



Department of _____

Constitution

and

Bylaws

As Amended by the Convention Delegates

On _____

CONSTITUTION

ARTICLE 1 - AUTHORITY

Under the authority of the National Constitution and Bylaws of the Disabled American Veterans (DAV), Incorporated and under the authority of the National Charter, there is hereby established the "Disabled American Veterans, Department of _____."

ARTICLE 2 - PURPOSE

To uphold and maintain the Constitution and the laws of the United States and the State of _____, to realize the true American ideals and aims for which those eligible for membership fought; to advance the interest and work for the betterment of all wounded, gassed, injured and disabled veterans; to cooperate with the United States Department of Veteran Affairs and all other public and private agencies devoted to the cause of improving and advancing the condition, health and interest of all disabled veterans; to stimulate a feeling of mutual devotion, helpfulness and comradeship among all disabled veterans; to serve our comrades, our communities and our country; and to encourage in all people the spirit of understanding, which will guard against future wars.

ARTICLE 3 - MEMBERSHIP

Section 1. The DAV, Department of _____, will consist of all Chapters of such Department that have been chartered by the National Executive Committee.

Section 2. Qualifications for membership will be in accordance with the National Constitution and Bylaws of the DAV.

ARTICLE 4 - POWERS

To have perpetual succession, with power to sue and be sued in courts of law and equity; to receive, hold, own, use and dispose of such real estate and personal property as will be necessary for its corporate purpose; to adopt a Constitution, Bylaws and Regulations to carry on its purposes, consistent with the laws of the United States and the State of _____; to establish and maintain offices for the conduct of its business; to establish local chapters; to publish a newspaper or other publication devoted to the purposes of the Corporation and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the Corporation.

ARTICLE 5 - ADMINISTRATIVE

Section 1. All administrative affairs of the Department shall be decided by Chapter Delegates during the Department Convention. Between Department Conventions, the administrative affairs of this organization will be vested in the Department Executive Committee (DEC), to be composed of the Department Commander; immediate Past Department Commander (PDC); Department Senior and Junior Vice-Commanders; and one Department Executive Committee Member from each of the Chapters within the state of _____; as they are now or may from now on be composed and included in this organization.

Section 2. Each Department Convention will elect a Department Commander, Department Senior Vice-Commander, Department First Junior-Vice Commander, Department Second Junior Vice-Commander, Treasurer, Department Judge Advocate and Department Chaplain.

Section 3. The Department Commander will serve for one (1) year.

Section 4. The Department Commander or in his absence the next highest officer will preside at all regular or special meetings of the Department. He will maintain order and dispatch such business as may legally come before him/her. He will perform all other duties including those set forth in this Constitution and Bylaws, and all other duties as may be lawfully delegated by the DEC.

Section 5. All checks or vouchers issued by the Department must be countersigned by two (2) of the following; Commander, Senior Vice Commander or Treasurer. No blank checks shall be signed in advance. There will also be no credit or debit cards issued to any officer, member or employee in the name of the Department.

Section 6. Elected Department Officers in succession will perform the duties of the Department Commander in case of his absence, death, resignation or removal.

ARTICLE 6 - LEGISLATION

The supreme legislative powers of the Department will be vested in the Department Convention that will be composed of the elected Department Officers and all Chapter Delegates.

ARTICLE 7 - EXECUTIVE

The executive power of the Department will be vested in the Department Commander.

ARTICLE 8 - AUXILIARIES

This Department recognizes a DAV Auxiliary and National Order of Trench Rats as auxiliary units of the Department of _____, subject to its supervision and recommendations.

ARTICLE 9 - AMENDMENTS

Section 1. This Constitution may be amended at any Department Convention by a majority vote of the regularly elected and qualified delegates thereat, if three-fourths (3/4) of the Chapters then in existence and in good standing have ratified the proposed amendments, which ratification must take place within 60 days of Department Convention.

Section 2. The Constitution and Bylaws and all changes and amendments thereto must not be in conflict with the National Constitution and Bylaws, and must have the approval of the National Judge Advocate.

