

**CONSTITUTION
OF
The American Legion, Department of Maryland, District 3 Council**

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

Section 1. The name of the Council shall be The American Legion, Department of Maryland, District 3 Council, hereinafter referred to as "the Council."

Section 2. The Council is chartered in The American Legion, Department of Maryland, Inc., hereinafter referred to as "the Department."

Article II - Nature

Section 1. The Council is an intermediate body of the Department created to act as a liaison between the Department, the Region, and the Posts within the District and for the purpose of promoting the programs of The American Legion.

Section 2. The Council is a civilian organization; and membership therein does not affect nor increase liability for military or police service. Rank does not exist in The American Legion; no member shall be addressed by military or naval title in any meeting of the Council.

Section 3. The Council shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

Section 4. The Council shall not be a member of, or affiliated with, any organization, committee, association, council, or group whereby The American Legion might be committed to a policy contrary to that adopted by The American Legion.

ARTICLE III - ORGANIZATION

Section 1. The District 3 Council shall consist of the Posts assigned to the Council by the Department Executive Committee, hereafter "DEC", for purposes of administration, and shall be further sub-divided as approved by the Council.

Section 2. The DEC shall have the power to change the composition of the Regions and Districts from time-to-time as required for efficient administration of the Department.

Section 3. The District Council shall determine the representation each Post shall have therein.

Section 4. No individual, group of persons, or subordinate organization of the council is authorized to contract any bills or obligation in the name of the Council, nor to act as the agent of the Council, for any purpose whatsoever, without the approval of a majority vote of the Council at a regular meeting.

Section 5. Notwithstanding the limitation in Section 4 herein, The Council may establish procedures in the Standing Rules to authorize entering into contracts by certain officers of the Council in order to operate the programs of the Council.

Section 6. The Council shall not incur or cause to be incurred any liabilities or obligations which would or may subject the Department, Region Councils, District Councils, Posts' Officers therein, or any other subordinate organization of the Council, to the liabilities or for payment or satisfaction thereof.

Article IV - Membership

Section 1. All Posts in good standing in the Department, assigned to District 3, shall be members of the Council. Each Post shall have three delegates and three alternates to the Council, and each delegate shall have one vote. In the absence of a delegate, the remaining delegates or alternates may vote the strength of the Post. But in no case may a Post cast more votes than the number of delegates and alternates present, or no more than three total votes, whichever may be less.

Section 2. The delegates to the Council shall be elected or appointed by their respective Posts in whatever manner the said Posts may determine. The delegates shall be certified to the District Commander at or before the first Council meeting of the administrative year. Alternate delegates shall be listed in ranked order in which they shall replace an absent delegate. The certification shall include the Post name, along with the name, address and telephone number of each delegate.

Section 3. The elected officers of the District, and the DEC members from the District shall have a vote and the privilege of the floor.

Section 4. All Past Department Commanders who are members in good standing of a Post in this District, along with all members of Posts within the District that have held the office of Region Commander and/or District Commander within the Department of Maryland are to be a member of the Council, if a member in good standing in a Post in the District, and shall be entitled to a vote and the privilege of the floor. Honorary Region and /or District Commanders shall not be entitled to vote or privilege of the floor unless otherwise entitled.

Section 5. No member of the Council, regardless of office or offices held, shall be entitled to more than one vote.

Article V - Dues

Each Post in the District, in order to be in good standing in the Council, shall contribute annual dues as may be determined prior to the beginning of the next administrative year, by the delegates at any Council meeting and approved by the Department Executive Committee. Any action in changing the amount of dues must have been provided to each Post, in the District, at least thirty days prior to such action. Dues shall be paid by or at the second Council meeting, and if not paid by this time, the Post loses its privilege of the floor and voting at all District and Region meetings until said dues are paid, including voting at any the District and Region Caucuses.

Article VI -Officers

Section 1. The elected Officers of the Council shall be: District Commander, District 1st Vice-Commander, District 2nd Vice-Commander, Adjutant, Finance Officer, and Judge Advocate, the term of office for all elected officers shall be one year.

Section 2. The appointed Officers of the Council shall be; Historian, Sergeant-at-Arms, Chaplain, and Service Officer, the term of office for all appointed officers shall be one year.

Section 3. Consecutive election or appointment of an Officer of the Council is permitted.

Section 4. Appointed officers shall assume their positions upon being designated by the Commander and approved by the Council at the first Council meeting of the administrative year.

