



**DISABLED AMERICAN VETERANS
DEPARTMENT OF MICHIGAN
CONSTITUTION AND BYLAWS
SAULT STE. MARIE, MICHIGAN
STATE CONVENTION
2014-15**



DISABLED **A**MERICAN **V**ETERANS
STATE **D**EPARTMENT OF **M**ICHIGAN
CONSTITUTION AND **B**YLAWS

As amended by the
Sault Ste. Marie State Convention
June 6,7,8 2014

APPROVED BY STATE JUDGE ADVOCATE

 6-29-14

APPROVED BY 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.

DATE: July 7, 2014
DAV National Judge Advocate

TABLE OF CONTENTS

Constitution

Article 1	Name	6
Article 2	Purpose	6
Article 3	Membership	6
Article 4	Organization	7-8
Article 5	Administration	9
Article 6	Executive Powers	9
Article 7	Powers and Duties of Department	9
Article 8	Auxiliaries	9
Article 9	Amendments	9

TABLE OF CONTENTS

Bylaws

Article 1	Organization	10
Article 2	Policy	10
Article 3	Membership	10
Article 4	Chapters	11-12
Article 5	Districts	12-13
Article 6	Powers and Duties of State Officers	13-17
Article 7	Duties of State Department Interim Committees	17-18
Article 8	State Convention	18-19
Article 9	Executive Committee	19-21
Article 10	Board of Directors	21-24
Article 11	Revenue and Expenditures	24
Article 12	Employment Policy	24-25
Article 13	Charges and Trials	25
Article 14	Misuse of Rosters	25
Article 15	Amendments	25-26

CONSTITUTION

DISABLED AMERICAN VETERANS, DEPARTMENT OF MICHIGAN

ARTICLE I - NAME

The name of this organization shall be "Disabled American Veterans, Department of Michigan."

ARTICLE II - PURPOSE

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

ARTICLE III - MEMBERSHIP

3.1 Eligibility

Any man or woman, who was wounded, gassed, injured or disabled in the line of duty during time of war, while in the services of either the military or naval forces of the United States of America, and who has been honorably 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 for membership in the Disabled American Veterans. Others, who were disabled while serving with any Armed Forces of any nation associated with the United States of America as allies during any of its war periods, who are American citizens and who are honorably discharged, are also eligible.

3.2 Classifications

There shall be no form or class of membership, except as herein specified. The Disabled American Veterans shall not have honorary members.

3.3 Certificates of Merit

The National Commander, on recommendation of a Chapter or State Department, may issue a Certificate of Merit for outstanding service to the DAV.

ARTICLE IV - ORGANIZATION

4.1 National Orientation

This Department and all members and units thereof shall be part of the National organization of the Disabled American Veterans.

4.2 Administrative Divisions

This Department shall be divided into Districts and Chapters for the purpose of administration and cooperation.

4.3 Elected Offices

Each State Convention shall elect a State Commander, a State Senior Vice Commander, a State 1st Junior Vice Commander, a State 2nd Junior Vice Commander, State Treasurer and a State Chaplain.

4.3a No two (2) Commanders or Vice Commanders may be elected from the same Chapter.

4.3b No State officer may hold more than one elective office at the same time.

4.3c The State Adjutant and the State Executive Secretary may not hold an elective state office.

4.3d Any officer of the Department of Michigan holding an elected State office who is elected to another State office, must submit a written resignation before acceptance of the newly elected state office.

4.3e No person shall be elected to more than one term as State Commander. In the event of a vacancy of the office of State Commander, a person may serve the unexpired term of office and remain eligible for election to one term as State Commander.

4.3f A Nominating Committee shall be established to recommend to the Membership at the State Convention the position for a State Commander and Vice Commanders, State Treasurer and State Chaplain for the next year.

4.3g The Nominating Committee, shall consist of the six (6) Executive Committeemen. (Alternate's to fill in for any absent Executive Committeemen if needed) The Committee shall elect a Chairman. The Chairman will only vote in the event of a tie.

4.3h The State vice Commanders shall be assigned the following Duties.

- a. Senior Vice Commander – Membership Chairman
- b. 1st Junior Vice Commander – National Legislation Chairman
- c. 2nd Junior Vice Commander – State Legislation Chairman

4.3i Each vice Commander will be assigned Chapters to follow progress and report to the Board of Directors, Chapters will be assigned by the State Executive Secretary.