ARTICLE 10 - GENDER

The masculine, whenever used in the Department Constitution and Bylaws, will include the feminine gender.

BYLAWS

ARTICLE I - ORGANIZATION

The governing bodies of the Department will be the Department Convention, the Department Executive Committee and the Chapters.

ARTICLE II - ALLEGIANCE

This Department recognizes the National Organization known as Disabled American Veterans, incorporated by Act of Congress, and affirms its allegiance, and subordination, to the National Organization, its Constitution, Bylaws and all rules, mandates and regulations promulgated pursuant thereto. Upon the dissolution of the Department, the assets remaining after the payment of its debts will be distributed as provided in the National Bylaws. The Charter of this Department, issued by the National Organization, is its authority to function and will be displayed at all regular meetings.

ARTICLE III - DEPARTMENT CONVENTION

Section 1. A Department Convention shall be held annually, before the National Convention, unless prohibited by a local, state or National emergency.

a.) The DEC will approve the area location of the Department Convention and DEC meetings at least three (3) years in advance, upon recommendations made to it by the Department Adjutant.

b.) Invitations from Chapters must be submitted in advance to the Department Adjutant so he can examine the facilities and obtain the best offer for submission to the DEC.

Section 2. In addition to the other duties or powers set forth in the Constitution and Bylaws, the Department Commander will be the presiding officer of the Department Convention and of the DEC, and all other committees as may be authorized by the Convention or the DEC.

Section 3. The Department will be responsible for its annual convention. The Department may ask the Chapters around the convention site to help with certain convention responsibilities.

Section 4. Each Chapter will be entitled to one (1) delegate and one (1) alternate for its charter and, in addition thereto, one (1) delegate and one (1) alternate for each twenty-five (25) members in good standing provided, however, that recognition will not be extended to any delegate of any Chapter that is indebted to the Department until they pay such indebtedness in full. Notwithstanding the foregoing, in the event a Chapter is unable to fill all delegate or alternate offices to which it is entitled, or in the event any delegation is entitled to cast more votes than the number of delegates present, then the votes to which it is entitled shall be divided equally among those present. Membership strength of each Chapter shall be based upon the official membership report from the National Organization for the month preceding the Department Convention.

Section 5. The Department Commander, elected Department Officers and the Immediate Past Department Commander will be entitled to one (1) vote each. The Department Commander, elected Department Officers and Immediate Past Department Commander may register as a Delegate

from their Chapter and vote as a Chapter Delegate. If registered as a Chapter Delegate, they may not register and vote as mentioned in this Section.

Section 6. A quorum is thirty-five percent (35%) of the voting Chapters and voting officers combined who answer roll call on the first day of the Department Convention.

Section 7. There will be no form of unit rule, voting by proxy, or absentee ballot. The current printed Robert's Rules of Order will govern except as otherwise hereafter specifically stated.

a.) Rule 1. For the purpose of recognition, a member of the Convention must stand, if possible, go to the microphone, address the chair as Mr. Chairman, state their name, chapter, or title and will proceed to speak only after recognition by the Chair.

b.) Rule 2. Debate will be limited to five (5) minutes for each speaker, except by a two-thirds (2/3) majority consent.

c.) Rule 3. Recognition shall be granted only once to any one speaker on any one subject, except that a rebuttal of not more than 3 minutes may be permitted. Additional recognition may be granted by a two-thirds (2/3) vote of the body.

d.) Rule 4. No person who has talked for or against any motion, resolution, or report on the convention floor will be permitted to make a motion to table the same. A motion to table is not debatable and will require a two-thirds (2/3) affirmative vote. A tabled motion may be taken from the table for reconsideration by majority vote.

e.) Rule 5. Voting will be via voice, except during the election of Department Officers, and unless a roll call is demanded by the Chairman or Acting Chairman of the Convention or by at least ten percent (10%) of the delegates present, provided, however, that the election of Department Officers may be made by via voice when there is no contest. In the event more than two (2) candidates are nominated for the same office and no candidate receives more than (50) percent of the votes in the first balloting, the two (2) candidates receiving the most votes will compete in a run off election.

f.) Rule 6. Not later than noon on the second day of the Convention, the Department Commander will appoint a Credentials Committee that will consist of the Department Senior Vice-Commander, Department Adjutant and three (3) other members. It will be the duty of this committee to check the credentials of those registered, and no Chapter Delegate will be allowed to vote unless all debts owed to the Department have been paid and certified by this committee.

g.) Rule 7. Mandates and Resolutions adopted at each Department Convention will be effective only until the next Convention unless re-adopted at such Convention.

