



FULFILLING OUR PROMISES
TO THE MEN AND WOMEN WHO SERVED

Disabled American Veterans
Orange Blossom Gardens Chapter 150
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Constitution and By-Laws

9 February 2021

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ORANGE BLOSSOM GARDENS
Chapter #150
DISABLED AMERICAN VETERANS
Saddlebrook Recreation Center
3021 Saddlebrook Lane
The Villages, Florida 32162
9 February 2021

CONSTITUTION

ARTICLE I – AUTHORITY

Section 1.1. Under the Authority of Article IV of the National Constitution of the Disabled American Veterans (DAV), a Federal Corporation, the name of this Chapter shall be: Orange Blossom Gardens, Chapter #150, Department of Florida, Disabled American Veterans, located in The Villages, Florida.

ARTICLE II – ALEGIANCE AND PURPOSE

Section 2.1: The Orange Blossom Gardens, Chapter #150, Department of Florida, Disabled American Veterans, located in The Villages, Florida hereby recognizes the National Organization, known as Disabled American Veterans, incorporated by Act of Congress, and affirms its allegiance and subordination to the said National Organization, its Constitution, Bylaws, and all rules, mandates and regulations promulgated pursuant thereto.

Section 2.2. The purpose of this Chapter is to build better lives for our nation's ill and injured veteran's, their families and to support the programs of the DAV as provided in the National Constitution and By-Laws and Regulations of the Executive Board.

ARTICLE III – MEMBERSHIP

Section 3.1. Membership in the Chapter shall conform to the requirements as set forth in Article III of the National Constitution and By Laws of the DAV.

Section 3.2. There shall be no form of membership except active membership as herein provided. Associate, special or honorary, is prohibited.

Section 3.3. Dues payable by Life Members shall be governed by the National By-Laws and mandates.

Section 3.4. Membership year shall commence on July 1st and expire at midnight of the following June 30th. Dues shall not be apportioned or prorated.

ARTICLE IV – ADMINISTRATION

Section 4.1. Administrative affairs of the Chapter shall be vested in the Executive Board on emergencies only. All other actions of the Executive Board must be ratified by majority vote of the Chapter.

Section 4.2. Executive Board shall be composed of the Commander, immediately Past Commander, Senior and Junior Vice Commanders, Treasurer, Judge Advocate, Chaplain, Three (3) Executive Trustees, and Adjutant (Non-voting).

Section 4.3. Chapter shall elect a Commander, Senior and Junior Vice Commanders, Treasurer, Judge Advocate, Chaplain, three (3) Executive Trustees, and such other officers as may be necessary to operate the Chapter.

Section 4.4. Executive power of the Chapter shall be vested in the Chapter Commander.

ARTICLE V – AUXILIARY

Section 5.1. This Chapter recognizes a DAV Auxiliary, subject to such supervision as conforms to the National and Department Constitution and By-Laws of both organizations.

ARTICLE VI – AMENDMENTS

Section 6.1. This Constitution may be amended at any Chapter meeting by a two thirds majority vote of those present and voting, subject to approval of the Department and National Judge Advocates and effective only after date of this approval; provided that amendment is read at two meetings and that all members were notified of the proposed change prior to each of the two meetings.

CHAPTER BY-LAWS

ARTICLE 1 – ORGANIZATION

Section 1.1. “This Chapter recognizes the National Organization known as Disabled American Veterans (DAV), incorporated by Act of Congress, and affirms its allegiance, and subordination, to the National Organization, its Constitution, By-Laws and all rules, mandates and regulations promulgated pursuant thereto. Upon dissolution of the Chapter, the assets remaining after the payment of its debts shall be distributed as provided in Article 6, Section 6.4, Paragraph 5 and 6, of the National Constitution and By-Laws.

Section 1.2. Governing Body - “The State Department shall be the authorized Governing Body of the Chapter operating within the State of Florida”. (Article 8 - State Departments, Section 8.1. of the National Constitution and By-Laws).

Section 1.3. Minutes of the meetings of the Chapter, including the Chapter Executive Board, shall be kept and be available for inspection by any Chapter member.

ARTICLE 2 – CHARTER

Section 2.1. Charter of this Chapter, issued by the National Department, is its authority to function and shall be displayed behind the Commander’s station at all regular meetings.

ARTICLE 3 – MEETING

Section 3.1. Meetings of the Chapter shall be held per Standing Rules.

Section 3.2. Executive Board will meet Thursday prior to the general meeting. General meeting is the 2nd Tuesday of the month.

Section 3.3. Special meetings may be called by the Commander whenever deemed necessary, or when requested in writing to do so by ten or more members in good standing in the Chapter. Call of any such special meeting shall state the purpose for which it is called and no other business, not specified in the call, shall be transacted at the special meeting.

Section 3.4. Notices of any such special meeting shall be mailed to each member in good standing at least five (5) days prior thereto, stating the day, time, place and purpose thereof.

