

# The American Legion Department of Virginia



## 16<sup>th</sup> District Bylaws

Revised  
10 June 2001

## ARTICLE I

Section 1. The organization existing under these Bylaws is to be known as the Sixteenth District, Department of Virginia, The American Legion.

Section 2. The Sixteenth District shall be governed by the Constitution of the Department of Virginia, which is hereby adopted as the Constitution of the Sixteenth District, and these Bylaws are intended to adapt that document to essentially local situations.

Section 3. These Bylaws are adopted subject to the provisions of the National Constitution of the American Legion and the Department Constitution. Any amendment to the said National or Department Constitutions which is in conflict with any provision hereof shall be regarded as automatically repealing or modifying the provisions of these Bylaws to the extent of such conflict.

Section 4. Any Post in the Sixteenth District, that knowingly violates any Section of these Bylaws, may, by action of the Sixteenth District Executive Committee, be sanctioned and denied participation in any and all Sixteenth District programs, activities and functions. Should said sanctioning action be executed against a Post in the Sixteenth District, the sanctioned Post will be given formal written notice, within ten (10) days of the District Executive Committee action. The formal notice will indicate the specific violation, the action taken by the District Executive Committee, the period of the sanction, and the corrective action required by the Post to remove the sanction. This notice will also inform the Post of its right to appeal, and the procedure for such appeal.

## ARTICLE II - DISTRICT OFFICERS

Section 1. The elected officers of the District shall be a Commander, three Vice Commanders of equal rank, Finance Officer, Sergeant-at-Arms, Chaplain and, with the exception of the provisions detailed under Article VIII of these Bylaws, one-Finance Committee Member.

Section 2. Officers of the District will be elected at the District Convention in accordance with Article VI, Section 2, of the Department Constitution.

Section 3. The District Commander, immediately upon assuming office, shall appoint the following District officers: Adjutant, Historian, Judge Advocate and Service Officer. In addition, the District Commander, immediately upon assuming office, shall, as provided for in Article I, Section 6 of the Department Bylaws, designate one of the elected District Vice Commanders as his Deputy Commander.

Section 4. District officers and members of the Executive committee shall serve for a term of one year, which shall commence immediately upon adjournment of the Department Convention of the year of election or appointment until the adjournment of the Department Convention of the next succeeding Legion year.

## ARTICLE III - MANAGEMENT

Section 1. The government and management of the District is entrusted to a committee to be known as the "Executive Committee".

Section 2. The Executive Committee shall consist of all the elected and appointed officers of the District, the immediate Past District Commander, the Post Commanders of each Post in good standing of the Sixteenth District and all Past District Commanders subject to the limitations of Section 5. of this Article. A Post Commander may, if necessary, designate a representative from his Post to attend the Executive Committee meetings with authority to exercise the Post Commander's vote. Designation of an alternate representative by a Post Commander, should be communicated to the District Adjutant in writing or via phone call, prior to the Executive Committee meeting at which the alternate representative will act on behalf of the designating Post Commander. The District Adjutant shall act as the Executive Committee Secretary.

Section 3. The Executive Committee shall meet at the call of the District Commander or upon the written request of four (4) members of the Executive Committee, provided, however, that regular meetings of the Executive Committee shall be held at least once each calendar quarter.

Section 4. Those members of the Executive Committee in good standing, present and having a vote, shall constitute a quorum. A majority vote is required to carry any measure unless otherwise specified in these Bylaws.

Section 5. All Past District Commanders, except the immediate Past Commander, while a member of a Post in this District shall be members without a right to vote.

Section 6. Upon the death, inability or unwillingness to serve On the part of any District officer, selected or appointed, the vacancy shall exist until the District Executive committee, if appropriate, meets and, by a majority vote, fills such vacancy. However, if the vacancy exists in the office of Commander, the Deputy Commander shall immediately advance to that office until the Commander is able to resume the position, if appropriate, or until such time that the Executive Committee meets and, by majority vote, elects a Commander. In all cases, the term of office of the individual elected by the Executive Committee, under the provisions of this Section, shall be only for the unexpired term of office of the vacancy filled.

Section 7. It shall be the duty of the District Executive Committee to review and approve the budget submitted by the Finance Committee and to act upon, accept or reject all expenditures of funds which exceed the approved budget.

Section 8. The Executive Committee shall cause the financial records of the District to be audited on an annual basis.

