



## **Constitution and By-Laws**

**5<sup>th</sup> District American Legion  
Department of Minnesota**

**June 3, 2013**

# Constitution

## ARTICLE I: Name

Section 1: The name of this organization shall be THE FIFTH DISTRICT AMERICAN LEGION, DEPARTMENT OF MINNESOTA. Its principal office shall be maintained in the Metro Hennepin County.

## ARTICLE II: Nature

Section 1: The American Legion is a civilian organization. Membership therein shall not increase or decrease liability for military or police service. Former military or naval rank does not exist in The American Legion. No member shall be addressed by his military or naval title in any convention or meeting of The American Legion.

Section 2: The American Legion shall be absolutely non-political and shall not be used for neither dissemination of partisan principles nor for the promotion of the candidacy of any person seeking political office or preferment.

## ARTICLE III: Organization

Section 1: This District shall be composed of the several American Legion Posts chartered in the Cities of Minneapolis and Richfield, Minnesota, vested with a charter from the Minnesota Department of The American Legion, and shall include the Fifth District Posts that are defined by the Department of Minnesota.

## ARTICLE IV: Eligibility

Section 1: The provisions of the National Constitution of The American Legion relating thereto shall govern Eligibility for membership in this District.

Section 2: There shall be no form or class of membership except active membership as provided in the national constitution.

## ARTICLE V: Legislative Organization

Section 1: The policy and affairs of this American Legion District shall be determined and governed by the duly elected or appointed delegates of and from the several American Legion Posts of the Fifth District at regular membership assembly or at the annual District Convention of said District.

Section 2: At the annual Fifth District Convention, and at each regular membership assembly, of this District, each duly constituted Post thereof shall be arbitrarily entitled to two (2) delegates, and two (2) alternate delegates, and in addition thereto, one (1) additional delegate and one (1) alternate delegate, for each one hundred (100) members in good standing, or major fraction thereof in excess of fifty-one (51) members, as of record in the District thirty (30) days prior to the annual District Convention.

## ARTICLE VI: Executive Committee

Section 1: The Executive Committee of the Fifth District shall consist of the District Commander, three (3) District Vice-Commanders, the Adjutant, the District Finance Officer, The Immediate Past Fifth District Commander, the Sergeant-at-arms, the Chaplain, the Judge Advocate and six (6) elected board members from the Posts of the Fifth District.

Section 2: At the annual 5th District Convention there will be 3 new members elected to the Executive Board for a two (2) Year term making a total of six(6) members that do not exceed more than one(1) voting member from a Post within the 5th District with no Post having more than 1 elected Executive Board member.

Section 3: Responsibilities to executive committee:

- a) The District Finance Officer of this District shall serve as a member of the District Executive Committee. He/she shall have a voice in the deliberations and affairs of the Committee, but shall not have a vote at on any question before the Committee if his/her election to said office constitutes more than one member from his/her Post serving on the Executive Committee.
- b) The Adjutant of this District, during his/her term in as such shall be a member of said Executive Committee, and shall have a voice in its deliberations and affairs, but shall not have a vote at any time on any question before said Committee.
- c) The Sergeant-at-arms of this District, during his/her term in as such shall be a member of said Executive Committee, and shall have a voice in its deliberations and affairs, but shall not have a vote at any time on any question before said Committee.
- d) The Chaplain of this District, during his/her term in as such shall be a member of said Executive Committee, and shall have a voice in its deliberations and affairs, but shall not have a vote at any time on any question before said Committee.
- e) The Judge Advocate of this District, during his/her term in as such shall be a member of said Executive Committee, and shall have a voice in its deliberations and affairs, but shall not have a vote at any time on any question before said Committee.

**ARTICLE VII: Officers**

Section 1: **Elected.** The elected officers of the Fifth District of The American Legion shall be a Commander, three (3) Vice-Commanders and a Finance Officer, the latter of who shall have a familiarity with accounting procedures.