Section 3.5. A quorum shall consist of 10% of the total membership or ten members in good standing, whichever is the smaller.

Section 3.6. Any member of the DAV in good standing of another Chapter may attend any meeting of this Chapter, without the right to vote, except National or Department Officers. No visiting member shall speak on any subject under debate without permission of the Commander, or approval of the Chapter by majority vote.

Section 3.7. Chapter meetings shall be held at least once each month, meeting dates to be set by majority vote of the Chapter in session. General business meeting may include a social evening, or any special event. Annual membership meeting shall be held in March of each year.

Section 3.8. There will be no alcoholic beverages permitted at any meeting, except, when the membership votes to have a social event after a meeting.

ARTICLE 4 – OFFICERS AND THEIR DUTIES

Section 4.1. Elective Officers.

Elective Officers of this Chapter shall consist of a Commander, Senior and Junior Vice Commanders, Judge Advocate, Treasurer, and three Executive Trustee members, who shall be elected at the regular membership meeting in March of each year.

Section 4.2. Appointed Officers.

Appointed Officers of this Chapter shall consist of, Adjutant, Service Officer, Sergeant at Arms, Benefits Protection Team and Legislative Lead, and Officer of the Day, who shall be appointed by the Commander with the approval of the Chapter.

Section 4.3. Installation of Officers.

Appointed officers shall serve at pleasure of the appointing power. Installation of Chapter Officers shall take place within 30 days of their election or appointment.

Section 4.4. Surrender of Chapter Property.

Upon election or appointment, the installation of the successor to any such office, shall surrender to newly installed officer, all Chapter property in that officer's predecessor's possession in their control.

Section 4.5. Commander Responsibilities.

The Commander, or in the Commander's absence, the next highest officer shall preside at regular or special meetings of the Chapter. The Commander shall maintain order and dispatch such business as may legally be presented. All checks or vouchers issued by the Chapter Treasurer must be countersigned by either the Commander or a third Authorized Signature appointed by the Commander. The Commander shall perform all other duties that may reasonably be assumed to be incidental to this office, including those set forth in this Constitution and in the "Official Ritual of the DAV" and such other duties as may be lawfully delegated by the Chapter.

Section 4.5.1. Senior and Junior Vice Commanders in the order named, shall perform the duties of the Commander, in the event of Commander's, absence, passes, resign or is removed, until successor is elected.

Section 4.6. Senior Vice Commander Responsibilities.

Senior Vice Commander shall perform the duties assigned as set forth in the "Official Ritual of the DAV". The Senior Vice Commander shall encourage friendship among the members of this Organization, discourage discord, and promote harmony. The Senior Vice Commander shall act as Chairperson of membership solicitation activities to the end that every eligible veteran may become a member. With the approval of the Chapter, the Senior Vice Commander may appoint one or more members to assist in such membership activities. DAV membership eligibility is contained in Article 11 of the "DAV National Constitution and By-Laws". The Senior Vice Commander may not serve as Adjutant or Treasurer. (Per the DAV "Chapter Officers Guide", Page 3)

Section 4.7. Junior Vice Commander Responsibilities.

The Junior Vice Commander shall perform the duties assigned as set forth in the "Official Ritual of the DAV". The Junior Vice Commander, shall ensure that every member is given a reasonable opportunity to state their views on any subject under discussion in a meeting of the Chapter, not inconsistent with the Chapter's Constitution and By-Laws, or Roberts Rules of Order Newly Revised. The Junior Vice Commander, at all times, shall encourage loyalty to the United States of America, to the DAV, and to the members of the Chapter. Subject to the direction of the Chapter, shall act as Chairperson of the Americanism activities of the Chapter and, with the approval of the Chapter, may appoint one or more members to assist as Chairperson. The Junior Vice Commander may not serve as Adjutant or Treasurer. (Per DAV Chapter Officers Guide, Pages 3-4)

Section 4.8. Adjutant Responsibilities.

Para 1. Adjutant is responsible for keeping the Chapter's records and managing the Chapter's official correspondence. Adjutant must keep detailed records of the Chapter's meetings and business affairs. All motions considered by the Chapter should be recorded along with the names of the members who make, second, or speak on the motions. All monies received or spent by the Chapter must be recorded in Adjutant records. Office of the Adjutant and Treasurer may be held by the same person.

Para 2. Adjutant is responsible for ensuring Chapter members are aware of the times and locations of meetings. If a special meeting is to be called, the reason for the meeting should be stated on the meeting notice.

Para 3. At each business meeting, the Adjutant should read the minutes of the preceding meeting and make sure that a motion of acceptance or rejection is passed.

Para 4. At each Chapter meeting, the Adjutant should read all correspondence received between meetings, and see that all matters that require action by the Chapter

are properly disposed of. Adjutant should answer correspondence promptly and file copies of answers with the Chapter records.

