



CONSTITUTION AND BYLAWS OF  
CRAVEN COUNTY CHAPTER #40  
New Bern, NC

**CONSTITUTION**

**ARTICLE I - NAME**

Section 1: The name of this Chapter shall be Craven County Chapter 40, Department of North Carolina, Disabled American Veterans.

Section 2: Under the authority of Art IV of the National Constitution of the Disabled American Veterans, a federal corporation, there has been and is hereby established aforementioned chapter, located in the city of New Bern, state of North Carolina.

**ARTICLE II – AFFILIATION**

The Disabled American Veterans, Craven County Chapter 40 recognizes the Department of North Carolina, Incorporated, and 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.

**ARTICLE III – PURPOSE**

Section 1: This Chapter is dedicated to empowering veterans to live high-quality lives with respect and dignity. We accomplish this by making sure veterans and their families can access a full range of benefits available to them; fighting for the interests of America's injured heroes and educating the public about the great sacrifices and needs of veterans and, in furtherance of that purpose, to support the programs of the DAV as provided in the National Constitution and Bylaws and Regulations of the National Executive Committee.

Section 2: This Chapter has a non-discrimination policy whereby all requests for aid and assistance are given equal consideration without regard to race, color, religion, sex, national origin, handicap, age, or any other legally protected classification. Further, such non-discrimination policy applies to all qualified applicants for membership, and to all activities in which this Chapter has been engaged, is now engaged, or in any way may be engaged at any time in the future.

## **ARTICLE IV -- MEMBERSHIP**

Membership in this Chapter shall conform to the requirements as set forth in the National Constitution and Bylaws. There shall be no associate, special or honorary memberships in this Chapter. No person shall be discriminated against because of race, color, creed, sex, age, disability, national origin, sexual orientation, or otherwise subject to unlawful discrimination.

## **ARTICLE V -- ADMINISTRATION**

Section 1: The administrative affairs of this Chapter shall be vested in the Chapter Executive Committee in emergencies only and all other actions of the Chapter Executive Committee must be ratified by a majority vote of those Chapter members present and voting, at the next regular Chapter meeting.

Section 2: The Chapter Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commanders, Treasurer, Adjutant and any other elected or appointed Chapter officers.

Section 3: At the time specified in the Chapter Bylaws, the Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commanders, and a Treasurer. Such other officers as may be necessary to operate the Chapter may be elected by the Chapter or appointed by the Commander, with the approval of the Chapter. Neither the Chapter Commander, Chapter Senior Vice Commander, or any Junior Vice Commanders may serve as Chapter Adjutant or Treasurer.

## **ARTICLE VI -- EXECUTIVE**

The executive power of this Chapter shall be vested in the Chapter Commander, subject to the approval of the Chapter Executive Committee or Chapter Members.

## **ARTICLE VII - AUXILIARY**

This Chapter recognizes a DAV Auxiliary, subject to such supervision as conforms with the National and Department Constitution and Bylaws of both organizations.

## **ARTICLE VIII - AMENDMENTS**

This Constitution may be amended at any Chapter meeting by a vote of two-thirds of those Chapter members present and voting, subject to approval of the Department and National Judge Advocates, and effective only after the date of said approval, provided that any such amendment is read at two (2) meetings and that all Chapter members were notified of the proposed change prior to each of the two (2) meetings.

**BYLAWS**  
**Of**  
**Disabled American Veterans**  
**Craven County, Chapter 40**

**ARTICLE 1 - ORGANIZATION**

Section 1: This Chapter 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 dissolution of the Chapter, the assets remaining after the payment of its debts shall be distributed as provided in Article 6, Section 6.4. Paragraphs 5 and 6, of the National Bylaws.

Section 2: The governing body of this Chapter shall be the Chapter in session, except as otherwise provided in this Constitution and Bylaws.

Section 3: Minutes of the meetings of the Chapter, including the Chapter Executive Committee, shall be kept and be available for inspection by any Chapter member for a period of seven (7) years.

**ARTICLE 2 - CHARTER**

The Charter of this Chapter, issued by the National Executive Committee, is its authority to function and shall be displayed at all regular meetings. The current edition of DAV Chapter 40's Constitution and Bylaws will be attached to the back of the Charter.

