternates, and one additional delegate and alternate for each additional one hundred members or fraction thereof over and above one hundred members; provided that the per capita tax has been received by Department ten (10) days prior to the District Constitutional Conference. Alternate delegates shall be recognized in the numerical order certified.

Section 3. Each delegate to the Annual District Conference shall Be entitled to one vote. No delegate or alternate shall be accredited without proper certificate signed by the Commander and Adjutant of the Post represented by such delegate. The vote of any delegate absent and not represented by and alternate shall not be counted. Alternates shall have all the privileges of delegates in the absence of the delegate. In voting at the annual elections of officers, the vote of the delegates shall be cast by The Commander of the Post or his designated chairman. No registration or meal fee can be collected as a prerequisite for voting.

Section 4. The District Conference does not have the right to take any legislative action or bind the Department or District Officers by any such action taken, and any action taken in such Conference shall be considered as merely advisory. This section does not include any amendments or changes to these Constitution and By-Laws.

Section 5. At the Annual District Conference there shall be elected a District Commander and two representatives on the Department Executive Committee as provided by the Department Constitution. They shall be members in good standing in a Post in this District and shall take office at the same time as the District Commander.

Section 6. At the Annual District Conference there shall be nominated one delegate and one alternate to the National Convention for each one thousand members or major fraction thereof, to serve for the term of one year, when ratified and confirmed by the Department Convention. Alternate delegates shall be recognized in the numerical order certified.

Section 7. A majority of Posts in this District, represented at the Conference shall constitute a quorum.

Section 8. A Commander shall be eligible to succeed himself / herself for a total of two (2) years in succession must vacate for one year after two years service as Commander. Except that in the event a Commander is serving in that position by appointment he or she May be a candidate for election the year immediately following his/her appointed service as Commander.

Section 9. To be eligible for the office of District Commander a person must be a member of a chartered Post in the Ninth District.

Section 10. District Caps (blue with white top) may be worn during the term of officers as prescribed in Article IX, Section 12 of the Department Constitution; doesn't include chairman.

ARTICLE VII * FINANCE

Section 1. The revenue of the Ninth District shall be derived by such fund raising activities as determined by the District Commander.

Section 2. The fiscal year of the District shall be July 1st to June 30th, each date inclusive.

Section 3. There shall be a complete report in writing to all Posts in the District of the finances, accounts and business affairs of the District quarterly and subject to an internal audit.

Section 4. Surety Bond in an amount fixed by the Annual District Conference is required for the District Commander, the Finance Officer, or any other person designated by the District Commander to sign checks.

ARTICLE VIII * AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Department Constitution of The American Legion, Department of Florida. Any amendment(s) to said National Constitution or Department Constitution which is in conflict with any provisions hereof will be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. Any conflict of this Constitution with The American Legion, Department of Florida Constitution shall be resolved in department's favor.

Section 3. This Constitution may be amended at any District Conference by a vote of two-thirds of the total authorized representation thereat. Provided however, that no amendments to this constitution shall be made except as herein provided unless a copy of such proposed amendments shall be in writing legibly and be submitted at least forty-five (45) days prior to the date of the Annual Conference.

Section 4. Amendment(s) to the Constitution will become effective immediately upon the approval of The American Legion, Department of Florida.

Section 5. Amendments to this Constitution shall be sent to all Post Commanders within (25) days of the District Conference at which they are to be ratified, by the District Commander.

**BY-LAWS
Of
THE AMERICAN LEGION
NINTH DISTRICT
Department of Florida**

ARTICLE I * CONFERENCE

Section 1. The District Constitutional Conference shall be called and held pursuant to the provisions of the District Constitution. The call shall be issued by the District Commander by bulletin mailed by the District Adjutant to each Post Commander and Adjutant not more than forty-five (45) days or less than fifteen (15) prior to the first day of the Conference.

Section 2. No delegate of the Constitutional Conference shall be accredited without proper certificate signed by the Commander and Adjutant of the Post represented by such delegate.

Section 3. The District Commander shall appoint a chairman of the following Conference Committees:

Amendments to the Constitution and By-Laws
Credentials
Resolutions
Tellers Committee
Time Keepers

and such other Conference Committees as may be necessary.