Para 5. Adjutant is responsible for notifying others, committee members and delegates of their election or appointment, as well as furnishing committees with whatever documents are required for the performance of their duties.

Para 6. Adjutant shall make the minutes and records of the Chapter available to members upon request. Adjutant is responsible for furnishing a list of convention delegates to the State Department and National Headquarters.

Para 7: Adjutant must work closely with the Commander, Treasurer, and other Chapter Officers in order to efficiently carry out Adjutant duties. The Adjutant may not serve as Chapter Commander or Vice Commander at the same time.

Para 8. Adjutant is also responsible for filing the Chapter Officer Report form immediately following the Annual Election and installation of officers, in compliance with the National Constitution and By-Laws, Article 9, Section 9.2.

Para 9. Adjutant is responsible for the membership records and should make certain that they are kept up to date. Official membership records are kept by using the DAV Membership Activity Report, which is furnished by National Headquarters. The Adjutant shall also be responsible for timely notification to National and Department Headquarters of changes of address and deaths of members.

Para 10. All Chapter records should be maintained for seven years. This does not apply to original documents that do not expire, such as, but not limited to, Charter Chapter, contracts, licenses, leases, Constitution and By-Laws, regulations, rulings by the National Judge Advocate, tax returns and audits. (Per DAV Chapter Officers Guide, Pages 4-6)

Section 4.9. Treasurer Responsibilities.

Treasurer shall receive and immediately deposit all the money in a bank account in the name of the Chapter, without any deductions or offsets. Treasurer shall make authorized disbursements only by checks or vouchers signed by Treasurer and countersigned by the Commander or the Adjutant. Shall keep a system of accounts approved by the Chapter and shall preserve all receipts and checks or vouchers for payments made. Treasurer shall render a monthly report of receipts and expenditures to the Chapter, not later than the first regular meeting following the last day of each calendar month. Treasurer is responsible for preparing reports and audits required by National Headquarters and State Department. (Per DAV Chapter Officers Guide, Pages 6-8)

Section 4.10. Chaplain Responsibilities.

Chaplain is responsible for leading the opening prayer of the Chapter meetings. Chaplain is the spiritual leader of the Chapter and may be called upon to represent the Chapter at the funeral services for deceased members, send sympathy cards and visitations to

members of the Chapter or their family members who are ill. (Per DAV Chapter Officers Guide, Page 11)

Section 4.11. Judge Advocate Responsibilities.

Judge Advocate, upon the request of the Commander of the Chapter, shall render an opinion upon all parliamentary questions, upon any question arising out of any dispute upon the floor of the assembly, or concerning the interpretation of this Constitution or the Constitution and By-Laws of the National or Department Organization. Upon receipt of Judge Advocate's opinion, the Commander (or presiding officer, if the Commander is not in the chair) shall announce the ruling or decision, which need not be in accordance with the opinion of the Judge Advocate. Such decision shall be final and binding upon the Chapter unless:

- (1) Over-ruled by a two-thirds vote upon an appeal from such decision taken at the meeting during which the decision is announced, or
- (2) Reversed upon an appeal taken to the next higher Governing Body within thirty days after such decision is made known.

Section 4.12. Benefits Protection Team Leader (BPTL) & Legislative Chair Responsibilities.

The Benefits Protection Team Leader (BPTL) & Legislative Chair is responsible for coordinating and overseeing DAV's grassroots efforts, legislative agenda and resolution process at the local level. The BPTL is also responsible for advocating for local issues that are not in conflict with resolutions adopted at the national level or with department policies, at the direction of the department commander.

- Sign up for the DAV Commander's Action Network (CAN) at davcan.org.
- Distribute legislative alerts and encourage DAV members, family and friends to take action.
- Develop a local grassroots network made up of DAV members, family and friends. (Visit dav.org/grassroots for information on Building a Network of Networks.)
- Use the network to get the word out on veterans' issues.
- Email or provide a printed copy of the "Protecting Our Benefits Begins with You" brochure to the benefits protection team members in your network.
- Get to know your federal elected officials and their staffs.
- Keep informed about DAV's position on legislation introduced by federal elected officials.
- Notify DAV national legislative staff of developing trends in local issues that affect DAV members.
- Notify DAV national legislative staff in Washington, D.C., of local congressional field hearings (on the federal level) and, if requested to testify, seek their assistance.
- Ensure that resolutions considered by the chapter and department are consistent with DAV's stated mission in DAV Resolution No. 001.

- Help schedule and coordinate congressional meetings for your DAV members coming to Washington, D.C., for the DAV Mid-Winter Conference. Also, encourage members who are unable to attend the conference to contact the local office of their legislators and provide them with a copy of DAV's Key Legislative Goals.

Section 4.13. Service Officer.