Section 8. A recording will be made of all Convention/DEC proceedings. These recordings are to be kept on file for five (5) years after the Convention/DEC. These recordings will be available to any member, by appointment, in the Department Adjutant's office. Recordings from the proceedings will be transcribed and the minutes thereof will be submitted at the next meeting for approval. The approved minutes will be the only official minutes of these proceedings. Minutes of the Department Convention and DEC meetings will be posted electronically and mailed to the chapters not later than 45 days after the Convention/DEC

meeting.

ARTICLE IV - DUTIES AND RESPONSIBILITIES OF ELECTED OFFICERS

Section 1. The Department Commander, in addition to the duties or powers set forth in the Department Constitution and Bylaws will be the presiding officer of the Department Convention and DEC.

Section 2. The Department Senior Vice-Commander will be the Chairman of the Legislative Committee.

Section 3. The Department First Junior Vice-Commander will serve as Chairman of the Membership Committee. He will oversee all membership programs and help the Second Junior Vice-Commander on planning the following year's program.

Section 4. The Department Second Junior Vice-Commander will be Chairman of the Service Committee.

Section 5. The Department Treasurer will attend all Department Finance Committee meetings with voice and vote.

a.) The Department Treasurer will make all deposits of funds without any offsets or deductions, in the name of the Department. He will make authorized disbursements, and shall maintain the Department's financial records. He will provide a report during each Department Convention, DEC meeting and Department Finance Committee meeting.

b.) The Department Treasurer will not disburse funds except as provided for in the approved budget without first being approved by the DEC.

d.) The elected Department Officers and the Department employees will be bonded in an amount equal to but not to exceed the total net worth of the Department.

e.) All checks must be printed with the name of the Disabled American Veterans, Department of _____, address, telephone number, consecutive numbers and two signature lines. The signature lines will be for the Department Commander, the Department Treasurer and/or the Department Senior Vice-Commander. There shall be no credit or debit cards issued to any officer, member or employee in the name of the Department.

f.) The Treasurer will be responsible for filing the appropriate IRS Form 990 with the Internal Revenue Service prior to November 15th of each year.

Section 7. The Department Judge Advocate will, upon request of the Department Commander, DEC or Department Convention, render his opinion upon all questions arising out of Department and Chapter matters as they may relate to the Department Constitution and Bylaws.

a.) Upon receiving the opinion of the Department Judge Advocate upon any question, the Department Commander shall render a decision which shall be final unless a written notice of appeal is submitted to the Department Executive Committee, within thirty (30) business days after mailing of the Department Commander's decision. Such appeal, (stating the grounds on which

the appeal is based), will be sent to the Department Adjutant by mail, Return Receipt Requested, who will in turn disseminate the appeal to the SEC members.

b.) In the event such appeal is filed the decision of the Department SEC will be final unless a written notice of appeal to the Department Convention, (stating the grounds of the appeal), is filed with the Department Adjutant by mail, Return Receipt Requested, within forty-five (45) days of the mailing of the DEC's decision. Under any such appeal, the burden shall be on the appellant to demonstrate that the decision is clearly erroneous. In all such cases, the decision of the Department Convention shall be final.

c.) The Department Judge Advocate will serve as Chairman of the Constitution and Bylaws Committee. He will pass judgment on the provisions of Department and Chapter Constitution and Bylaws and Amendments thereto, and sign them before they are sent to the National Judge Advocate for approval.

Section 8. The Department Chaplain will perform his duties as outlined in the official DAV Ritual.