Section 4. All resolutions submitted to the District Conference shall be in writing, legibly and submitted in triplicate, so as to provide that the resolution was adopted by The American Legion, Ninth District, in Conference assembled and that any such resolution not drawn in such form shall be returned by the District Commander to the sponsor for correction. All resolutions shall be presented to the District Commander at least forty (45) five days prior to the District Conference. All resolutions submitted to the District must first be adopted by a Post of The American Legion, Ninth District. The subject matter of resolutions submitted to the District Conference shall be restricted to matters germane to the purposes and programs of The American Legion, namely, Child Welfare, Security and Americanism. Resolutions emanating from a private organization to further its own interest will not be accepted. The Resolutions Committee shall be empowered to reject Resolutions for any of the following reasons:

- a. Resolution was not submitted within the time prescribed by the District By-Laws.
- b. Resolution was not submitted in writing, in triplicate.
- c. Subject matter is not germane to the purpose of The American Legion.
- d. Resolution is couched in ambiguous wording and not clearly defining intent.
- e. Resolution would be impossible to use since it contains errors of fact or law.
- f. Resolution is actually a proposed amendment to the District Constitution or By-laws.
- g. Failure of a Post sponsoring a resolution to have a delegate present at the Conference Resolutions Committee meeting the day of the conference.

The Resolutions Committee shall be empowered to:

- a. Make such changes in Resolutions as may be necessary to eliminate factual misstatements or language inconsistent with the clear intent of the Resolution when taken as a whole.
- b. To consolidate Resolutions containing the same subject matter.
- c. To refer back to the originating authority or to a Standing Committee for further study any and all resolutions.

Section 5. The Resolutions Committee at the Conference shall meet not later than 12 noon of the day of the Conference.

Section 6. When a delegate desires to make a motion or address the Conference, he shall rise, address the Chair and state his name and the name and number of the Post before proceeding.

Section 7. No delegate shall be permitted to talk more often than once on one subject, unless he has made the motion relating to the subject, and then only twice, and no delegate shall be permitted to talk longer than five (5) minutes on one subject, except by unanimous consent.

Section 8. Voting in all cases shall be by roll call vote and all delegates must be present on the floor or represented by an alternate.

Section 9. Voting order at the Conference shall be determined by the District Commander not less than 10 days prior to the Conference and all Post Commanders notified in writing of their voting order.

Section 10. The annual election of the District Commander, two (2) Department Executive Committeemen and Delegates to the National Convention shall be the special order of business of the Annual District Conference at 2p.m. of the day of the Conference.

Section 11. Nominations for District Commander shall be from the floor. Nominations for Executive Committeemen shall be from the floor.

Section 12. Nominating speeches will be limited to five (5) minutes each. Not more than two (2) seconding speeches shall be made for each candidate, each not to exceed two (2) minutes.

Section 13. Each officer to be elected at the District Conference shall be voted separately.

Section 14. The final tally sheets shall be retained as a permanent record of the District.

Section 15. In the even more than two (2) candidates are nominated for any one office, all candidates, except the two receiving the highest votes shall be eliminated following the first ballot. Thereafter, the ballot shall continue until one candidate shall receive a majority of the votes cast.

Section 16. The District Commander or in his absence or inability, the immediate District Past Commander present shall serve as Chairman of the Conference. The District Adjutant shall serve as Secretary of the Conference. There shall be appointed by the Chair, a Parliamentarian and such other officers of the Conference as may be needed.

ARTICLE II * EXECUTIVE COMMITTEEMEN

Section 1. One (1) elected Executive Committeeman shall serve as membership Chairman and one (1) elected Executive Committeeman shall serve as District Activities Chairman during his/her term of office. The newly elected District Commander shall make a choice of which Executive Committeeman chairs the Committees. The Executive Committeemen shall also serve on any additional Committees as deemed necessary by the District Commander.

Section 2. The Executive Committeemen shall also take part in all Post Installations, when possible.

ARTICLE III * COMMITTEES

Section 1.

- (a) The District Commander shall appoint such Committees as designated by the Department Constitution and By-Laws.
- (b) Each of such Committees shall consist of a Chairman and additional members who shall be appointed by the District Commander. Each Committee shall act under the immediate direction of its Chairman, who shall meet and organize on call of the District Commander.
- (c) Each Chairman shall be appointed by the District Commander, and serve until the next District Conference.

Section 2. The District Commander may, from time to time, appoint such Special committees of the District as necessary may arise.

ARTICLE IV * FINANCE

Section 1. Upon taking office, the District Commander shall appoint a Finance Officer who shall keep the Finance Records of the District.

Section 2. The Finance of the District shall be reported as prescribed in the District Constitution.

Section 3. No District Officer shall be allowed compensation for his/her service.