Service Officers shall advise and assist Veterans Disabled and their dependents, in the technical preparation and prosecution of their equitable claims for benefit from any governmental agency and in securing suitable, gainful employment. The Service Officer may hold any Elective or Appointed office in the Chapter. There are two types of Service Officers in the Chapter, Chapter Service Officer and Department Service Officers. The Chapter Service Officer is an individual who is sponsored by the Chapter. The Department Service Officer is supported by Department.

Section 4.14. Officer of the Day.

The Officer of the Day is responsible for maintaining a list of visitors at Chapter meetings and introducing visitors when called upon by the Commander. The Officer of the Day is also responsible for escorting visitors and others to the podium when directed by the Commander. (Per DAV Chapter Officers Guide, Page 11)

Section 4.15. Sergeant at Arms.

Sergeant at Arms assists the Commander in preserving order during Chapter meetings. Sergeant at Arms is responsible for verifying the membership of those in attendance when required to do so by the nature of business (i.e., election of officers or delegates, private matters requiring the protection of personal rights). Sergeant at Arms may be responsible for handling the physical arrangements of the meeting hall. (Per DAV Chapter Officers Guide, Page 10)

Section 4.16. Other Responsibilities.

Para 4.16.1. In addition to the foregoing duties, Chapter Officers shall faithfully perform and carry out such duties as may be assigned to them from time to time by the Chapter.

Para 4.16.2. A member can only hold one Elective Chapter Office at a time. A delegate to a National or Department Convention is not holding an "Elective Office" with the meaning of this Section, except as otherwise provided herein: an Elective Officer may also hold an appointive office and vice versa.

Para 4.16.3. Office of the Adjutant and Treasurer may be held by the same person. The Service Officer may hold any Elective or Appointed office. The Commander, Senior Vice, or Junior Vice-Commander shall not hold the office of Adjutant.

Para 4.16.4. By accepting any Elective or Appointive office, each member agrees that their services shall be rendered gratuitously. They shall not be entitled to

reimbursement for any sums advanced, incurred or spent unless expressly authorized by the Chapter at a regular Chapter meeting; and no Chair, Committee person, Chapter Officer, or other Chapter member shall have the power or authority to incur any expense or obligation or bind this Chapter, unless by prior expressed approval of this Chapter, evidenced by a majority vote at a regular meeting.

Para 4.16.5. Each member, by accepting any Elective or Appointive office, promises and agrees to perform the duties of such office or appointment to the best of their ability. To act and conduct one self, in such a manner, at all times and places, as will only affect the good of the organization. Enforce and sustain this Constitution and the Constitution and By-Laws of the National and Department Organization. Upon successor having been duly elected or appointed, to surrender, without notice or demand, all the records and other property of this Chapter in their possession or under their control.

Para 4.16.6. The immediate Past Commander, provided does not hold a current Elective or Appointive position (in which case, this status reverts to the next previous Past Commander, not otherwise serving) shall serve "ex-officio" on the E-Board and all Committees, except the Nomination Committee and shall, without vote, be afforded "floor recognition" for participation in such meetings.

ARTICLE 5 – EXECUTIVE BOARD

Section 5.1. Executive Board (E-Board).

The E-Board shall be composed of the Commander, Senior and Junior-Vice Commanders, Treasurer, Chaplain, Judge Advocate, Adjutant (non-voting), plus the three "Trustees", elected or appointed by the General Membership at the Annual Elections and the Past Commander.

Section 5.2. Executive Trustees. In accordance with the approval of these By-Laws, the Annual Elections shall provide the election of three Executive Trustees. Trustee one will serve for one year. Trustee Two will serve for two years. Trustee Three will serve three for three years. The appointed members will retire successively after three years of membership on the Executive Board. Subsequent Elections shall provide for one Trustee being elected each year, to serve for a period of three years. Trustees shall serve their elected terms. The three Chapter Trustees shall not hold any other Elective Office in this Chapter.

Section 5.3. Executive Board shall have authority to deal with any and all affairs of the Chapter between regular meetings, provided that all actions are subject to the approval of the General Membership at the next appropriate meeting.

Section 5.4. The Commander shall preside as Chairperson at all meetings of the Executive Board and the immediate Past Commander shall serve as Vice Chair.

Section 5.5. The Executive Board shall make recommendations to the Chapter, which it believes will have benefit to the Chapter.

Section 5.6. In the event this Committee fails to make recommendations upon any matter referred to it, within a reasonable time, the Chapter, by majority vote, may act upon such matter without receiving the recommendations of the Executive Board.

Section 5.7. Meetings and Recordings. The minutes of each meeting shall be read at the next following regular Chapter meeting by the Adjutant. The approval of the minutes, by the Chapter, shall constitute an approval of the recommendations and actions taken by the Executive Board as reported in such minutes. When the minutes are read, any Chapter member may request that any part thereof, be discussed or voted upon separately. The Executive Board shall hold one regular meeting each month, prior to the regular monthly meeting. The committee may hold special meetings upon the call of the Chairperson or the Commander, or any three members of the Executive Board who may request the same in writing. Notice of the time and place of each special meeting shall be given in writing to each member of the Executive Board not less than 48 hours prior to the holding thereof, except with the unanimous consent of all members of the Committee. A majority of the members of the Executive Board shall be a quorum.