Section 5. The District Commander of the Council shall be the presiding officer at all District Council meetings, during their term of office, with all the responsibilities and privileges of the chair. The District Commander shall assume this duty simultaneously with their Installation at the Department Convention. The District 1st Vice-Commander shall act as the presiding officer in the absence of the District Commander. In the absence of both the District Commander and District 1st Vice Commander the District 2nd Vice Commander shall act as presiding officer.

Section 6. In the event of death, resignation, physical incapacitation or removal of the District Commander, the District 1st Vice-Commander shall immediately assume the position of the District Commander, with full powers to act for the remainder of the term as if elected by the preceding District Caucus.

Section 7. The District Commander may remove any appointed Council Officer for just cause upon approval of the Council, and shall replace any vacancies created, subject to ratification by the Council. Such replacement shall be appointed within sixty days after vacancy occurs.

As amended 5-16-2021

Section 8. Any vacancy which may occur in an elective office of the Council, excepting the District Commander, shall be filled by a special election, provided that thirty days' notice shall have been given all Posts in good standing within the Council. Nominations for vacancies in this section may be submitted in writing prior to the District meeting or may be made from the floor at the meeting.

Article VII - Elections

Section 1. The annual election of Officers shall be conducted in the manner prescribed under the Department Constitution, Article V, Section 6.

Section 2. Elections shall be held for a District Commander, a District 1st Vice-Commander, and District 2nd Vice-Commander, one Department Executive Committee member for each five-hundred American Legion members of the District, or major fraction thereof; one National Convention Delegate and one Alternate National Convention Delegate for each one-thousand American Legion members of the District. The membership strength of the District for this purpose shall be computed as paid up membership in the Department Headquarters at the close of business on the Thirty-fifth day prior to the convening of the Department Convention, or as of the First of July 1st each year, which ever date shall first occur.

Section 3. If the Region Vice-Commander is a member of a Post within the District, the Region Vice-Commander shall be an ex-officio member of the DEC from the District.

Section 4. The distribution of the remaining representatives to the DEC shall be divided in an equitable manner utilizing the membership strength of each Post. This shall be determined by the ratio of membership of each Post under the five-hundred rule. Any decisions based off of the five-hundred rule between Post shall be subject to ratification of the District Caucus.

Section 5. Nominations at the District Caucus shall be made in the following manner:

(a). At the last Council meeting prior to Department Convention each year, every Post Commander in the District shall appoint a member of their respective Post, in good standing, to represent that Post on a District nominating committee, and notify the District Commander of this appointment.

(b). The District Commander shall appoint a chairperson from among these members of the committee and will instruct this committee to meet and be prepared to present a list of one or more nominees for each office at the District Caucus. The District Commander shall not be a member of this committee.

(c). At the District Caucus, the list of nominees, prepared with the majority approval of the nominating committee members present at their meeting, shall be read by the District Adjutant or other members of the Council, as designated by the District Commander or presiding officer. Further nominations may be made by any delegate from the floor and shall be accepted at the meeting and properly recorded by the District Adjutant.

(d). It shall be the duty of each nominating committee member to notify their own Post of the nominations for office.

(e). It shall be the duty of each Post Commander to see that their Post makes known its preference of candidates to its nominating committee member.

(f). Only matters appertaining to the upcoming Department Convention, the nominations and elections of officers, and attendant speeches or discussions pertaining to the aforesaid shall be in order at the District Caucuses.

Section 6. District Caucuses held within the provisions of the Department's Constitution, Article V, Section 6, shall be construed as part of the Region caucus when such District caucuses are for the purpose of electing National Convention Delegates, Alternate National Convention Delegates, Department Executive Committee members, District Commander, and the District Vice-Commanders. Such elections must, however, be ratified by the Region Caucus and submitted to Department by said Region as a part of the Region election results for ratification by the Department Convention.

Section 7. Robert's Rules of Order, Newly Revised, shall govern the proceedings of these annual caucuses unless otherwise specified by the Department of Maryland Constitution or By-Laws, or as otherwise provided by the Council.

Section 8. The presiding officer shall appoint a Judge of Elections and two tellers at the District caucus, none of which shall be a candidate for office. The District Commander shall prepare, certify and mail to the Region Adjutant, immediately after the elections, a report of the District Caucus for ratification by the Region Caucus.