- a) Each of who shall serve for a term of one (1) year, or until a successor is duly elected and qualified.
- b) The 1st Vice Commander will automatically become Commander at the end of the 1st Vice Commander's term. The election of the 1st Vice Commander will provide him/her a two-year commitment. The Vice Commanders shall have the designation of 1st, 2nd, and 3rd.
- c) Vacancies created by such events as termination of office, death, resignation or removal for cause shall be filled by election at a Fifth District Convention, at a regular membership assembly, or at a meeting called by the commander for that purpose.

Section 2: **Appointed.** The officers of the Fifth District American Legion shall be an Adjutant, a Chaplain, a Sergeant-at-Arms, and a Judge Advocate who shall be qualified to give opinions regarding legality of decisions under consideration by the Executive Committee or District Assemblies and Conventions. The District Commander shall make appointments of the District officers with the advice, counsel and consent of the Executive Committee.

- a) The appointed officers shall serve for one (1) year or until a successor is duly appointed and qualified.
- b) Vacancies during their tenure of office shall be filled by appointment on the nomination of the commander subject to the same conditions as the original appointment.

**ARTICLE VIII: Limitation of POST Representation in the Fifth District**

Section 1: Not more than one (1) legionnaire of any Post of this District, excepting only that of District Finance Officer, shall be eligible to be elected to any District Office of this District.

Section 2: No legionnaire shall be eligible to hold two (2) elective positions at the same time, nor have more than 1 vote for voting strength.

Section 3: No Post shall have more than two (2) votes on the District Executive Committee.

**ARTICLE IX: Rights of Past District Commanders**

Section 1: Past District Commanders of this District shall have the same rights and privileges at all District membership assemblies and Conventions of this District as elected delegates.

#### **ARTICLE X: Finance**

Section 1: Dues

- a) The Bylaws of the Fifth District shall prescribe the amount of annual per capita dues to be paid to this District by the members of the several Posts thereof, and the procedure for collection thereof:
- b) The amount of the annual per capita dues per member of the Fifth District can be changed only at its annual Convention.

#### **ARTICLE XI: Discipline**

Section 1: The provision of the National Constitution and By-Laws relating thereto shall govern the discipline of posts and members of this District.

#### **ARTICLE XII: Individual Transfers**

Section 1: Upon application to the Post Adjutant any member of the post desiring to transfer to another post shall be entitled to a transfer card to such other post, provided all dues and assessments have been paid to date. Record of such transfer forthwith shall be transferred to the District and Department Headquarters.

#### **ARTICLE XIII: Auxiliary**

Section 1: The American Legion, Fifth District of the Department of Minnesota, recognizes an auxiliary organization known as the American Legion Auxiliary.

Section 2: Eligibility for membership in the Fifth District Auxiliary of the Department of Minnesota shall be governed by the provision of the National constitution of the American Legion relating thereto.

Section 3: The Fifth District American Legion Auxiliary in the Department of Minnesota shall be governed by such rules and regulations as may be prescribed by the National Executive Committee.

#### **ARTICLE XIV: Elections**

Section 1: Rules for elections:

- a) The annual Convention of the Fifth District shall be held on such a Friday and/or Saturday in May/June of each year as the District Commander, with the advice and consent of the District Executive Committee.
- b) In the event the annual Convention of the Department of Minnesota shall convene at a time less than fifteen (15) days subsequent to the close of the annual Convention of this District, then and in such case, the time of the annual Convention of this District may, by appropriate action of the District delegates, in respect thereto, be moved ahead to a time not less than fifteen (15) days prior to the convening of said Department Convention.
- c) The elected officers of this District shall be elected at the annual Convention of the Fifth District.
- d) Voting strength shall consist of each of the several Posts as defined in Article 5 section 2 of the Constitution, and a single vote for each Past Fifth District Commander registered as Past District Commander. The District Commander shall cast the decision vote in case of a tie.

**ARTICLE XV: Installation of District Officers**

Section 1: The newly elected officers of the Fifth District, shall be installed following the regular District Convention and prior to the annual Convention of The American Legion, Department of Minnesota, and the newly elected officers of the Fifth District, shall take office following the annual Convention of The American Legion, Department of Minnesota, and members of the Executive Committee shall take office at the first Executive Committee meeting following the annual Convention of The American Legion, Department of Minnesota.

Section 2: The incoming Commander shall have the discretion of setting the date and location of the installation with the concurrence of the Executive Committee.