Section 5.8. One of the purposes for the creation and continuance of the Executive Board shall be to provide a means for the discussion of routine and other business affairs of the Chapter and make recommendations of desired action to reduce the time which might otherwise be consumed during Chapter meetings in such discussion, but leaving in the hands of the Chapter, the sole power to approve or disapprove such recommendations, or to act, in whole or in part, contrary thereto, the Chapter to retain the final right or action.

ARTICLE 6 – STANDING COMMITTEES

Section 6.1. General Committee Rules.

Para 6.1.1. All committees will meet at the call of the Chairperson or Chapter Commander.

Para 6.1.2. Committees shall consist of not less than three or no more than seven members (except as otherwise herein provided) including the Chairperson and shall be appointed by the Commander with approval of the Executive Board and the Chapter membership.

Para 6.1.3. The Chapter Commander shall be a member “ex officio” of all Committees with the exception of the Nomination Committee which shall be selected by the Chapter.

Para 6.1.4. All appointees to Committees shall be considered for their talent and expertise in the area of assignment, as well as, their overall knowledge of the By-Laws and goals of the DAV. All appointees shall be members in good standing of the Chapter.

Section 6.2. Standing Committees.

Para 6.2.1. Nominating Committee. The Chairperson of the Nominating Committee shall be elected at the first regular membership meeting following the Annual Election of Officers. Any member in good standing can be nominated with consideration being given to the immediate and all Past Commanders. If there is more than one nominee, election shall be by ballot, or by a show of hands. The Chairperson of the Nominating Committee shall serve for a period of one year. The elected Chairperson shall present to the Executive Board recommendations for members to the Committee for their approval within 30 days following selection.

Para 6.2.2. Entertainment Committee. Under the guidance of the Junior Vice Commander, this Committee shall secure speakers, on issues other than partisan political subjects, or concerning sectarian or labor disputes, and entertainers for Chapter functions, by as was approved by the Executive Board and Chapter Commander. The Junior Vice shall insure the Commander is aware of the speaker's presents at the Member Meeting to ensure they are placed first on the agenda. All speakers will be escorted out of the meeting room prior the start of the Business portion of the meeting.

Para 6.2.3 Membership Committee. Under the guidance of the Senior Vice Commander, the Membership Committee serves to obtain new members to the Chapter, to address local activities, to promote and "sell" the DAV and to keep the Adjutant currently informed of new members and ensure that a roster is available at all times.

Para 6.2.4 Americanism Committee. Under the guidance of the Junior Vice Commander, the Americanism Committee maintains a strong atmosphere of patriotism throughout the Chapter and is available at all times to offer literature and other data to any organization to instill the advantages of the "American Way" in the Community.

Para 6.2.5. Hospital Visitation Committee. Under the general direction of the Chaplain, this Committee assists in the visitation of the sick and infirmed and informs the membership, by appropriate ritual, of the death of any comrade and gives aid to the survivors.

Para 6.2.6. Ways and Means Committee. This Committee shall be responsible for fundraising to provide for the operational expenses of the Chapter in the performance of the assigned objectives and goals delineated in the By-Laws and the intended objectives of the DAV. Such activities shall include enterprises that result in profitable financial results for the betterment of the entire Chapter. It is established that all performances of this Committee shall be subordinate in every respect to the Executive Board. As in all other Committees established herein and in no way shall any organized function of this Committee take precedence over any other established procedure of this Chapter.

Para 6.2.7. Credentials Committee. Applicants for membership or transfer shall be investigated by the Credentials committee and a report will be made to the Executive

Board at the next regular Executive Board meeting. Executive Board will review the Credentials Committee report and submit to the Chapter their findings and recommendations to approve or reject the application of the member.

Para 6.2.7.1. There are two types of incoming members. A New member is one never having been in the DAV, and the second is a Transfer in member from another Chapter. A Transfer in member must be a paid-up for life member and in good standing with the Disabled American Veterans, National and Department.

Para 6.2.7.2. A New Member may not have any past or present charges or violations of the Constitution and By-Laws of the Organization against them. Check that the member is not now or ever has been under suspension by National or Department.

Para 6.2.7.3. To confirm the transfer of the member's good standing in the Disabled American Veteran, a letter may be sent to the Adjutant of their last Chapter. Additionally, you may find out the reason why they want to transfer and/or if it is possible that they may be a member who could cause the Chapter problems.

Section 6.3. Finance Committee.

Para 6.3.1. The Chapter Finance Committee under these By-laws serves a two-fold purpose. Namely, it is the Advisory Council of the Chapter Commander on matters of finance and fiscal policy. It is the watchdog of the Chapter finances. The Finance Committee shall also be the Audit and Budget Committee.