ARTICLE V * DUTIES OF OFFICERS

Section 1. All Officers shall perform such duties as are required of them, respectively by these By-Laws or by the District Constitution.

Section 2. Duties of the District Commander; The District Commander will preside at all meetings of the District and have general supervision over the business affairs of the District and shall be the Chief Executive Officer of the District. He will approve all disbursement of funds and shall make an annual report at the District Conference. The District Commander upon leaving office will leave \$600.00 operating expenses to the incoming administration and distribute all other funds to a charity of his choosing, not specifically Boys State and Girls State. He will perform such other duties as directed by the Department Constitution and By-Laws.

Section 3. Duties of the Executive Committeemen; The duties of the Executive Committee shall be as prescribed in Article I, Section 1, and all such other duties as deemed necessary and as prescribed in the Department Constitution and By-Laws.

Section 4. Duties of the District Adjutant; The Adjutant will have charge of and keep a full and correct record of all proceedings of meetings, keep such records as the National and Department Constitution and By-Laws may require and, under direction of the Commander, all correspondence of the District.

Section 5. Duties of the District Finance Officer; The Finance Officer shall have charge of the finances of the District and see that all funds are safely deposited in some local bank and will report to the District Commander at least once each month the condition of the finances of the District. The Finance Officer will sign checks. The other signature will be one or two other persons as designated by the District Commander. In an emergency or absence of the Finance Officer, and a check is necessary, the signature of the other two will be acceptable.

Section 6. Duties of the District Historian; The Historian will be charged with the individual records and incidents of the District and Staff, and will perform such duties as may properly pertain to the officer as may be determined by the District Commander.

Section 7. Duties of the District Chaplain; The Chaplain will be charged with the spiritual welfare of the District Staff and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., and adhere to such ceremonial rituals as are recommended by the National and Department headquarters from time to time. He shall also be responsible for chairing the District Four Chaplains program.

Section 8. Duties of the Service Office; The Service Officer will take care of and handle all requests for assistance from Post Service Officers. He may assist any one in need in the District and perform such other duties as are incident to the office.

Section 9. Duties of the Judge Advocate; The Judge Advocate shall advise the District on all legal matters, including construct and interpretation of the National, Department and Post Constitution and By-Laws, and perform such other duties as are incident of the office.

Section 10. Duties of the Sergeant At Arms; He will be responsible for the conduct of the Assistant Sergeant At Arms and will be in charge of all equipment of the District Color Guard. In the event of competition in any event will be in charge directly under the District Commander, and will perform such duties as may, from time to time, be assigned to him by the District Commander.

Section 11. Duties of the Assistant Sergeants At Arms; They will be directly responsible to the Sergeant At Arms and in the event of the inability of the Sergeant At Arms to perform his duties, one will be appointed by the District Commander to assume same, until the Sergeant At Arms returns. They will perform such other duties as may, from time to time, be assigned to them by the Sergeant At Arms.

Section 12. All Officers will use the Officers Manual and will find their duties listed in addition to those outlined in the Constitution and By-Laws, and will participate in all Installation Ceremonies and such other affairs as deemed necessary by the District Commander whenever possible.

ARTICLE VI * DISTRICT PUBLICATION

Section 1. The official publication of The American Legion, Ninth District, Department of Florida, shall be the 9th District Sentinel and it shall be sent once each month to all staff members, Post Commanders and Booster subscribers and all such other parties as determined by the District Commander.

Section 2. The Publication Board shall consist of an Editor, to be appointed by the District Commander. He shall be assisted by the District Adjutant who will record all addresses for the purpose of mailings.

ARTICLE VII * AMENDMENTS

Section 1. These By-Laws may be amended and changed at any District Conference by two-thirds vote; all such changes and amendments must be in writing. Provided, however, that no amendments to these By-Laws shall be made except as in Section 2 of this Article provided, unless a copy of such propose amendments shall be in writing, legibly, prepared in triplicate and be submitted at least forty (45) days prior to the District Conference, to the District Commander, provided that a proposed amendment shall not be submitted through the office of District Commander, as provided in this Section, unless said proposed amendment shall have been first submitted by a Post in the Ninth District.

Section 2. Amendments to these By-Laws proposed at the Annual District Conference, of which notice required by Section 1 of this Article shall not have been given shall be adopted only by the unanimous consent of all delegates present at the Conference at which such amendments are voted upon.

Section 3. All such amendments to these By-Laws submitted in accordance with Section 1, of this Article shall be sent to all Post Commanders of the District at least (25) days prior to the District Conference at which said amendments are to be ratified, by the District Commander.