Section 3: The newly installed commander is required to call a meeting of the executive committee within three weeks from the date of District convention.

**ARTICLE XVI: Removal from Office**

Section 1: No appointed officer of the Fifth District may be removed from office during their term of office, except by a two-thirds majority vote of the District Executive Committee, and subsequent approval of its action by a two-thirds majority vote of the District delegates at their next regular District meeting

**ARTICLE XVII: Adoption of By-Laws**

Section 1: The Fifth District shall adopt bylaws consistent with the provisions of this Constitution, the respective provisions of the Constitution of the National American Legion, the Department of Minnesota, and the statutes of the State of Minnesota.

**ARTICLE XVIII: Amendments**

Section 1: The Constitution may be amended at any annual District Convention by an affirmative vote of two thirds of the delegates voting on such amendment provided that the proposed amendment shall have submitted and read at a previous membership assembly meeting and mailed to each Post of the District at least 10 days prior to the annual District Convention.

Section 2: The By-laws may be amended at any annual District Convention by an affirmative vote of 60% of the delegate voting on such amendment provided that the proposed amendment shall have been submitted and read at a previous membership assembly meeting and mailed to each Post of the District at least 10 days prior to the annual District Convention

# By-Laws

## ARTICLE I: Regular Membership Assembly

- Section 1: Regular membership assemblies of the Fifth District shall be held in the First Week of each month except January, February, July and August, at such time and place as the District Executive Committee shall from time-to-time designate by appropriate resolution, and upon not less than five (5) days written notice to the District Delegates and alternates to such membership assembly, time and place thereof.
- Section 2: Exceptions are the January Mid-winter and the September membership assembly that may conflict with the dates of the National Convention of The American Legion.
- Section 3: Special Meetings. The Commander, or the Executive Committee, may, and upon written request of any six (6) Commanders or representative of the several Posts of the District shall call special meetings of the delegates thereof, at such time and place as the District Commander, or the Executive Committee of this District, shall determine, upon written notice of such special meeting being given to the delegates and alternates thereto at least ten (10) days prior to such special meeting; such notice to state specifically the purpose, or purposes, thereof, and the nature of the business to be transacted. At such special meeting no other business shall be transacted other than the business set forth in the notice thereof.
- Section 4: Each of the several Posts of the Fifth District shall elect or appoint its own delegates and alternates to the regular District membership assemblies of the Fifth District from members in good standing in said Posts.
- Section 5: Voting authority and strength. At any regular membership assembly or special meeting of the delegates of the Fifth District, each of the several Posts thereof shall be entitled to as many votes as the number of delegates to which such Post is entitled as defined in the Constitution Article 5 Section 2. The majority of the delegates present from such Post may cast the vote of any delegate from their Post absent from any District membership assembly, and not represented by an alternate delegate.

## ARTICLE II: Executive Committee

- Section 1: **Meetings:** Regular meetings of the District Executive Committee shall be held at the call of the District Commander at such times and places as said commander shall deem necessary or advisable. Special meetings of the Executive Committee shall be held at the call of the District Commander, or in his absence, by the District Adjutant, when requested in writing to do so by three or more members of said Executive Committee.
- Section 2: **Employment of Personnel:** The Executive Committee of this District may employ such office and other personnel as may be required for the administration of the business and affairs of this District, determine the duties of such employees, and the compensation to be paid such personnel.
- Section 3: **Subcommittee:** The Executive Committee may appoint from its membership such subcommittees, as said Committee deems necessary.
- Section 4: **Quorum:**
- a) At all meetings of the Executive Committee, 50% of the total voting strength as defined in the Constitution Article VI,
- Section 5: **Minutes:** Minutes shall be made and kept of all meetings of the District Executive Committee, and at the next regular District membership assembly such minutes shall be read and submitted to the delegates of the District for adoption, rejection, amendment or correction. Upon presentation to the delegates of this District at any regular membership assembly thereof the minutes of a previous meeting of the District Executive Committee, said minutes, if adopted by the delegates of said District membership assembly by an affirmative vote of a majority of the delegates present, then and in such case, the actions of said Executive Committee as disclosed by its said minutes shall constitute the action of this District in respect thereto. The minutes of said District Executive Committee taken at any meeting thereof, if not adopted, may upon an affirmative vote of a majority of District delegates present, be modified, amended or rejected, and any action of such Fifth District membership assembly in respect to such Executive Committee action as reflected by the minutes of its meeting, shall there-upon become the mandate of this District.
- Section 6: **Credentials:** Within thirty (30) days after the Annual District Convention and election of the District Officers thereat, each of the duly elected officers of the