Para 6.3.1.1. The Chapter Finance Committee is responsible to conduct a quarterly audit and a formal audit annually, prior to the Annual Chapter Election and give a quarterly and annual report to the membership.

Para 6.3.1.2. The Chapter shall operate under a budget approved by the Executive Board and by a majority vote of the membership.

Para 6.3.1.3. All revenue and expenditures of the Chapter shall be under the direct supervision of the Chapter Finance Committee, which shall be composed of the immediate Past Commander and Past Commander before and three appointed members. Executive Trustees cannot be one of these three members. The current Commander and Treasurer need to attend to support the Finance Committee. The immediate Past Commander shall serve for two years. The Past Commander before shall serve for one year. The appointment of three Finance Committee Members follows:

Para 6.3.1.3.1. Member one will serve one year. Member Two will serve two years. Member Three will serve three years. The appointed members will retire successively. Subsequent appointment shall provide one Member being replaced each year by appointment, to serve for a period of three years. All appointments to this Committee must be approved by the Chapter Executive Board. The Chairperson will be elected by the Committee, excluding the present Commander and Treasurer.

ARTICLE 7 – NOMINATIONS AND ELECTIONS

Section 7.1. Nominating Committee will submit its recommended slate of Officers to the Executive Board and to the General Membership, at the February meeting for consideration in the April elections.

Section 7.2. The Nomination of Officers shall be held the first meeting in March and during the meeting at which the Annual Election of Officers is held.

Section 7.3. All Nominations must be submitted from the floor. Nominations and Elections of Officers shall be made in the order of the Officers mentioned herein ARTICLE 4, Section 4.1. under the title “Officers and Their Duties”.

Section 7.4. The regular Annual Election of Elected and Appointed Officers shall be held in the April meeting each year.

Section 7.5. All voting for Officers or Delegates shall be by written ballot, unless there is only one nominee, in which case, a majority vote shall prevail.

Section 7.6. It shall require a majority of votes cast to elect a candidate for Chapter Officer. A majority vote will be required to elect a State or National Convention Delegate or Alternate, provided however, if there are fewer candidates for Delegates and Alternates, then all candidates nominated will be Automatically Elected.

Section 7.7. Nomination for Delegates to either the State or National Conventions shall be made at the April meeting immediately following the Election of Officers and shall be duly elected prior to the adjournment of that meeting.

Section 7.8. In the event of a vacancy of any office, nominations and elections to fill such vacancy may be made at the same meeting.

Section 7.9. All Elected Officers and Appointed Chairpersons shall be installed at the May meeting.

ARTICLE 8 – RESTRICTIONS AND MISCELLANEOUS

Section 8.1. Meeting attendance.

The Chapter may direct that a notice be sent to any Elective or Appointive Officer who has failed to attend three (3) consecutive meetings of the Chapter. Who, in the opinion of the Chapter, does not appear to be fulfilling the duties of assigned office, stating that at the next regular meeting (giving the time and place), and the matter of that Officer’s recall from office will be considered. At the meeting set forth in such notice, the Chapter, by two thirds vote, may decide such office vacant and such Officer recalled. If an Elective Officer, office shall be filled by nomination at the same meeting. If an Appointed

Officer, the Commander shall appoint another member to fill such vacancy with the approval of the Chapter.

Section 8.2. Roberts Rules of Order Newly Revised.

Rules contained in Roberts Rules of Order, Newly Revised shall govern this Chapter in all cases to which they are applicable and in which they are not inconsistent with this Constitution, the National Constitution or the National By-Laws.

Section 8.3. Official DAV Ritual.

The order of business at any regular meeting shall be as prescribed in the Official DAV Ritual and as the needs of the Chapter necessitate.

Section 8.4. Tie.

The presiding Officer shall be entitled to vote only in the case of a tie and where the voting is by written ballot. Any member in arrears in payment of dues shall automatically cease to be a member in good standing. Each membership expires at midnight on March 30th of each year. For a member to vote at the March Annual Election of Chapter Officers, they must show a paid up to date membership card to be eligible to cast a vote.

Section 8.5. Members bound by Constitution and By-Laws.

Each member accepting or retaining membership in the Chapter agrees to be bound by this and the DAV National and Department Constitution and By-Laws, now in force or hereafter adopted or amended.

Section 8.6. Disciplinary Action.

All disciplinary action against a member or Officer shall be in accordance with ARTICLE 16 of the National Constitution and By-Laws.

Section 8.7. Approval to raise funds. Except as otherwise expressly provided in the National By-Laws, the Chapter shall not sponsor or engage in, directly or indirectly, any fundraising or finance project without the prior approval of it's State Department or if the Chapter is located in a State not having a State Department, then not without the prior approval of the National Adjutant.

Section 8.8. Bonded Officers. The Officer(s) having custody of the funds of this Chapter shall be bonded through the National Headquarters in accordance with National By-laws provisions.