Section 9. All matters of policy relating to the District and not otherwise covered by these Bylaws shall be referred to the District Executive Committee for determination.

Section 10. All meetings of the District Executive Committee shall be open to all Legionnaires in good standing, provided, however, that no Legionnaire who is not a member of the Committee

shall speak except by unanimous consent of the Committee. Notices of Executive Committee meetings shall be sent to each member by the District Adjutant at least ten (10) days prior to the date of the meeting,

#### ARTICLE IV - DISTRICT STANDING AND SPECIAL COMMITTEES

Section 1. The District Commander shall, within 30 days of assuming office, appoint the following Standing Committee Chairpersons: Americanism, Athletic, Boys State, Children and Youth, Constitution and Bylaws, Credentials, Foreign Relations, Junior Law Cadet, Junior Sports Shooting, Legislative, Membership, National Security, New Post, Nominating, Oratorical, Public Relations, Rehabilitation (VAVS), Resolutions and Sons of the American Legion.

Section 2. The District Commander may appoint such other Special Committees as deemed necessary from time to time.

Section 3. Each Standing or Special Committee Chairperson, shall upon the call of the District Finance Officer, submit an annual budget to the District Finance Committee.

#### ARTICLE V - DUTIES OF OFFICERS

Section 1. The District Commander shall be the executive head of the District with full power to enforce the provisions of these Bylaws and the will of the District Executive Committee and of the District Convention. He shall be the chairman of the District Executive Committee and perform such duties specified in Article I, Section 5, of the Department Bylaws and other necessary and required duties as are usually incident to the office. The District Commander shall, at his/her call, but before the District Fall Conference, hold a District Organizational meeting. When so called, the District Organizational meeting should be attended by all elected and appointed District Officers and all appointed District, Standing or Special Committee Chairpersons.

Section 2. Within thirty (30) days after the adjournment of the Department Convention, District Fall Conference and District Spring Conference, the District Commander shall assign to each District Vice Commander, five (5) specific Posts to be under his/her special supervision.

Section 3. The District shall make quarterly reports to the Department Commander showing the condition of the District. Forms for such reports will be furnished by Department Headquarters. The District Commander shall also cause a written report, indicating the condition of the Post, to be sent to the District Adjutant by each Post in the District at least thirty (30) days prior to the date fixed for the District- Conferences-and Convention.

Section 4. In case of absence or inability of the District Commander to act, the designated Deputy Commander as provided for and within the provisions thereof, in Article III, Section 6 of these Bylaws, shall act in his place.

## ARTICLE VI - DISTRICT VICE COMMANDERS

Section 1. District Vice Commanders are responsible to promote, stimulate and coordinate Legion programs so that the work of the Posts becomes more effective. Vice Commanders are responsible for direct liaison with the Posts and will assist in membership efforts and establishing and organizing new Posts in the District They will report membership progress with appropriate recommendations to the Membership Chairman and the District Commander.

Section 2. During the year, all Vice Commanders will, as a minimum, attempt to attend one **(1)** regular membership meeting of each assigned Post within the District. All visits will be coordinated with the Post Commanders of the Posts to be visited.

Section 3. The District Vice Commanders shall submit a written report, indicating their Legion activities, to the District Adjutant at least fifteen (15) days prior to the date fixed for the District Conferences and Convention. If desired, the District Vice Commander may present the-report, submitted to the District Adjutant, on the floor of the District Conference or Convention, otherwise, the District Adjutant will cause the report to be made part of the official minutes of the Conference or Convention.

## ARTICLE VII - FINANCE

Section 1. The District Finance Officer, Assistant Finance Officer and Adjutant shall be bonded for amounts determined by the Executive Committee.

Section 2. Each Post in the Sixteenth District shall be assessed dues in the amount of twenty cents (\$.20) per member for the use in defraying official operating expenses of the District, except that the Executive Committee, upon recommendation of the Finance Committee, may waive for a given year such assessment when the Finance Committee determines that the financial condition of the District does not warrant collection of the dues. The District assessed dues shall be based on the Department membership of each Post indicated on the last Department membership report preceding the District Convention and will be transmitted to the District Finance Officer not later than first day of August of the current year.

Section 3. The Finance Committee shall consist of the Finance Officer and three (3) members elected at a District Convention. The Finance Officer shall serve as Chairman and shall annually designate one of the elected Committee members as the Assistant District Finance Officer.