As amended 5-16-2021

Section 9. Only the Convention delegates of the qualified Posts in the Districts shall vote on the election of Officers at the District Caucus. Each Post shall be entitled to the number of votes representative of its delegate strength at the upcoming Department Convention, as recorded by the Department Headquarters.

Article VIII - Meetings

Section 1. Meetings of the Council shall be held at least quarterly on a day, time, and place designated by the District Commander. The announcement of the next scheduled meeting shall be made at the immediate prior meeting. Any changes to meeting day, time, or location subsequent to the announcement requires a constructive notification of the Region Commander and Adjutant and every Post within the District, by approved means in the Standing Rules to the Posts, including either the Post Commander or Post Adjutant of each Post.

Section 2. The District Commander shall be responsible for, and determine the need for, any special or emergency meetings of the Council which are in addition to the regularly scheduled meetings and the annual caucus; except that the District Commander shall be required to call a special or emergency meeting on the written request of four Posts of the District. The District Commander shall provide the Region Commander and the Commander or Adjutant of each Post within the District written notice of any special or emergency meeting, including the date, time and place of such meeting.

Section 3. A quorum for the Council meetings shall exist when not less than one-quarter of the total number of Posts within the entire District are present and represented by a properly registered delegate.

Section 4. The District Commander shall require that written minutes be taken at all meetings and be read at the next District Council Meeting for approval. On a motion approved by the delegates present, the reading of the minutes may be dispensed with, subject to correction, provided that a copy of the minutes has been provided to the delegates of the Council at, or prior to, the regular meeting at which they would normally be read.

Article IX - Finances

Section 1. All District monies shall be in the custody of the District Finance Officer.

Section 2. Expenditures from the District Treasury shall be subject to the approval of a majority vote of the Council members present at any regular meeting.

Section 3. The District may establish Standing Rules to establish financial controls and business practices for the operations of District programs.

Section 4. The District financial records shall be audited at the end of each administrative year, within thirty days of adjournment of the Department Convention, at a time and place designated by the Outgoing District Commander. The Audit Committee shall consist of such members as the Council deems necessary to allow the proper review of the financial records of the District. The District Finance Officer shall serve as a consultant to the Audit Committee. At the conclusion of this annual audit, all financial records shall be delivered immediately to the Incoming District Commander, and subsequently reported at the next regular District Council meeting. A copy of the audit report shall be forwarded to the Region Commander and Department Treasurer for the records.

ARTICLE X - Rules of Order

All proceedings of the Council shall be conducted under and pursuant to latest published edition of Robert's Rules of Order, Newly Revised, except as herein otherwise provided.

Article XI - Amendments

Section 1. Amendments to this Constitution may be proposed to the District Commander. The District Commander shall then forward the recommendation to the Department Constitution and Bylaws Committee. The Department Constitution and Bylaws Committee shall consider such amendments and forward to the DEC with a recommendation at the next Regular DEC meeting.

As amended 5-16-2021

Section 2. This Constitution may be amended at any regular meeting of the DEC provided that the proposed amendment shall have been submitted through the Department Adjutant to all members of the Department Executive Committee by mailing, or by transmission utilizing other approved means, at least thirty days prior to the convening of the next DEC meeting, and provided further, it may be amended by unanimous vote at any DEC meeting without notice.

Section 3. Any part of this Constitution which is now or which may become inconsistent with the Constitution of the National Organization or the Department of Maryland Constitution of The American Legion shall be nullified and be replaced by the higher Constitution provision with which this Constitution is in conflict.

BY-LAWS
OF
The American Legion, Department of Maryland, District 3 Council

Article I – Authorities and Sub-divisions

Section 1. The Council shall operate from authority defined by the American Legion, Department of Maryland, Inc.

Section 2. The Council shall be subject, always, to the will of the Posts of the District as expressed by the delegates in attendance at a regular or special meeting, provided that such will shall remain consistent with the principles of The American Legion, Inc., and The American Legion, Department of Maryland, Inc.

Section 3. For support, administrative assistance, and conducting the annual Post Inspection purposes, the Posts within the Council shall be assigned annually by the District Commander to the following officers: District Commander, the District 1st Vice-Commander, and the District 2nd Vice-Commander. The District Commander should take into account driving time, ability to be of the most assistance, and the concept of assigning approximately one-third of the Posts to be assisted by these Officers.

Article II – Duties of Officers

Section 1. District Commander

(a) The District Commander shall command the District and shall be responsible for the execution and implementation of the policies of the Department throughout the District. The District Commander shall also be responsible for the execution and implementation of the policies of the District as established by the District Council. The District Commander shall regularly visit the Posts in the District.