Section 8.9. Do's and Don'ts associated with fundraising. All fundraising activities will be conducted in accordance with ARTICLE 15 of the National By-laws. Chapters and Auxiliary units shall not sponsor or conduct a lottery in the name of, or use any part of the name of this Organization, except where authorized by law. The name of this Chapter or of the Disabled American Veterans must not be used in connection with, nor shall the Chapter enter into or engage in any political, sectarian, or labor dispute, nor in any matter not directly relating to war time service disabled veterans. However, nothing

in this Section shall prohibit the Chapter from participating in political issues which have a direct bearing upon the welfare of Veterans or Citizens as a whole.

Section 8.10. Point of Clarification. Whenever used in this Constitution and the context so requires, the masculine shall include the feminine and the singular shall include the plural and vice versa. The initials DAV, whenever used in this Constitution, refer to "Disabled American Veterans".

Section 8.11. Installation of Officers. Elected and Appointed Officers shall be installed prior to the Department Convention each year. They shall serve for one year or until newly Elected or Appointed Officers have been installed.

Section 8.12. Cause for Removal. Unexcused absence of any Officer from three consecutive meetings shall be cause for removal and the Commander is empowered to appoint a member to serve the unexpired term, with the approval of the Chapter.

Section 8.13. Constitution and By-Laws Updates.

Para 1. These By-Laws may be amended at any Chapter meeting by a two-thirds vote of those present, subject to approval of the Department and National Judge Advocates and effective only after date of this approval provided this amendment is read at two consecutive meetings and that all members were notified of the proposed change prior to each of the two meetings.

Para 2. A copy of this Constitution and By-Laws shall be affixed to the back of the framed Charter to prevent its loss and in order that it may always be available for reference.

Para 3. To the extent which the provisions of this Constitution and By-Laws are or may become inconsistent with the provisions of the Constitution and By-Laws, lawful mandates, decisions, and regulations of either State or National Departments, this instrument shall be deemed amended to conform thereto.

Section 8.14. Disciplinary Actions.

All disciplinary actions will be handled in accordance with Article 16 of the National Constitution and By-Laws.

Section 8.15. DAV Auxiliary.

This Chapter recognizes a **DAV Auxiliary**, subject to such supervision as conforms to the National and Department Constitution and By-Laws of both organizations.

Section 8.16. Dissolution of this organization.

Upon the dissolution of this organization, any and all assets shall be distributed to The Disabled American Veterans, the Department Headquarters, as required by our National By-Laws.

ARTICLE 9 – CHAPTER REPORTS

Section 9.1. Chapter Officer Report.

Para. 1. The chapter shall elect annually a chapter commander, a chapter senior vice commander, and one or more chapter junior vice commanders, and a treasurer, and appoint an adjutant. It may elect or appoint such other officers as may be necessary to operate the chapter.

Para 1.2. Appointed officers shall serve at the pleasure of the appointing power. Installation of chapter officers shall take place within thirty days of their election or appointment.

Para. 2. Each chapter shall submit a chapter officer report to the state department and National Organization within ten days after the installation of newly elected or appointed chapter officers. The chapter officer report shall be completed on the form provided by National Headquarters and shall be certified by the chapter commander and adjutant. Any change in elected or appointed officers of a chapter during the membership year requires the submission of a new chapter officer report to the state department and National Organization within ten days after installation. Failure to file complete reports as required herein is cause to suspend or revoke the chapter charter.

Section 9.2. Chapter Service Officer Report.

Each chapter shall submit a chapter service officer report to the state department and National Organization along with the Officer Report. The chapter service officer report shall be completed on the form provided by National Headquarters and shall be certified by the chapter commander and adjutant.

Section 9.3. Financial Records, Reports.

Para. 1. The Chapter shall keep a complete financial record of all monies received and expended. All assets of the chapter must be titled or held in the name of the chapter. All other assets (except for minimal amounts of cash on hand) must be safeguarded or deposited in a manner appropriate to the asset and consistent with sound business practice. Upon request by the National Commander or the National Adjutant, a chapter shall submit satisfactory evidence of the value of assets owned by the chapter or its affiliated entities (as defined in Article 17, Section 17.1, of National Bylaws). Each chapter shall have an audit committee composed of at least three members of the chapter, excluding the commander, senior vice commander, treasurer, adjutant and finance committee chairman, who shall conduct an annual audit and, if the gross receipts excluding dues exceed \$25,000, submit a report to the state department and National Organization within ninety days after the close of the accounting year, which shall be the membership year commencing July 1 and ending June 30. All reports must be filed on forms provided by National Headquarters. All financial reports shall specify and itemize the precise source and 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 Article 15, Section 15.6, Para. 2, of National

Bylaws. Failure to file annual financial reports will be cause to suspend or revoke the chapter charter. If, in the opinion of the National Organization or the state department, a financial audit of the chapter is necessary, and the National Commander or state commander so authorizes it, such audit will be conducted by the National Organization or state department at chapter expense. This provision shall not exempt a chapter from the requirement of filing an annual financial report with the state department.