Section 4. The Finance Committee shall prepare a budget for the current year.

Section 5. The Finance Committee shall make recommendations to the Executive Committee on the collection of District dues authorized in Section 2 of this Article. The Committee shall recommend to the Executive Committee approval of the funding of new programs projects or expenditures of funds not contained in the budget.

## ARTICLE VIII - NOMINATIONS AND ELECTIONS

Section 1. The 16th District will hold an annual election of officers as prescribed in the Constitution of the Department of Virginia, ARTICLE VI, Section 2.

Section 2. There shall be a District Nominating Committee consisting of a representative of each Post in the District, designated by such Post with the authority to exercise their vote. Each Post represented on the District Nominating Committee shall be authorized to cast one (1) collective vote on all matters so determined.

Section 3. The Chairman of the District Nominating Committee shall, within thirty (30) days of the date set for such meeting, cause a written notice to be sent to each Commander and Adjutant, of each Post in good standing in the District, indicating the date, time and place of the District Nominating Committee meeting.

Section 4. Any Legionnaire in good standing in the Sixteenth District shall be eligible for nomination to any of the offices set forth in Article II at the District Nominating Committee meeting.

Section 5. Notwithstanding the provisions of Section 2 of this Article, any Legionnaire in good standing in the Sixteenth District may be nominated for any District elective office at the District Convention

Section 6. At the first District Convention held after the adoption of these Bylaws, three (3) District Finance Committee members shall be elected. Each District Finance Committee member will be elected for a specified term of one (1), two (2) or three (3) years. Subsequently, one (1) District Finance Committee member will be elected annually, at the District Convention, for a three (3) year term. Any vacancies, which are created, other than those that result from the expiration of an elected term, shall be filled under the provision of Article III, Section 6.

## ARTICLE IX - DISTRICT CONVENTION

Section 1. The legislative body of the District shall be the District Convention to be held annually at least thirty (30) days and not more than sixty (60) days prior to the Department Convention. The time and place for the District Convention shall be determined by the District Commander.

Section 2. Each Post shall be entitled to two (2) votes and to an additional vote for each fifty (50) members whose annual dues have been received by Department Headquarters prior to the opening of the District Convention. Upon a roll-call, the voting shall be by Posts in order of Post membership standing.

Section 3. Each Past Sixteenth District Commander shall be an ex-officio delegate, with vote, to the District Convention, provided that he is a member in good standing of a Post within the District, and is present at the District Convention, and provided further that the vote of such ex-officio delegate shall be added to and cast with the vote of his respective Post and; provided further that no person shall cast more than one vote as an ex-officio delegate and that the vote of an ex-officio delegate shall not be bound nor controlled by the vote of his respective Post.

Section 4. It shall be the duty of the District Adjutant to ascertain, from Department Headquarters, the membership of each Post within ten (10) days prior to the opening of the District Convention.

Section 5. A quorum exists at the District Convention when 40 percent (6) of the Post in the District are represented.

Section 6. Delegates and Alternates to the National Convention shall be elected at the District Convention in accordance with the provisions of the Department Constitution, Article XIII.

#### ARTICLE X - DISTRICT CONFERENCES

Section 1. The Fall and Spring Conferences of the Sixteenth District shall be held annually not more than thirty (30) days prior to, nor following the Department Fall and Spring Conferences, at a time and place determined by the District Commander.

Section 2. The District Fall and Spring Conferences shall be the legislative bodies of the District for the transaction of business that pertains to the District or Posts thereof and which does not require action by the Department or National Conventions for its implementation. Such business shall include, but not be limited to, reports of all standing and special committees, resolutions, District finances and other District administrative matters, and the actions of the Conference shall constitute a mandate to the administrative component of the District.

#### ARTICLE XI - RULES

Section 1. All proceedings of the District shall be conducted under and pursuant to ROBERT'S RULES OF ORDER, REVISED with such modifications as may be adopted by the District in meetings assembled.

## ARTICLE XII - AMENDMENTS

Section 1. These Bylaws may be amended at any District Convention by a vote of two-thirds (2/3) of the delegate strength present and voting, provided, that a notice of the proposed amendment shall have been sent to all Post Commanders and Adjutants at least thirty (30) days prior to the convening of the District Convention

Section 2. These Bylaws shall become effective immediately upon the adjournment of the District Convention at which they are adopted.