(b) The District Commander shall preside at all meetings of the Council and carry out the principles embodied in the Preamble and Constitution of the Council.

(c) The District Commander shall authorize all disbursement issued by the District before payment by the Finance Officer.

(d) The District Commander shall strive to strengthen and unify the work of The American Legion by promoting cooperation among the Posts.

(e) The District Commander shall regularly visit the Posts assigned under Article I, Section 3 of these Bylaws, and shall ensure that each Post is in fact functioning as a Post of The American Legion. The District Commander shall instruct Post officers, where necessary, as to the practices followed and policies of The American Legion, and shall conduct an annual inspection of the records of each Post with respect to the following:

- i. Regularity of meetings.
- ii. Membership records and dues transmittals.
- iii. Minutes of meetings.
- iv. Records of the Post Finance Officer.
- v. Location and amount of bank accounts and the manner in which the accounts are carried.
- vi. Value and location of real estate paid for by American Legion funds and/or titled in the name of the Post.
- vii. Production of the crime and fidelity insurance policy on officers shall be required, and the name of the insurance company, number of the policy, amount thereof, and last paid premium shall be noted.
- viii. Such other items shall be inquired into as will accurately portray the proper or improper function of the Post, or as may be directed by the Department Convention or the Department Executive Committee.

(f) The District Commander shall report the status of the District to the Region Commander, and the Region Council. The District Commander shall also perform such other duties as prescribed by the By-Laws of The American Legion, Department of Maryland, Article X, Sections 1 through 5 and shall perform such other duties as the Region Commander, Region Council, Department Commander, DEC, or the Department Convention may assign.

As amended 5-16-2021

Section 2. District 1st Vice-Commander

(a) The District 1st Vice-Commander shall act as the presiding officer in the absence of the District Commander and if the District 1st Vice-Commander is also absent the District 2nd Vice-Commander shall act as presiding officer.

(b) The District 1st Vice-Commander shall have a primary mission of increasing and stabilizing the membership of the Posts within the District, and shall serve as the Chairman of the Membership Committee during the term of office as District 1st Vice-Commander.

(c) The District 1st Vice-Commander shall strive to strengthen and unify the work of The American Legion by promoting cooperation among the Posts.

(d) The District 1st Vice-Commander shall regularly visit the Posts assigned under Article I, Section 3 of these Bylaws, and shall ensure that each Post is in fact functioning as a Post of The American Legion. The District 1st Vice-Commander shall instruct Post officers, where necessary, as to the practices followed and policies of The American Legion, and shall conduct an annual inspection of the records of each Post with respect to the items listed in Article II, Section 1(e) above.

(e) The District 1st Vice-Commander shall perform such other duties as are usually incident to the office, or assigned by the District Commander or the Council.

Section 3. District 2nd Vice-Commander

(a) In the absence of the District Commander and the District 1st Vice-Commander the District 2nd Vice-Commander shall act as presiding officer.

(b) The District 2nd Vice-Commander shall have a primary mission of the promotion of American Legion programs throughout the District.

(c) The District 2nd Vice-Commander shall strive to strengthen and unify the work of The American Legion by promoting cooperation among the Posts.

(d) The District 2nd Vice-Commander shall regularly visit the Posts assigned under Article I, Section 3 of these Bylaws, and shall ensure that each Post is in fact functioning as a Post of The American Legion. The District 2nd Vice-Commander shall instruct Post officers, where necessary, as to the practices followed and policies of The American Legion, and shall conduct an annual inspection of the records of each Post with respect to the the items listed in Article II, Section 1(e) above.

(e) The District 2nd Vice-Commander shall perform such other duties as are usually incident to the office, or assigned by the District Commander or the Council.

Section 4. District Adjutant. The Adjutant shall assume, have charge of, and keep a full and correct written record of all proceedings of all meetings, and keep such records as the District may require, and under the direction of the District Commander handle all correspondence of the District which is not handled directly by the District Commander. The Adjutant shall perform such other duties as are usually incident to the office, or assigned by the District Commander or the Council.

Section 5. District Finance Officer.

(a) The Finance Officer shall be the custodian of all funds and securities of the District, see that the same are deposited in a bank or banks chosen by the Finance Officer with the concurrence of the District Council, and shall report the condition of finances at each Council meeting.

(b) The Finance Officer shall sign all checks disbursing the monies of the District.

