

**THE AMERICAN LEGION, Department of Texas**

1624 East Anderson Lane  
Austin, TX 78752

PH: 512/472-4138

FAX: 512/472-0603

txlegion@txlegion.org



July 14, 2019

The American Legion 3<sup>rd</sup> Division  
3<sup>rd</sup> Division Commander Robert Masten  
2 Horseshoe Canyon  
San Antonio TX 78258

Dear Commander:

Enclosed please find the Constitution and By-Laws for the American Legion 3<sup>rd</sup> Division. The American Legion, Department of Texas, as approved by the Department Executive Committee on July 14, 2019.

If you have any questions, please feel free to call me.

"Still Serving America"

A handwritten signature in black ink, appearing to read "William West", written over a horizontal line.

William West  
Department Adjutant

MTP: njb

CC: Dan Corbin,  
Department Judge Advocate

Enclosure: Approved Constitution & By-Laws

**CONSTITUTION AND BY-LAWS  
THIRD DIVISION  
THE AMERICAN LEGION, DEPARTMENT OF TEXAS**

JUN 11 2019

**CONSTITUTION**

**RECEIVED**

**ARTICLE I – NAME**

The name of this organization is the Third Division, The American Legion, Department of Texas. The Headquarters of the Division is the City in which the Division Commander resides.

**ARTICLE II – PURPOSE**

The purpose of the organization is, as provided by the Constitution and By-Laws of The American Legion, Department of Texas and regulations of The American Legion, to perform all functions of a Division of the organization.

**ARTICLE III – MEMBERS**

All American Legions Posts in good standing within the 9<sup>th</sup>, 10<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup> and 23<sup>rd</sup> Districts of The American Legion, Department of Texas shall comprise the membership of the Third Division.

**ARTICLE IV – OFFICERS**

Officers of the Third Division are the Commander, Vice Commander, Adjutant, Judge Advocate, Chaplain, Finance Officer, and Sergeant at Arms.

**ARTICLE V – AMENDMENTS**

Section 1: This Constitution may be amended at any Division Convention by a 2/3 majority vote. A record of all votes shall be recorded in the minutes of the Convention.

Section 2: All proposed amendments to the Constitution must be presented to the Chairman of the Constitution and By-Laws Committee of the Convention by noon of the first day of the Convention.

# **BY-LAWS**

## **ARTICLE I – CONVENTIONS**

**Section 1:** The Division shall hold one convention each year, at the call of the Commander. As soon as practicable thereafter, but within 30 days, the Adjutant shall forward a record of the proceedings to the Department Adjutant.

**Section 2:** Upon the failure or refusal of the Commander to call a Division Convention, three Posts in the Division shall have the authority to call the Convention and the Convention shall be recognized as duly constituted, provided all Posts within the Division have been notified in writing and a quorum, as required by these By-Laws is present.

**Section 3:** The registration fee at Division Convention shall be as set by the Host Post or Host District, with the express consent of the Division Commander.

**Section 4:** The Division Commander, or Adjutant if directed, shall notify all posts of the date and location of the Convention not less than three (3) weeks prior to the Convention.

## **ARTICLE II – ELECTION OF OFFICERS**

**Section 1:** The Division Commander and Vice Commander shall be nominated and shall serve for a period of one year as provided by the Department By-Laws. In case of vacancy in the Command Position, the Vice Commander will notify the Department Commander in accordance with Article IV, Section 4, paragraph d. of the Department By-Laws.

**Section 2:** The Commander shall appoint the Adjutant, Finance Officer, Judge Advocate, Chaplain, and Sergeant at Arms. He may appoint other Officers if needed, provided they don't conflict with the Department or National Constitutions and By-Laws. If the Commander's position is vacated, all appointed Officers will remain in place until the next Division Convention.

## **ARTICLE III – DELEGATES**

Each Post shall elect or appoint delegates to the Division Convention in accordance with the appropriate level By-Laws; and will be certified by Post officials. In the absence of a certified list of delegates, the Credentials Committee of the Convention may recommend the seating, as delegates, those members present from Posts which did not formally file a list of delegates.

**ARTICLE IV – COMMITTEES**

At Division Conventions, the Commander shall appoint committees on Rules, Credentials, Resolutions, Constitution and By-Laws and such other committees as are deemed advisable. Committee members shall consider matters so referred and report recommendations to the Convention.

**ARTICLE V – VOTING STRENGTH**

Voting strength will be as is determined and reported to the Division Commander by the Department Adjutant.

**ARTICLE VI – QUORUM**

Delegations from at least ten (10) percent of the Posts in the Division shall constitute a quorum for the transaction of Convention business.

**ARTICLE VII – ORATORICAL SCHOLARSHIP**

Upon proven enrollment, the winner of the Third Division Oratorical contest will receive a scholarship, payable to a College or University, in an amount approved by the Third Division Convention. The Division requires the Post or District hosting the annual Convention to contribute the approved amount to the Third Division Oratorical Fund.

**ARTICLE VIII – AMENDMENTS**

Section 1: These By-Laws may be amended at any Division Convention by a 2/3 majority vote. A record of all votes shall be recorded in the minutes of the Convention.

Section 2: All proposed amendments to the By-Laws must be presented to the Chairman of the Constitution and By-Laws Committee of the Convention by noon of the first day of the Convention.

**ARTICLE X – REPEALING CLAUSE**


All prior versions of the Third Division Constitution and By-Laws are hereby repealed. This version forms the sole governing authority of the Third Division.


## **STANDING RULES**

- 1. The amount of the Third Division Oratorical Scholarship shall be \$500.00 plus any additional contributions.**
- 2. The only authorized raffles during a Convention are those of the Host Post/District and the Oratorical Committee.**
- 3. The Division Commander will be elected last.**
- 4. The incumbent offices of Finance Officer and Adjutant are desirable to maintain continuity, financial management and record keeping within the Division. As such, the incoming commander is encouraged, but not obligated, to reappoint these officers if they are willing to continue to serve.**

### THIRD DIVISION CERTIFICATION

We, the following officers of the Third Division, The American Legion, Department of Texas hereby certify that the foregoing Constitution and By-Laws, after due notice was given to all members, was adopted at a regular meeting of the Third Division Convention on the 2<sup>nd</sup> day of June, 2019, A.D.

  
\_\_\_\_\_  
TEDDY WEEKS  
Commander

**ATTESTED:**  
  
\_\_\_\_\_  
RONALD G. CHERRY  
Adjutant

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### DEPARTMENT CERTIFICATION

Passed on by the Department Judge Advocate on the 23<sup>d</sup> day of June, 2019, A.D., and Approved by the Department Executive Committee on the 11<sup>th</sup> day of July, 2019, A.D.

  
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DAN CORBIN  
Department Judge Advocate