4.4 **Executive Committee**

4.4a There shall be a State Executive Committee to be composed of the State Commander, Immediate Past State Commander, the State Vice Commanders, and one Executive Committee member from each district in good standing.

4.4b Prior to the start of the first Business Session of the Convention, each District shall meet and elect its State Executive Committee Member and Alternate and shall certify their names to the State Adjutant and Executive Secretary no later than 3:00 p.m. prior to the close of the first business session.

4.4c The District Executive Committee Member shall serve a term starting at the post State Convention Executive Committee meeting and ending at the close of the following annual State Convention. The three (3) district Executive Committee Members from even numbered districts shall be elected in even numbered years for a two (2) year term, and three (3) district Executive Committee Members from odd numbered districts shall be elected in odd numbered years for a two (2) year term

4.4d In the event of a vacancy of office of the Executive Committee Member, the alternate will succeed. The District may elect an alternate and notify the Department Adjutant and State Executive Secretary immediately of such change.

4.5 **Board of Directors**

4.5a There shall be a State Board of Directors composed of seven (7) voting members, to include the State Commander and the six (6) district Executive Committee Members.

4.5b There shall be no more than one (1) Executive Committee person elected from each district. The State Treasurer, State Judge Advocate, State Executive Secretary and the State Adjutant shall serve on the Board of Directors as advisors with a voice, but no vote.

4.5c Vacancies shall be filled as stated in the State Bylaws under section 10.3

ARTICLE V - ADMINISTRATION

The administrative affairs of this organization shall be vested in the State Executive Committee.

ARTICLE VI - EXECUTIVE POWERS

The executive powers of this organization shall be vested in the State Commander.

ARTICLE VII - POWERS AND DUTIES OF THE DEPARTMENT

7.1 Supreme Powers

The Supreme powers, the powers to determine and revise policies and direction of the Organization shall be vested in the State Convention to be held once each year and to be composed of the State Officers, duly authorized Executive Committee members and duly authorized Chapter delegates.

7.2 Department Headquarters

The Department shall establish in such a manner as shall be determined by the State Convention, the place of locating its headquarters. There shall be only one Department Headquarters.

7.3 National Mandates

This Department shall be subject to mandates of the National organization pertaining to State Departments.

7.4 National Constitution and Bylaws

This Constitution and subsequent Bylaws shall in no way conflict with the Constitution and Bylaws of the National organization.

ARTICLE VIII - AUXILIARIES

This organization recognizes a DAV Auxiliary (DAVA) and the National Order of Trench Rats (NOTR) as auxiliary units of this Organization.

ARTICLE IX - AMENDMENTS

9.1 Resolutions proposing to amend the State Department Constitution must be submitted no later than fourteen (14) days prior to the first business session of the State Convention.

9.2 This Constitution may be amended at any State Convention by three-fourths (3/4) of the authorized votes cast.

Bylaws

ARTICLE 1 - ORGANIZATION

1.1 Governing Bodies

The governing bodies of this organization shall be the State Convention, the State Executive Committee, and the Chapters within the rights and privileges granted by the National organization.

1.2 Allegiance

This Department recognizes the National organization known as the 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 Department, the assets remaining after payment of its debts shall be distributed as provided in Article 6, Section 6.4, paragraph 5 of the National Bylaws.

1.3 Record Keeping

Each governing body shall keep records of its proceedings, which shall be open for inspection by any recognized officer of the National organization, the Department of Michigan, or Chapter in the Department of Michigan.

1.4 Procedures

All matters of procedure not otherwise provided for in the Constitution and Bylaws of the Department of Michigan, or in the Constitution and Bylaws of the National organization shall be governed by Robert's Rules of Order, Revised.

ARTICLE 2 - POLICY

This organization shall be non-political and non-sectarian and the name of this organization or name of any unit thereof shall not be Used in representing the desires or wishes of its membership in any political, sectarian or labor dispute, except as herein provided or as provided in the Bylaws of the National organization. Provided, however, that the foregoing shall not prevent this organization or any unit thereof from participating in political issues which have a direct bearing upon the welfare of America's disabled veterans.

ARTICLE 3 - MEMBERSHIP

3.1 Rules

Membership rules of the Department of Michigan shall be the same as prescribed in the National organization's Constitution and Bylaws.