District and the members serving on its District Executive Committee, shall present to the District Adjutant the original or certified copy of the discharge (DD214 or equal), from the Armed Forces as a prerequisite to such officer qualifying for the office for which he/she was elected, and the Adjutant shall keep a copy of said Discharge on file in the District records. (This requirement will also apply to the commander elected from each Post in the District.) It shall be the duty of the District Adjutant to report to the District Executive Committee the name of any such elective officer who fails to comply with the provisions hereof, and upon such report, the Executive Committee shall have the power, and the duty, to demand such elective officer's appearance before it for the purpose of presenting his/her honorable discharge from the Armed Forces, and upon such elective officer's failure to do so, the office to which such officer was elected shall be declared vacant, and another qualified Legionnaire shall be elected to fill such vacancy by the District at a regular membership assembly thereof in the manner hereinafter provided.

### **ARTICLE III: Elections, Removals, and Vacancies**

- Section 1: **Nominating Committee.** The District Executive Committee, at its regular meeting in March of each year, shall appoint a Nominating Committee consisting of nine (9) Legionnaires in good standing from the District, of which not more than one (1) member of the Nominating Committee shall be from any one Post of the District; five (5) members of said Nominating Committee shall constitute a quorum; The Nominating Committee shall have the duty of examining and inquiring into the qualifications of Legionnaires of the Fifth District willing to serve and hold District office therein, and shall submit at least one (1) qualified Legionnaire from this District as a nominee for election to each elective District office; The Nominating Committee shall meet at a time and place designated by the District Commander at least sixty (60) days prior to the Annual District Convention, and at such meeting shall elect its own chairman, and subsequent to its meeting, investigation and conclusions, shall report its recommendations and nominations to each of the several Posts of the District not less than thirty (30) days prior to such annual District Convention, and the Chairman of said Nominating Committee shall, at each annual Convention, place the recommended candidates in nomination on the floor of the Convention.
- Section 2: **Nomination Sources.** Nomination of elective officers may be made from the floor of the assembly/convention at which the election is held, whether it is at an Annual Convention, a regular membership assembly, or special election.
- Section 3: Any officer or member of the Executive Committee may be removed for cause by the affirmative vote of two-thirds of the Posts represented at the District membership assembly at which said vote is taken. Said vote shall be taken only after a full hearing upon written charges and only after the officer (to which the complaint was made) shall have been given a fair opportunity to be heard.
- Section 4: Vacancies caused by death, resignation, disqualification or removal of any elected officer of the Executive Committee, shall be filled by an election. Nominations to fill the vacancy shall be held at the next regular membership assembly or special District meeting called by the Executive Committee or District Commander for that purpose, (as per Article VII Officers: of the Constitution of the Fifth District.)
- Section 5: Delegates and Alternate Delegates from the Fifth District to the National Convention. The newly elected Commander of the District and the presiding District Commander shall, be automatically elected and declared to be delegates to the National convention of the America Legion. Delegates and Alternate Delegates from the 5<sup>th</sup> District to the American Legion National convention shall be nominated and elected by the largest number of votes cast at the Annual district convention. The fifth District will select Delegates and Alternate Delegates based on standard voting strength ,where no ballot contains more than the allowed number of delegates times the voting strength allowed, and that no delegate exceeds the number of the voting strength. Any ballot not conforming to this procedure shall be void. In the event that a Delegate, other than the newly elected Commander of the District and the presiding District Commander, attends the National convention they shall be eligible to participate as a Delegate to a National Convention not more than once every three (3) years. The Fifth District will compensate all Delegates in equal shares based on the total of the fifth District budgeted monies plus any and all Department funds allocated to the Fifth District for National convention purposes. To be eligible for Delegate or an Alternate Delegate to the National convention, a member must attend at least five (5) membership (delegate) assemblies of the fifth District starting in the year's meeting in September up to and including the District Convention in the year of election (Legion year). These member (delegate) assemblies may include the Mid-Winter Conference. The adjutant will maintain a running record of delegates that went to the prior 3 National Conventions and that a verification of attendance be made before the end of any delegate assemblies by roll call.
- Section 6: Any elected or appointed officer of this District or member of its Executive Committee who shall be absent from two (2) consecutive regular meetings of this District without sufficient excuse acceptable by the Executive Committee of this District, shall be automatically removed from voting strength, and the quorum may adjusted to reflect the new voting strength. Voting strength may be reassigned by a new member being seated to the Executive Committee, at which point the quorum may be adjusted to reflect the new voting strength.