(c) The Finance Officer shall also serve concurrently of Finance Officer/ of any District program established by the District.

(d) The Finance Officer shall ensure all Officers of the District are covered by crime and fidelity insurance with a good and solvent insurance company, to cover at least double the average amount of funds handled in a single year by said Officer(s), which amount is to be determined annually by the District Council.

(e) The Finance Officer shall perform such other duties as are usually incident to the office, or assigned by the District Commander or the Council.

Section 6. District Judge Advocate. . The Judge Advocate shall advise the District Officers and Council on all matters based off of American Legion experience. This includes the interpretation of the rules of order, interpretation and construction of the District Constitution and By-Laws, The Judge Advocate ensures the District receives appropriate legal support in legal matters, and acts as Judge of Elections, and Chair of the Elections Committee, which shall formulate, and recommend, rules and regulations governing all District Council elections to

As amended 5-16-2021

the District Council for final approval in the District Standing Rules. The Judge Advocate shall perform such other duties as are usually incident to the office, or assigned by the District Commander or the Council.

Section 7. District Historian. The Historian shall be charged with the individual records, incidents of the District and Council members, and shall perform such other duties as are usually incident to the office, or assigned by the District Commander or the Council.

Section 8. District Sergeant-at-Arms. The Sergeant-at-Arms shall maintain and post the colors and preserve order at all meetings and caucuses; shall verify that each attendee at a District meeting is admitted as appropriate. The Sergeant-at Arms shall perform such other duties as are usually incident to the office, or assigned by the District Commander or the Council.

Section 9. District Chaplain. The Chaplain shall be charged with the spiritual welfare of the Council and its members and attending meetings and events as required, which shall be opened and closed with non-sectarian prayer. The Chaplain will offer non-sectarian, service in the event of dedications, funerals, and other public functions in which the District is involved. The Chaplain shall perform such other duties as are usually incident to the office, or assigned by the District Commander or the Council.

Section 10. District Service Officer. The Service Officer shall assist all veterans in obtaining information as to veteran's rights and benefits, and assist in community affairs of the District. The Service Officer shall be responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted to them by law. The Service Officer shall perform such other duties as are usually incident to the office, or assigned by the District Commander or the Council.

Section 11. Department Executive Committee members. The Department Executive Committee members of the District, shall make every effort to attend all meetings of the District and to advise the District of all pertinent information from the Department, to represent their Posts whenever necessary, to visit Posts within the District, to guide and inform the Posts of the policies and programs of The American Legion and The American Legion, Department of Maryland, Inc.

Article III – Transition of Records

The Incoming and Outgoing District Commanders and Adjutants shall have a meeting prior to the first District Council meeting of the administrative year, for the purpose of passing on the Records to the Incoming Commander and Adjutant. This meeting shall be held within the twenty days following the annual Department Convention at which the incoming District Commander is elected to office, or immediately before the first District Council meeting whichever occurs first.

Article IV - Committees

Section 1. The purpose and work of the District Council shall be carried out through committees. These committees, under the administrative direction of the District Commander as guided by the Council as a body, shall take full charge of and be responsible for bringing about the success of the Council programs.

Section 2. The Standing Committees of the Council shall be established in the District Council Standing Rules. Standing Committees, as established, shall consist of such members, and Chairperson as shall be appointed by the District Commander, subject to the ratification by the Council members at the first District meeting of each administrative year, except that, the District may establish committees in their rules that shall have authority to function continuously, or immediately, for continuity of operations of certain District Programs. The District Commander, shall, however, have the authority to appoint additional committees and replace Committee members at any time subject to ratification by the Council members as a body. Committee members shall be notified immediately upon their appointment or removal.

Section 3. The duties of the above committees shall be as specifically described in the District Standing Rules, or shall conform to the duties of similar commissions/committees of The American Legion, Department of Maryland, Inc.

Article V – Order of Business & Parliamentary Procedures for Meetings

Section 1. The business of the Council shall conform to the order of business as provided in The American Legion Manual of Ceremonies.

As amended 5-16-2021

Section 2. All proceedings of the Council shall be conducted under and pursuant to latest published edition of Robert's Rules of Order, Newly Revised, except as otherwise provided in the District Constitution, herein, the District Special Rules of Order, or District Standing Rules.

ARTICLE VI - AMENDMENTS

These By-Laws may be amended in the same manner as prescribed in the District Constitution, Article XI - Amendments.