Section 1: After an Executive Committee has been elected, and so long as it continues to function, no expenditures shall be voted upon or authorized by the Chapter in excess of \$50.00, unless first referred to the Executive Committee for its recommendations, except by a three-fourths Chapter vote. All fund-raising projects and all agreements and contracts must be referred to the Executive Committee for its recommendations before being acted upon by the Chapter.

Section 2: All disciplinary actions shall be conducted in accordance with Article 16 Disciplinary Action of the National Bylaws and applicable Regulations of the National Executive Committee.

**ARTICLE 3 - OFFICERS**

Section 1, Para. 1: The Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commanders, and a Treasurer. Neither the Chapter Commander nor any Chapter Vice Commander may serve as Chapter Adjutant or Treasurer.

Para. 2: The Commander, with the approval of the Chapter, shall appoint the Adjutant, Chaplain and Chapter Committees, with the exception of the Nominating Committee which shall be elected by the Chapter.

Para. 3: Such other officers as may be necessary to operate the Chapter may be appointed by the Commander; with the approval of the Chapter.

Para. 4: A Chapter officer report shall be submitted to the State Department and National Organization within ten (10) days after the installation of newly elected or appointed Chapter officers or in the event of any subsequent change in the Chapter officers during the membership year.

Para. 5: During election, any qualified candidate, not present, can be elected for office by a vote of proxy, Commander has the final decision. There will be no voting by absentee ballot.

Section 2, Para. 1: The Commander shall be the presiding officer at all Chapter meetings and, in their absence; the duty will fall to the next highest officer in line of succession who is present. They shall perform all other duties that may reasonably be assumed to be incidental to their office, including those set forth in this Constitution and in the official DAV Ritual and such other duties as may be lawfully delegated to them by the Chapter.

Section 2, Para. 2: The Senior Vice-Commander and Junior Vice-Commanders, in the order named, shall perform the duties of the Commander in the event of their absence or, if they should die, resign or be removed, until their successor is elected.

Para. 3: The Senior Vice Commander shall perform the duties of their station as set forth in the Chapter Officer Guide. They shall encourage friendship among the members of this Organization, discourage discord, and promote harmony. Subject to the direction of the Chapter, they 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 two or more members to assist them in such membership activities. The Senior Vice Commander and Adjutant are responsible for the membership records and should make certain they are kept up to date.

Para. 4: The Treasurer is an elected position and shall ensure all Chapters' funds/donations are deposited in the bank account in a timely manner in the name of the Chapter without any deductions or offsets. They shall ensure an Expense Reimbursement Request is correctly filled out, signed and with all receipts attached prior to writing out any checks. The Treasurer will make authorized disbursements by checks signed by them and countersigned by the Commander or designated officers. Credit/Debit card purchases are not authorized for the Chapter. The Treasurer shall keep a system of accounts approved by the Chapter and shall preserve all receipts and checks for payments made. They shall render a monthly report of receipts and expenditures to the Chapter not later than the first regular Chapter meeting following the last day of each calendar month. An annual financial report, audited and approved by the Chapter Audit Committee, shall be submitted to the State Department within sixty (60) days after the close of the accounting year of the Chapter, as required by the National Bylaws. After State Department

approves the financial report it will be forwarded to National Organization, as required by the National Bylaws. Treasurer will maintain financial records for seven (7) years.

Para. 5: The Adjutant is an appointed position responsible for keeping the Chapter's records and conducting the Chapter's official correspondence. They 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 motions. The Adjutant and Senior Vice Commander are responsible for the membership records and should make certain they are kept up to date. Adjutant will maintain all correspondence records for seven (7) years.

Para. 6: The First Junior Vice Commanders shall perform the duties of their station as set forth in the Chapter Officer Guide and by the Commander. They shall see 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 this Constitution and Bylaws or Robert's Rules of Order. They shall, at all times, encourage loyalty to the United States of America, to the DAV, and to the members of the Chapter.

Para. 7: The Second Junior Vice Commanders shall perform the duties of their station as set forth in the Chapter Officer Guide and by the Commander. They shall see 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 this Constitution and Bylaws or Robert's Rules of Order. They shall, at all times, encourage loyalty to the United States of America, to the DAV, and to the members of the Chapter.

Para. 8: The Chaplain is an appointed position and shall perform the duties of their station as set forth in the Chapter Officer Guide and by the Commander. They shall visit the sick and comfort the families of those members who pass away. They shall be responsible for encouraging attendance at DAV conducted funerals and the proper conduct thereof. Subject to the direction of the Chapter, they shall act as Hospital Visitation Chairperson and, with the approval of the Chapter, may appoint one or more members to assist them as Chairperson.