#### ARTICLE IV: Dues

- Section 1: The annual per capita dues per member provided to be paid by the Constitution of this District shall be collected from the several Posts of the District concurrently with the collection of Post dues from members thereof, and shall be transmitted to the District or Department by the Posts for, and on behalf of, its membership.
- Section 2: District dues shall be paid per capita by all Posts thereof at a rate of three dollars (\$3.00) per member per year, and shall be paid to the District or Department at such time as the members' State and National dues are remitted. All posts shall report to the District the names, addresses, zone numbers, and Legion Card Numbers of all members as their dues are remitted.
- Section 3: The Posts of this District for memorial and/or other judicial attention shall report all transfers, expulsions, and deaths immediately to the District.
- Section 4: The District, with the approval of the Delegates at its regular membership assembly, may waive the District dues for members of the Minneapolis Veteran's Home Post No. 568.

#### ARTICLE V: Duties of Officers

- Section 1: **Commander:** The Commander shall be the Executive Officer of the Fifth District and shall preside at all meeting of the Executive Committee, and shall be a voting member of all standing and special District Committees, and shall, with the advice and consent of the Executive Committee, appoint the appointive District Officers of the District as provided by the Constitution of this District.
- Section 2: **1<sup>st</sup> Vice Commander:** The 1<sup>st</sup> Vice Commander will oversee the midwinter and annual convention planning with the help of the Convention Committee which will arrange program, facilities and contract for services. This officer will also serve as chair of vice commanders group. The 1<sup>st</sup> Vice Commander is training to become commander. The 1<sup>st</sup> Vice Commander will automatically become Commander at the end of the 1<sup>st</sup> Vice Commander's term. That election will provide a two-year commitment.
- Section 3: **Vice Commanders:** They will be named, Vice Commanders, 2nd Vice-Commander for special events, and 3rd Vice-Commander for community service. The Vice-Commanders of this District shall have such duties as may be assigned to them by the Commander or the Executive Committee of this District. The 1st Vice Commander shall oversee the midwinter and annual convention planning with the help of the Convention Committee, which will arrange program, facilities and contract for services. The special events 2nd Vice Commander shall head up planning for the various events of the district such as breakfasts, dinners and social activities. The 3rd Vice Commander for community service will shall insure all working parties are appropriately staffed to carry out planned events, and handle any tickets for those events.
- Section 4: **Membership Chairman:** This is a title assigned to a member/officer of the District who will be the spokesperson for the District. The main responsibility will be the communication between the Post and Department on the membership program and shall coordinate communication between the District and the Posts. The secondary responsibility will be the scheduling of the Vice Commander assignment and visits to the all the Posts.
- Section 5: **Finance Officer:** The Finance Officer shall be the Treasurer and custodian of the funds of this District, and shall deposit the same in such bank or banks as may be designated by the Executive Committee:
- a) The funds of this District shall not be dispersed except by checks signed by either the Commander, or the Finance Officer, or the Commander-elect, except checks over \$500.00, must be signed by two (2) Officers approved to sign.
  - b) The Finance officer shall make a written report to the Executive Committee when requested by it, and in addition the Finance Officer shall make a report at each regular District membership assembly, and shall make a quarterly report stating in detail all receipts and disbursements subsequent to his previous quarterly report.
  - c) The Commander, Finance Officer and the Commander-elect of this District shall be bonded in an amount determined by the District Executive Committee.