ARTICLE V – DUTIES AND RESPONSIBILITIES OF APPOINTIVE OFFICERS

Section 1. The Department Commander shall appoint a Department Adjutant. Such appointment must meet with the approval of the majority of the DEC.

a.) In addition to the other duties or powers set forth by these Bylaws, the Department Adjutant will be the manager of the business and administrative affairs of the Department. He will attend the Department Convention, DEC and the Department Finance Committee meetings as the secretary of these bodies but will have no vote. He will be responsible for the Department office, its property and will oversee all personnel assigned, hired or appointed to conduct the business of the Department and will be directly responsible to the Department Commander and the DEC.

b.) The Department Adjutant will be subject to and comply with all decisions, directives, policy letters, resolutions, mandates, and orders of the Department Commander, the Department Convention and the DEC.

c.) He will ensure that copies of the minutes of each DEC meeting and Department Convention are emailed to the Chapters, and will distribute other important information from National Headquarters to all Chapters, Committees, Department Officers and members of the DEC and NSO offices.

Section 2. The Department Adjutant, with the concurrence of the Department Commander, will:

a.) hire Department Service Officers (DSO) to fill positions approved by the Convention and included in the approved budget. Input from National Service Officers should be solicited.

b.) hire Hospital Service Coordinators (HSC), with notification to the NSO Office, and maintain the DAV Transportation Network.

c.) hire all other Department employees as deemed necessary.

Section 3. The Department Adjutant will review the current budget and establish the salaries for employees with the Department Finance Committee.

Section 4. The Department Commander may remove the Department Adjutant for cause, subject to approval by a two-thirds vote of the DEC.

ARTICLE VI - VACANCIES AND RESIGNATIONS

Section 1. The elected Department Officers will be installed before the close of the Department Convention where they were elected and will hold their respective offices until successors have been installed or until by due process the Department has determined that a vacancy exists.

a.) In the absence of, or in the event the office of Department Commander, Department Senior Vice-Commander or Department Vice-Commanders becomes vacant due to death, resignation, inability to discharge their duties for thirty (30) days or more or through any other proper legal procedure one of these offices is vacated, that office will devolve upon the next Department Vice-Commander in succession. Remaining vacant offices will not be filled until the next Department Convention.

b.) Elected Department Officers and DEC members may be removed from office, for cause, by a two-thirds vote of the DEC.

ARTICLE VII - OATH OF OFFICE AND INSTALLATION

Section 1. Before the close of the Convention, or within twenty-four (24) hours following the election or appointment of Department Officers, the installation ceremony will be performed. The incoming Department Commander may select the installing officer.

ARTICLE VIII - DEPARTMENT EXECUTIVE COMMITTEE

Section 1. The DEC will be composed of the Department Commander, the immediate PDC, the Department Senior Vice-Commander, the Department Junior Vice-Commanders, and one Committeeman from each Chapter, elected by the Chapter. Each Chapter will elect one (1) DEC and one (1) alternate per Chapter. The alternate may represent their chapter in the event the Committeeman may be absent. The names of the Committeeman and the alternate will be forwarded to the Department Adjutant with the Chapter Officer Report.

Section 2. The DEC will meet not less than two (2) times during the year. The first meeting will be immediately following the Department Convention. The second DEC meeting will be held prior to the commencement of the next Department Convention.

Section 3. The regular business of the Department requiring the consideration of the DEC between meetings shall be transacted through the office of the Department Adjutant by mail, email or facsimile machines.

ARTICLE IX - FINANCES

Section 1. The revenue of the Department will be derived from per capita tax, contributions and such other sources as may be recommended by the Department Finance Committee. All Department fund raisers must be approved by the DEC and the NEC. The Department must submit an acceptable finance report to the National Organization within ninety (90) days of the close of the fiscal year. If the Department's income for the fiscal year exceeds \$300,000 (excluding membership dues), the Department must have its finances reviewed by a Certified Public Accountant and the report submitted to the National Organization along with the Annual Financial Report.