Para. 9: The Historian, if needed, will be an appointed position and shall keep a brief history of the activities of the Chapter during their term of office, to be kept as a permanent record of the Chapter. They shall also act as Publicity Officer of the Chapter and regularly furnish proper publicity materials to local newspapers, radio stations and television outlets, as well as official DAV National and Department publications, with the approval of the Commander and the Executive Committee.

Para. 10: The Chapter Service Officers shall advise and assist disabled veterans and their family members in the preparation and processing of their claims for benefits from Veterans Affairs. A monthly report will be submitted to the Commander/Adjutant during or prior to each meeting.

Para. 11: The Officer-of-the-Day shall perform the duties of their office as set forth in the Chapter Officer Guide. They shall welcome all visitors and see that each is properly introduced.

Section 3, Para. 1: By accepting any elective or appointive office, a member agrees that their services shall be rendered gratuitously and that 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. No Chairperson, Committeeperson, Chapter officer or other Chapter member shall have the power or authority to incur any expense or obligation or bind the Chapter, unless by prior express approval of the Chapter, evidenced by a majority vote at a regular meeting. A 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 themselves in such manner, at all times and places, as will only affect the good of the Organization; to enforce and sustain this Constitution and Bylaws, and the Constitution and Bylaws of the National and Department organizations; and when their successor has been duly elected or appointed, to surrender to them without notice or demand all the records and other property of the Chapter or of the Organization in their possession or under their control.

#### **ARTICLE 4 - EXECUTIVE COMMITTEE**

Section 1, Para. 1: One of the purposes for the creation and continuance of the Executive Committee shall be to provide a means for the consideration and discussion of routine and other business affairs of the Chapter and to make recommendation to the Chapter of desired action. This will serve to reduce the time which might otherwise be consumed during Chapter meetings in such discussion, streamlining Chapter meetings to provide for earlier adjournment and time for entertainment and social activities. However, the sole power to approve or disapprove such recommendations, or to act, in whole or in part, contrary thereto, shall remain in the hands of the Chapter.

Para. 2: The Chapter Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commanders, Treasurer, Adjutant and Chaplain and any other elected or appointed Chapter officers.

Section 2: Meetings of the Chapter Executive Committee will be called by the Commander, or at the request of a majority of its members made in writing to the Commander.

Section 3: Appointed officers, committee chairpersons and other Chapter members may attend the Chapter Executive Committee meetings, but without the right to vote.

Section 4: A majority of the members of the Chapter Executive Committee shall constitute of four (4) members for a quorum.

Section 5: The Executive Committee shall make recommendations to the Chapter, from time to time, which it believes will have benefit to the Chapter.

Section 6: The minutes of each meeting of the Executive Committee shall be posted on the chapter website by the Adjutant or website Administrator. The approval of the minutes by the Chapter shall constitute an approval of the recommendations and actions taken by the Executive Committee. The Executive Committee shall hold at least two regular meeting each year and may

hold special meetings upon the call of a Chairperson or the Commander, or any three (3) members of the Committee 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 Committee not less than forty-eight (48) hours prior to the meeting.

## **ARTICLE 5 - TENURE OF OFFICE**

Section 1: Officers for the Chapter shall be nominated during the April meeting and again immediately prior to the May election meeting. Elected and appointed officers shall be installed within thirty (30) days of their election or appointment. They shall serve for one (1) year or until newly elected or appointed officers have been installed.

Section 2, Para. 1: Unexcused absence of any officer from three (3) consecutive meetings shall be cause for removal by the Chapter, and the Commander is empowered to appoint a Chapter member to serve the unexpired term, subject to the approval of the Chapter.

Para. 2: In the event the office of Commander shall be vacated for any reason, the Senior Vice Commander shall be elevated to Commander, 1<sup>st</sup> Junior Vice Commander to Senior Vice Commander, 2<sup>nd</sup> Junior Vice Commander to 1<sup>st</sup> Junior Vice Commander.

Section 3: It shall require a majority vote of those Chapter members present and voting to elect a candidate for any Chapter office. It shall also require a majority of votes cast to elect delegates or alternates to a State or National Convention.

## **ARTICLE 6 - MEMBERSHIP**

Section 1: No new applicant shall be denied Chapter membership if they meet the eligibility requirements as set forth in the National Constitution and Bylaws.