Para. 2. The financial statements as required by these Bylaws must be reviewed by a certified public accountant if the gross annual income, excluding membership per capita, exceeds \$300,000 from all sources.

Section 9.4. LVAP

The DAV is required to report volunteer hours to Congress, watchdog groups, Members and Donors. The Local Veterans Assistance Program (LVAP) is a monthly report submitted to State Department Commander. This report must be submitted not later than the 10th day of each month.

ARTICLE 10 – MEMBERSHIP

Section 10.1. Membership Definition.

Members are persons who have met the eligibility criteria and have paid the appropriate dues.

Section 10.2. Membership Eligibility.

Any individual, wounded, gassed, injured or disabled in the line of duty during “Time of war” as substantiated by official medical records of the armed forces, by notation on discharge certificate or Adjutant General’s office record, or by United States Department of Veterans Affairs records, while in the service of either the military or naval forces of the United States of America, and who has not been dishonorably discharged or separated from such service, or who may still be in active service in the armed forces of the United States of America is eligible. Others, who were disabled while serving with any of the armed forces of any nations associated with the United States as allies during any of its war periods, who are American citizens and who are honorably discharged, are also eligible for membership. Those who are eligible also include but are not limited to the following:

- All persons who were prisoners of war.
- All persons awarded the Purple Heart.
- All persons with a disability discharge from military service.
- All persons who are receiving or ever did receive compensation from the United States Department of Veterans Affairs for a disability incurred during time of war.
- All persons with a wartime service-connected disability of ANY degree (including those with a rating of less than 10 percent) officially rated by the United States Department of Veterans Affairs.
- All persons awarded vocational training because of injury or disability.
- All persons retired from military service for disability incurred during time of war.

- All persons drawing the statutory award for arrested or cured tuberculosis of wartime service origin.

Section 10.3. Issues in determining eligibility rest with the National Adjutant.

If there is a question on eligibility, it shall be submitted to the National Adjutant for decision. The decision of the National Adjutant under this article shall be final.

Section 10.4. Definition of “Time of War”

“Time of War” as defined in Article III of the National Constitution and By-Laws, shall include the following periods of service:

- Mexican War: April 24, 1846, to May 30, 1848
- Civil War: April 15, 1861, to August 20, 1866
- Indian Wars: From 1869 to 1898 there were 34 campaigns and military expeditions; disability because of service in any one is sufficient.
- Spanish-American War: April 21, 1898, to April 11, 1899
- Philippine Insurrection: April 11, 1899, to July 4, 1902
- Boxer Rebellion: June 20, 1900, to May 12, 1901
- Cuban Pacification: October 6, 1906, to April 1, 1909
- Vera Cruz Expedition: April 21, 1914, to November 26, 1914
- Punitive Expedition into Mexico: March 15, 1916, to February 5, 1917
- World War I: April 6, 1917, to July 2, 1921
- World War II & Korea: September 16, 1940, to January 31, 1955
- Vietnam and other engagements: January 31, 1955, to October 14, 1976
- Iranian Crisis, Lebanon Crisis, Invasion of Grenada, Invasion of Panama and other engagements: November 4, 1979, to January 31, 1990
- Persian Gulf, Somalia, Haiti, Bosnia, Afghanistan, Iraq or other crises: August 2, 1990, until terminated by presidential proclamation or congressional resolution

Section 10.4.1. “Time of War” further defined. The requirement during time of war is also met if it is determined that the applicant’s wound; injury or disability was incurred at any time

- (1) As a direct result of armed conflict,
- (2) While engaged in extra-hazardous service under conditions simulating war, or
- (3) while the United States was engaged in any war.
- (4) A disability incurred or aggravated during service between September 16, 1940, and December 7, 1941, is included in the term “under conditions simulating war.”

Section 10.5. Eligibility to Office

Any person holding membership in this Organization shall be eligible to any elective or appointive office in this Organization, except as otherwise provided in these Bylaws.

Section 10.6. Transfers.

Para. 1. Members of one chapter may secure a transfer of membership to another chapter, with the approval of the receiving chapter, whereupon the National Organization shall notify both chapters.

Para. 2. No transfer shall take effect as to dues credit or voting strength until the beginning of the membership year following completion of the transfer. All rights of membership in a chapter shall become effective upon the approval of the transfer by the receiving chapter.

Section 10.7. Membership Dues and distributions are outlined in National Constitution and By-Laws Section 11-4.

In witness thereof, we have hereunto subscribed our names this 9 day of February, 2021.

DENNIS J. STOREY

Commander 

JAN J. SCHMEICHEL, Sr Vice,

Commander 

JOSEPH THOMPSON, Jr Vice,

Commander 

LARRY STEVEN GRZANICH,

Treasurer 