Section 2. All funds received by the Department will be deposited in a bank or trust company recommended by the Department Finance Committee, with the approval of the DEC, in the name of the DAV Department of _____. Upon request by the National Commander or the National Adjutant, the department shall submit satisfactory evidence of the value of assets owned by the department or its affiliated entities as defined in the National Bylaws.

Section 3. All Department Officers and Department employees will be bonded in an amount equal to but not to exceed the total net worth of the Department. The Department must also retain and maintain a Directors and Officers policy to protect Department Officers and employees in the event of legal action.

Section 4. If one (1) Chapter desires to conduct a citywide fund-raising project in a city with more than one (1) Chapter, then such Chapter will advise, by Return Receipt Requested letter, all other Chapters in said city of its intention to request approval for the fund raiser from the DEC forty-five (45) business days before the fund raiser. Any Chapter opposing the proposed fund raiser will, within forty (40) days, forward its objection to the DEC for resolution.

Section 5. Each Chapter may conduct a Forget-Me-Not drive annually in accordance with National Bylaws.

Section 6. The revenues of Chapters and/or Auxiliary Organizations of this Department will be derived from dues, contributions and such other sources as may be recommended by each Chapter and/or Auxiliary Organization. When no commissions are to be paid and solicitation of funds will be only by personal contact of friends or members, no prior approval will be required for a fund-raising project when the net receipts will be less than \$5,000. Advance notice to the Department will be required for all Chapter fund-raisers. When the net receipts are expected to exceed \$5,000, prior approval of the DEC is required.

a.) Each subordinate body whose gross annual income exceeds \$300,000 from all sources, excluding membership per capita, should within ninety (90) days after the close accounting year submit a review by a Certified Public Accountant, to the Department, and to the National Organization.

Section 7. Each Chapter will keep a complete financial record of all money received, expended and remitted, and all money must be deposited in the name of said Chapter. Upon request by the National Commander or the National Adjutant, the chapter shall submit satisfactory evidence of the value of assets owned by the chapter or its affiliated entities as defined in the National Bylaws. Each Chapter will have an audit committee composed of at least three (3) members of the Chapter, excluding the Chapter's Commander, Senior Vice-Commander, Treasurer, Adjutant and Finance Committee Chairman. This committee will conduct an annual audit and submit a report of

same to the Department within ninety (90) days after the close of the accounting year of the Chapter. If the gross receipts, excluding dues, exceed \$10,000, an audited report will be submitted to the National Organization also. All financial reports will specify and itemize the precise expenditure of all funds of the Chapter during the reporting period. Broad or general classifications will not be deemed acceptable and may subject the Chapter to the audit provisions of the National Bylaws. Failure to file annual financial reports will be sufficient cause to suspend or revoke the Chapter Charter. The accounting year of each Chapter will be July 1 through June 30.

a) All Chapters must file the appropriate IRS Form 990 annually with the Internal Revenue Service.

ARTICLE X - STANDING COMMITTEES

Section 1. The Department Commander will, within sixty (60) days following the Department Convention, appoint the following standing committees who will normally serve without pay or allowances. Approval of said appointments will be obtained from the DEC or by use of letter ballots or electronic media mailed from the Department Adjutant's office.

a.) CONSTITUTION AND BYLAWS COMMITTEE

1.) The Constitution and Bylaws Committee will consist of not less than four (4) members who are well versed on Roberts Rules of Order and the National and Department Constitution and Bylaws. It will be the duty of this committee to advise, evaluate and recommend changes that will improve or update the Constitution and Bylaws of the Department. The committee will submit their proposed changes for approval at the next Department Convention. This committee will be chaired by the Department Judge Advocate and will elect a vice-chairman.

b.) LEGISLATIVE COMMITTEE

1.) This committee will consist of the Department Commander, Senior Vice-Commander, Adjutant, and the Chapter Legislative Officers. This committee will be chaired by the Department Senior Vice-Commander and will elect a vice-chairman.