Section 6: **The following rules will govern District operations.**

- a) That funding of the Department Rally tickets for Fifth District officers be limited to ten, which includes the National and Department officers elected from the District and not otherwise funded
- b) That all committees in charge of activities or events involving cost to the District prepare and submit a plan of action including estimated costs for approval by the Finance Committee and the Executive Committee before those items are included in the budget preparation for the next fiscal year. Funding will be set at the previous year's level unless otherwise changed by action of the respective Committee, Finance Committee or Executive Board.
- c) That the board institute a policy specifying that approval indicated by formally authorizing a financial budget be taken as authority for making related expenditures (without need for additional, advanced approval by the Finance Committee) and that the Board and/or General Assembly approved expenditures not included in the approved budget be screened and approved by the Finance Committee before expenditure is authorized.
- d) The financial draft budget for the upcoming fiscal year be submitted by the Finance Officer at the May Membership Assembly and be approved at the District Convention in June.
- e) That the Commander in consultation with the Public Relations Committee will establish, and the board certifies, those on the mailing list for FLASH receipt at District expense.
- f) An internal audit will be commissioned at the end of each Legion year and will be paid in accordance with the actions of the executive committee. Results will be reported at the October membership assembly.
- g) That 5% of the amount received from membership dues during the fiscal year for that membership year be transferred to the sustaining fund immediately following that membership year, and that the transfer of funds take place only if the balance of the fund goes below \$10,000, and that no transfer of funds occur as long as the fund is above \$10,000.

**ARTICLE VI: Standing Committees**

The District Commander shall appoint such Committees as are provided by these bylaws, and such other Committees, as shall be from time-to-time deemed advisable subject to ratification by the District Executive Committee following appointment of such Committee. The Standing Committees of this District shall be:

**Convention and Conference Committee:** The Commander shall with the advice and consent of the Executive Committee, appoint a permanent Convention and Conference Committee consisting of six (6) members. Said Committee shall consist of two (2) members with a one (1) year term, two (2) members with a two (2) year term and two (2) members with a three (3) year term. Subsequent yearly appointments shall be for a period of three (3) years, except in the case of a vacancy on said Committee, in which event a successor shall be appointed to fill the un-expired term only. Said Committee shall formulate the Convention and Conference Committee policies for the District subject to the approval of the District Delegates.

**Special Events Committee:** The Fifth District American Legion, Department of Minnesota, shall have a Committee of at least three (3) as the "Special Events Committee". It shall be the duty and function of this Committee to investigate all projects of a money-making nature offered or available to the Fifth District American Legion, and shall decide which attractions so offered or available shall be recommended for acceptance by this District and promote such projects if accepted; Said Committee shall report to the Executive Committee and to Fifth District Assembly on all proposed money-making projects, and shall submit with its report a recommendation as to the allocation of profits to be derived from such projects. This District shall accept no project until the allocation of profits from such a project has been determined; The Finance Officer of this District shall establish a Special Attractions Fund, which is a reserve account not to exceed \$1,000.00 if special events are proposed. The members of this Committee shall consist of District Vice-Commanders plus 1 to 4 persons selected from membership of legion, SAL, auxiliary and juniors.

**Finance Committee:** The District Commander shall appoint a Finance Committee of at least seven (7) members consisting of the District Finance Officer, as Chairman, and six (6) members, at least two (2) selected from the Executive Committee, and (2) be Past Commanders of the Fifth District. The Finance Committee shall be responsible for the preparation of the annual budget, which is subject to approval by the Executive Committee. Any non-budgetary expenditure shall first be referred to the Finance Committee for review and recommendation.