Section 2: Only members of the Chapter in good standing are eligible to vote on any motion or at any election.

Section 3: Members of another Chapter may secure a transfer of membership to this Chapter, with the approval of the Membership Committee and the membership of this Chapter.

## **ARTICLE 7 - FINANCES**

Section 1: The Treasurer or other designated officer shall deposit all monies, in a timely manner, in the name of the Chapter and shall countersign with the Commander or other designated Chapter officer on all checks. At no time will Treasurer or other designated officer sign blank checks.

Section 2: The Treasurer or other designated Chapter officer shall be charged with handling normal finances in the operation of the Chapter. They may make available an amount not to

exceed \$100.00 each month for administrative supplies, till box at Fund Raiser's and for the conduct of regular and authorized business.

Section 3: Membership dues shall be as provided in the National Bylaws.

## ARTICLE 8 - MEETINGS

Section 1: Regular Chapter meeting shall be at least four (4) times a year, at a place in the city mentioned in Article 1, Section 1 of the Constitution, as designated by this Chapter.

Section 2: The Chapter must hold at least one (1) regular meeting with a quorum present each quarter. See Section 7, Rule 1 on this page.

Section 3: Special meetings of the Chapter may be called by the Commander whenever the Commander may deem it necessary, or when the Commander is requested in writing to do so by ten (10) or more Chapter members in good standing.

Section 4: The call of any such special meeting shall state specifically the purpose for which it is called and no other business shall be transacted at the special meeting.

Section 5: Notices of any such special meeting shall be disseminated via email, mail or telephonically to each member in good standing, at least five (5) days prior thereto, stating the time, place and purpose thereof.

Section 6: Any member in good standing of another Chapter of the DAV may attend any meeting of this Chapter, without the right to vote; except Department or National Officers. No visiting member shall speak on any subject under debate, without the permission of the Commander or the approval of the Chapter by majority vote.

Section 7: Rules of Chapter meetings shall be as follows:

RULE 1. A quorum shall consist of ten (10) members in good standing, of which at least two (2) must be elected or appointed Chapter officers.

RULE 2. Robert's Rules of Order, Revised, current edition, shall govern the Chapter in all cases to which they are applicable and in which they are not inconsistent with this Constitution and Bylaws, the Department or the National Constitution and Bylaws.

RULE 3. Discussion of personal grievances will not be in order on the floor unless introduced by a Committee having the authority to consider any such matters.

RULE 4. Matters concerning only an individual member, with respect to their own personal interest, shall not be in order but may be taken before the proper Committee.



RULE 5. Voting shall be by a show of hands unless otherwise requested by at least ten (10) members. In case of a tie, voting will be by written ballot.

## ARTICLE 9 - COMMITTEES

Section 1: All Chapter committees will meet at the call of the Chairperson or Commander, or as otherwise provided in this Constitution and Bylaws.

Section 2: Committees shall consist of not less than two (2) or more than seven (7) members, including the Chairperson. Committees shall be appointed by the Commander, with the approval of the Chapter, with the exception of the Nominating Committee which shall be elected by the Chapter.

Section 3: The Chapter shall have an Audit Committee composed of at least three (3) members of the Chapter, excluding the Commander, Senior Vice Commander, Treasurer, Adjutant and Finance Committee Chairperson. The Audit Committee shall conduct an annual audit in accordance with the requirements of the National Bylaws.

Section 4: The Chapter shall have a Benevolent Committee whose duty is to keep informed as to public and private agencies and organizations which can offer temporary or permanent assistance to disabled veterans or their family members and to assist such persons in securing proper adequate aid and assistance. The Benevolent Committee may make a onetime emergency grant in any individual case of not more than \$200.00 for such purposes without prior Chapter approval, if funds are available. The Chairperson of the Benevolent Committee will be the Chaplain.

Section 5: The Chapter shall have a Membership Committee. All applications for transfer to this Chapter shall be referred to the Committee, who shall report its recommendations to the Chapter. The Senior Vice Commander shall also be an ex-officio member of this Committee and will vote only in condition of a tie.

Section 6: This Chapter shall have an Entertainment Committee. This Committee shall secure guest for Chapter meetings and plan other Chapter affairs; such as Christmas Party, with the approval of the Commander.

Section 7: This Chapter shall have a representative in the Craven County Veterans Council (CCVC) and may have a representative in other local organizations as they become available and are approved by the Commander.