2.) The authorized delegation to attend the National Mid-Winter Conference will consist of the Department Commander, Senior Vice-Commander, and the Adjutant. If for any reason one (1) or more of these delegates are unable to attend, the Department Commander and the Department Senior Vice-Commander may appoint, from the Department Line Officers and/or the Legislative Committee, a replacement to fill the vacancy. The members of this delegation will be reimbursed for their expenses by the Department if not receiving reimbursement from another source. The Department Senior Vice-Commander will be Chairman pro-tempore of this committee. This is a line item and the Department Senior Vice-Commander may be advanced money to cover the cost of the three (3) delegates' expenditures as stated in the budget with proper accounting (receipts).

c.) RESOLUTIONS COMMITTEE

1.) It will be the duty of this committee to meet as necessary, elect its own chairman and vice-chairman, and render a report to the Department Convention on all resolutions reviewed by the committee. This committee will consist of not less than three (3) members. All resolutions must

be submitted to the office of the Department Adjutant electronically, printed or typewritten and signed by the sponsoring Chapter or individual committee. Except for a required signature, no resolution will be rejected on any technicality or for any defect in form. All resolutions must be in Department Headquarters thirty (30) days before the Convention.

d.) MEMBERSHIP COMMITTEE

1.) The Membership Committee will consist of not less than four (4) members who are active in recruiting members to the DAV, and will be appointed from different Chapters within the State. This committee will be chaired by the Department First Junior Vice-Commander and will elect a vice-chairman. It will be the duty of this committee to coordinate membership drives, help the Chapter Membership Committee and implement programs for the purpose of enlisting new members in the DAV. The Committee will meet and render a report to the DEC and the Department Convention on its progress.

e.) HOSPITAL COMMITTEE

1.) The Hospital Committee will consist of not less than five (5) members. This committee will be chaired by the Department VAVS State Chairman and will elect a vice-chairman. It will be the duty of this committee to keep the Department members informed on the status of the VA Hospitals located within the State of _____, to include all State veteran nursing homes and to initiate and sponsor programs that will provide for morale and welfare of patients admitted to these facilities.

f.) SERVICE COMMITTEE

1.) Composition: This committee will be composed of seven (7) members to be appointed by the Department Commander.

2.) This committee will be chaired by the Second Junior Vice-Commander and will elect a vice-chairman. If the Department Second Junior Vice-Commander is not an NSO, the NSO Supervisor will act as an advisor.

3.) This committee will have a budget item that will be used to aid and help worthy, (as defined by the National Constitution and Bylaws), disabled veterans, widows, orphans and dependents. Any money used or spent will be under policies established at the Department Convention or by the DEC. This committee, by their very function, will be carrying out the reasons for the existence of the DAV.

4.) It will be the duty of this committee to maintain viable and meaningful service programs and make recommendations to the Convention or DEC as they relate to the Department Service Officer/Chapter Service Officer Program and the DAV Transportation Network and Hospital Service Coordinators.

g.) DEPARTMENT FINANCE COMMITTEE

1.) The Department Finance Committee shall be composed of the Department Commander, four (4) elected members and the Department Treasurer. The Department Senior Vice-Commander and Department Adjutant shall be members without vote.

2.) In even numbered years, two (2) members will be elected from the even numbered Chapters within the Department. In odd numbered years, two (2) members will be elected from the odd numbered Chapters within the Department. They will be elected at the State Convention in the same manner as State Officers and shall serve for two (2) years. If more than two (2) members are nominated to the same position and none receives a majority of the votes, a run-off election will be held with the two (2) candidates receiving the most votes competing. The candidate receiving the majority of the run-off election votes will assume the vacant position. Their terms of office shall run concurrently with the fiscal year, July 1 through June 30, of the Department. No two (2) members will be elected from the same Chapter.

3.) The Department Commander will chair this committee. In the absence of the Department Commander the Department Senior Vice-Commander will chair the meeting. The finance committee chair will only vote to break a tie. If the position of a Department Finance Committeeman is vacated, or they have been removed from the committee due to three (3) unexcused absences, the Department Commander will within fifteen (15) business days appoint one (1) member to the Department Finance Committee to fill the vacant position, from the appropriate Chapters, who shall serve the remainder of his predecessor's term, with the approval of the DEC.