**Ethics Standing Committee:** The District Commander with the advice and consent of the District Executive Board shall appoint a Committee of five (5) members, one (1) serving for one (1) year, one (1) serving for two (2) years, one (1) serving for three (3) years, one (1) serving for four (4) years and one (1) serving for five (5) years. Subsequent yearly appointments will be for five (5) years. The member serving his/her last year shall be the Chairperson of the said Committee. A Committee member serving the last year of their term may be reappointed to succeed their self. In event of a vacancy occurring during the term, of any one Committee member, the District Commander shall appoint his/her successor to fill only the un-expired term of office. Duties of the Ethics Committee shall be the investigation of any and all complaints received by this District in writing as hereinafter provided relating unethical practices authorized, tolerated or condoned in meeting rooms, clubrooms and event locations. All complaints, referred to shall be submitted in writing signed by the complainant, setting forth the alleged wrongful or unethical practices complained of to the Fifth District Executive Committee and/or The District Commander. If any complaint referred to the "Ethics Committee" cannot, within a reasonable time, be adjusted by direction the said Ethics Committee shall report its findings to the District Executive Committee for such further action as it deems necessary and proper in the best interests of The American Legion.

**The Resolutions Committee:** will receive and insure appropriate format of all Resolutions presented to a Regular Fifth District membership assembly. The Chairman of the District Resolutions Committee will direct investigation and confirmation of the facts in subject resolution. The Chairman of said Resolutions Committee shall submit the Committee's recommendation on any and all resolutions referred to the Committee at the next subsequent Fifth District membership assembly. Any resolution submitted to a regularly scheduled Fifth District membership assembly pertaining to an action or decision that will take place prior to the next regularly scheduled membership assembly of the Fifth District may be voted upon and adopted by the affirmative vote of two-thirds of the votes cast thereon.

**Long Range Planning and Post Development Committee:** The Commander shall, with the advice and consent of the District Executive Committee, appoint a permanent Committee of five (5) members, one (1) member of said Committee shall hold office for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, one (1) member for a term of four (4) years, and one (1) member for a term of five (5) years. Subsequent yearly appointments shall be made for a period of five (5) years. In event of a vacancy occurring during the term of any Committee member, the Commander shall appoint a successor to fill only the un-expired term of office.

**Awards and Fifth District Legionnaire of the Year Committee:** The Commander shall appoint a permanent "Awards and Legionnaire of the Year Committee," consisting of the last five (5) recipients of the award. In event of a vacancy occurring during the term of any one-committee member, the member serving his/her last year on the committee shall return as a member of committee for one year. But not as its chairmen.

**Public Relations Committee:** The Fifth District American Legion, Department of Minnesota, shall have a Committee of at least two (2) Legionnaires for a 1 year term plus 1 to 4 persons selected from membership of the legion, SAL, auxiliary and juniors known as the "Public Relations Committee". It shall be the duty and function of this Committee to coordinate with the local media in the Fifth District any pertinent information that affects the Fifth District American Legion in the Department of Minnesota. They shall also oversee all Legion related communications, including the FLASH newsletter, which is disseminated to the Posts and public. They shall report to the Executive Committee and to Fifth District Assembly on all proposed programs that will be included in these communications.

**Constitution and By-Laws Committee:** The Commander shall, with the advice and consent of the District Executive Committee, appoint a permanent Committee of five (5) members, one (1) member of said Committee shall hold office for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, one (1) member for a term of four (4) years, and one (1) member for a term of five (5) years. Subsequent yearly appointments shall be made for a period of five (5) years. In event of a vacancy occurring during the term of any Committee member, the Commander shall appoint a successor to fill only the un-expired term of office.

**ARTICLE VII: Motions**

Section 1: In event a motion to table is made and seconded by any delegate in respect to any resolution or matter presented to the Delegates of this District at any regular or special meeting thereof, or at any Annual Convention, the delegate presenting such matter, or the Chairmen of the District Resolution Committee presenting such Resolution, shall before the Commander or presiding officer puts said motion to table to a vote, be granted a period of at least three minutes within which to present the subject matter of such resolution or proposition proposed, after which, without debate, said motion to table may be put to the delegation for a vote.

Section 2: Where not inconsistent with the Constitution and Bylaws of this District, Robert's Revised Rules of Order shall govern the conduct of this District at all assemblies/meetings and in Annual Convention.

I, James Munson, Adjutant of the 5<sup>th</sup> District, Department of Minnesota, American Legion, attest that this Constitution and By-Laws are current and up to date effective June 3, 2013.

*James A Munson*

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James A Munson