## ARTICLE 10 – NOMINATIONS AND ELECTIONS

Section 1: Voting for officers shall be by a show of hand, except by unanimous consent.

Section 2: In the event of a vacancy of any elective office, nominations and election to fill such vacancy may be made at the same meeting.

Section 3: All nominations for either State or National Convention delegates shall be made sixty (60) days prior to Conventions Election of Department and National Conventions.

Section 4: Voting during an election by proxy is authorized; there shall be no voting by absentee ballot. Only members in good standing and present shall be entitled to vote on any questions or at any election. The presiding officer shall be entitled to vote only in case of a tie or where the voting is by written ballot.

Section 5: Installation of Chapter officers shall take place within thirty (30) days of their election or appointment.

## ARTICLE 11 – RESTRICTIONS AND MISCELLANEOUS

Section 1, Para. 1: These Bylaws may be amended at any Chapter meeting by a vote of two-thirds of those Chapter members in good standing present and voting, subject to approval of the Department and National Judge Advocates, and effective only after date of said approval, provided that any such amendment is read at two (2) meetings and that all Chapter members were notified of the proposed changes prior to each of the two (2) meetings.

Para. 2: A copy of this Constitution and Bylaws shall be properly 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 to which any of the provisions of this 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 either the governing State Department or the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended so as to conform thereto.

Section 2, Para. 1: The Chapter may direct that notice be sent to any elective or appointive officer who has failed to attend three (3) consecutive meetings of the Chapter or who, in the opinion of the Chapter, does not appear to be fulfilling the duties of their office, stating that at the next regular meeting (giving the time and place), the matter of their termination from office will be considered. At the meeting set forth in such notice, the Chapter, by a vote of two-thirds of those Chapter members, in good standing and present may vote, and may declare such office vacant and such officer terminated. If an elective officer, their office can be filled by nomination and election at the same meeting. If an appointive officer, the Commander can appoint another member to fill such vacancy with the approval of the Chapter.

Para. 2: The order of business at any regular Chapter meeting shall be as prescribed in the Official DAV Ritual and as dictated by the needs of the Chapter.

Para. 3: Voting by proxy is authorized; there shall be no voting by absentee ballot. Only members in good standing and present shall be entitled to vote on any question or at any election. The presiding officer shall be entitled to vote only in case of a tie or where the voting is by written ballot.

Para. 4: Each member accepting or retaining membership in the Chapter agrees to be bound by this Constitution and Bylaws and the DAV National and Department Constitution and Bylaws, now in


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force or hereafter adopted or amended. ~~Each member also agrees not to bring any action in any court of law or equity relating to their rights or privileges as a member or officer until all remedies provided by this Chapter's Constitution and Bylaws and the State and National Constitution, Bylaws and lawful mandates have been exhausted.~~

Para. 5: Except as otherwise expressly provided in the National Bylaws, the Chapter shall not sponsor or engage in, directly or indirectly, any fund-raising project without the prior approval of the governing State Department or National Executive Committee. All fund-raising activities will be conducted in accordance with Article 15 Source of Income of the National Bylaws and the Regulations of the National Executive Committee.

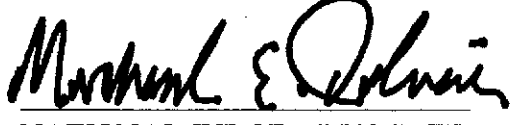
Para.6: The name of this Chapter or of the Disabled American Veterans must not be used in connection with any political, sectarian or labor dispute, or in any matter not directly related to service-disabled veterans, or shall this Chapter enter into or engage in any such activities. However, nothing in this paragraph shall prohibit the Chapter from participating in political issues which have a direct bearing upon the welfare of America's disabled veterans.

ATTEST: \_\_\_\_\_  
Adopted after this second and final reading on the thirteen day of September, 2016.

  
\_\_\_\_\_  
ADJUTANT (CHAPTER)

  
\_\_\_\_\_  
COMMANDER (CHAPTER)

  
\_\_\_\_\_  
DEPARTMENT JUDGE ADVOCATE

  
\_\_\_\_\_  
NATIONAL JUDGE ADVOCATE

I CERTIFY that the within constitution and/or by-laws does not conflict with those of the National Organization, and to that extent, is approved. Subject to my letter of  
Date: 11-22-16  
DAV National Judge Advocate