4.) The Finance Committee will provide oversight and assessment of the financial operations of the Department. The Finance Committee will implement financial policies to ensure that all finances and assets of the Department are managed in a prudent and responsible manner.

5.) They will formulate a budget before the Department Convention. Copies of the proposed budget will be mailed to each chapter no later than thirty (30) days prior to the scheduled Convention date. This budget will be submitted to the Convention for ratification or rejection as a whole. In the event the budget is rejected, it will be returned to the Finance Committee with directions and then will be resubmitted to the Convention for approval or rejection. In the event the Department Convention should adjourn without approving the budget, the Finance Committee will determine the budget.

6.) The Finance Committee may transfer line item amounts and authorize expenditures within a specific Item Line Category, in those incidents where a particular sub-category has exceeded its limit, as long as the total annual budget approved at the Department Convention is not exceeded.

7.) The Finance Committee will meet not less frequently than once every other month. A special meeting may be called anytime by the Chairman of the Committee or by any three members upon notice to all members of the Committee. Any meeting may be postponed due to weather or unforeseen circumstances with the approval of the majority of the finance committee. The committee may approve disbursements via electronic/multi-media.

h.) FUND-RAISING COMMITTEE:

1.) The Department Fund-Raising Committee will be composed of no fewer than five (5) members. This committee will elect their own Chairman and Vice-Chairman.

2.) It will be the responsibility of this committee to create ideas and plan fund raisers that will be of direct benefit to the Department and Chapters. They will recommend their fund-raising plans, which have been approved by the committee, to the Finance Committee and the DEC for approval as required by these bylaws. They will coordinate approved fund raisers with the Department. All fundraising projects must ultimately be considered and approved by the NEC.

i. AUDIT COMMITTEE

1.) The Department Commander will appoint a three (3) person Audit Committee approved by the DEC excluding the Department Commander, Department Senior Vice-Commander, Department Treasurer, Department Adjutant, and Department Finance Committeemen who shall conduct an annual audit and submit a report of same to the National Organization within 90 days of the close of the accounting year July 1st through June 30th.

j.) Nominating Committee

1.) The Department Commander will appoint a Chairman and Recorder. The committee will be composed of members elected by each Chapter. Each Chapter will elect a Primary and Alternate member for this committee.

2.) Prior to nominations at the annual Department Convention, this committee at the direction of the Chair will conduct interviews of all members in good standing who seek an elected office within the Department.

3.) Prior to the actual opening of the floor for nominations and elections the Committee Chairman will announce the committee's recommendations for each office.

ARTICLE XI - CHAPTERS

Section 1. Chapters will hold elections and install officers annually. Each Chapter will elect a Chapter Commander, a Chapter Senior Vice-Commander and one (1) or more Chapter Junior Vice-Commanders. Each Chapter will elect or appoint a Chapter Adjutant, a Chapter Treasurer, one (1) DEC Committeeman and one (1) Alternate DEC Committeemen, and Chapter Service Officers CSO(s) as needed. It may elect or appoint other officers as may be necessary to operate the Chapter. Appointed officers will serve at the pleasure of the appointing power. Neither a Chapter Commander nor any Vice-Commander may serve as Adjutant or Treasurer. There will be no voting by proxy or voting by absentee ballot.

a.) All elected or appointed Chapter Service Officer (CSO) must attend and successfully pass the Chapter Service Officer Training and Certification School to receive maximum coverage under the National Headquarters sponsored indemnity insurance. The National Service Offices will provide this training, with all instruction being provided by the National Service Office (NSO) Supervisor and/or his appointed representatives. Certification of CSOs is required annually to maintain insurance coverage.

b.) The Department will not recognize any elected or appointed CSO that is not listed on the Chapter Service Officer Report for his Chapter. Chapters that have multiple CSOs must list all CSOs names with all required information on a separate page affixed to each copy of the standard Officer Report. The Department Commander will be notified, by the NSO in charge of

training, of all CSOs that successfully completes certification training, prior to the Department issuing a Certified Chapter Service Officer certificate.

c.) Any Chapter who elects or appoints a CSO during the membership year must notify the Department Headquarters and National Headquarters of the change by submitting a new Chapter Officer Report.

d.) Upon the election or appointment, and the installation of the successor to any such office, all Chapter property in his predecessor's possession will be surrendered to the newly installed officer.

e.) Each Chapter will submit a Chapter Officer Report to the Department and National Organization within ten (10) days after the installation of newly elected or appointed Chapter Officers. In addition, each Chapter will submit the names, addresses and phone numbers of their DEC representative and alternates to Department Headquarters with their Chapter Officer Report. The Chapter Officer Report will be completed on the form provided by National Headquarters and will be certified by the Chapter's new Commander and Adjutant. Any subsequent change in the elected or appointed officers of the Chapter during the membership year requires the submission of an amended Chapter Officer Report to the Department and National Organization within ten (10) days after the installation of newly elected/appointed successor Chapter Officers. Failure to file complete annual or amended Chapter Officer Reports in accordance with the provisions of this paragraph will be sufficient cause to suspend or revoke the Chapter Charter.

ARTICLE XII - DISCIPLINARY ACTIONS

Section 1. Charges may be preferred against any member of the Disabled American Veterans and must be in accordance with Article 16 of the National Bylaws.

ARTICLE XIII - LEGISLATIVE ACTIVITIES

Section 1. No member will appear before any legislative body and speak in the name of the Department, Chapter or subordinate unit, supporting, sponsoring or opposing any legislation that has not been approved by the Department Convention or DEC.

Section 2. The Department will be nonpolitical and nonsectarian. The name of this organization or name of any unit thereof will not be used in representing the desires or wishes of its membership in any political, sectarian or labor dispute. However, the foregoing will not prevent this organization or any unit from participation in political issues that have a direct bearing upon the welfare of this nation's Disabled American Veterans.

ARTICLE XIV- CONDUCT OF MEETINGS

Section 1. The order of business of all meetings will be conducted in accordance with the official DAV Rituals and the National Constitution and Bylaws.

Section 2. Department Officers and members are expected to be courteous and respectful to others and at no time will inappropriate behavior be tolerated. Any behavior deemed inappropriate and/or disrespectful will result in a warning from the Department Commander or the Chairman if in

Committee. Further inappropriate behavior or actions will result in the removal of the member for the duration of that days meeting.

ARTICLE XV - LOANS

Section 1. No funds of the Department or any subordinate unit will be used for making loans of any kind. Likewise, the Department or any subordinate unit may not accept any personal loans from members or other individuals.

ARTICLE XVI - AMENDMENTS TO BYLAWS

Section 1. The Bylaws of the Department may be amended at any Department Convention by majority of the total delegates present and voting.

Section 2. Proposed Amendments to these Bylaws, submitted by Chapters, must be submitted to the Department Adjutant not later than sixty (60) days prior to the Department Convention. The Department Adjutant must submit all proposed changes to the Constitution and Bylaws Committee for consideration not later than thirty (30) days prior to the Convention for their review and reporting to the Department Convention delegates.

Section 3. The Department Adjutant will ensure that a copy of proposed amendments are mailed to each Chapter no later than thirty (30) days prior to the scheduled Convention date which mailing is considered a first reading.

Section 4. Proposed amendments which are in conflict with the National Bylaws will not be accepted. They will however, be returned to the originating Chapter or Officers with a notation that they are in conflict.

Section 5. Amendments will be read to the Convention no later than the second day prior to the scheduled day of adjournment of the Convention, and voting thereon will begin the following day.

ARTICLE XVII – FUTURE AMENDMENTS TO THE NATIONAL CONSTITUTION, BYLAWS AND NEC REGULATIONS

To the extent to which any of the provisions of these Constitution and Bylaws are, or may at any time become, inconsistent or in conflict with the provisions of the Constitution and Bylaws and lawful mandates, decisions and regulations of the governing National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended as to conform thereto.

I certify, to the best of my knowledge that the Constitution and Bylaws of this Department do not conflict with those of the National Organization and to that extent are hereby approved.

Department Commander

DATE

DAV National Judge Advocate

DATE