3.2 Membership Transfer

Members of one Chapter may secure a transfer of membership to another Chapter, with the approval of the receiving Chapter. Upon notification the National organization will notify all Chapters concerned. No transfer shall take effect as to dues credit or voting strength until the beginning of the fiscal year following the completion of the transfer.

3.3 Solicitations

No member shall solicit funds or offer for sale any form or kind of merchandise in the name of the organization or while wearing any portion of the DAV uniform, except in accordance with the National organization's Constitution and Bylaws.

ARTICLE 4 - CHAPTERS

4.1a Granting of Charters

Charters are granted to the Chapters by the National Executive Committee in accordance with Article VI of the National organizations Bylaws.

4.1b Application for Charters

Application for charters shall be submitted to the Department of Michigan headquarters to be forwarded by the State Commander to the National Executive Committee for approval.

4.1c Charter Revocation

Charters may be revoked in accordance with the National organization's Bylaws. Members in good standing of a Chapter having had its charter revoked may transfer to another Chapter.

4.2 Chapter Officers

Each Chapter shall elect a Commander, a Senior Vice Commander, a Junior Vice Commander; shall elect or appoint an Adjutant, a Treasurer, a Chaplain-and may elect or appoint such officers as may be necessary to operate the Chapter.

4.2a Chapter officers shall be elected annually during the months of April, May or June.

4.2b Chapter officers shall be administered the "oath of office" prior to July 1st. Each Chapter shall submit an "officer certification form," certifying that the officers have been duly elected/appointed and that they have taken the "oath of office." This form shall be obtained from Department headquarters and shall be signed by the officer administering the oath of office and forwarded to Department headquarters within 10 days after installation.

4.3 Ruling of the Chapter Commander

The ruling of the Chapter Commander is final and binding upon the Chapter unless the decision is overruled by the Chapter or upon successful appeal to the State Executive Committee.

4.4 Chapter Convention Delegates

Each Chapter shall, under its own rules, select one delegate and one delegate alternate for its charter and one delegate and one delegate alternate for each twenty-five (25) members or major fraction thereof, to represent the Chapter at the State Convention, at least twenty days prior to the opening of the convention and certify these delegates to the State Adjutant prior to the opening of the convention on forms to be provided by Department headquarters.

4.5 Chapter Constitution, Bylaws and Rules

Each Chapter shall adopt its own Constitution, Bylaws and rules; provided that such Constitution, Bylaws and rules do not conflict with those of the Department of Michigan or with those of the National organization. Chapter Constitution, Bylaws and rules shall be approved by the State Judge Advocate and the National Judge Advocate.

4.6 Chapter Quorums

Chapters may set their own rules concerning which constitutes a quorum. Department records indicate most Chapters consider 6 members present with at least 2 being Chapter appointed or elected officers, constitutes a quorum.

4.7 Chapter Records

4.7a Each Chapter shall keep a complete financial record of all monies received, expended and remitted.

4.7b The Chapter Treasurer shall be responsible for all Chapters funds, which must be deposited in a credible financial institution, designed for safekeeping of funds (bank) in the name of the Chapter.

4.7c All Chapter funds must include bingo accounts, C.D.'s, building funds, memorial home funds, etc. The chairmen of these accounts (funds) shall submit a monthly report to the Chapter Treasurer who shall include these, and all funds, in a report at every Chapter meeting.

4.7d All accounts must be audited annually by the Chapter's auditing committee, which cannot include the Commander, Sr. Vice Commander, Treasurer, Adjutant, or Finance committee chairman .

4.7e All bank accounts must be held in the name of the Chapter and ~~it~~ shall include the name of the Treasurer on the account, with the names of at least 2 other Chapter officers.

4.7f The accounting period/year of all Chapters within the Department of Michigan shall be July 1st through June 30th.

4.7g Each Chapter shall have an accounting made and shall submit a report annually to the National and Department organizations within 90 days after the close of the accounting year of the Chapter in accordance with Article IX, Section 9.3 of the National organization's Bylaws.

4.7h Members in good standing of a Chapter may inspect the records of their chapter in the presence of a Chapter officer.

ARTICLE 5 - Districts

5.1 Geographical Description

This Department shall be divided into six (6) Districts as follows:

District 1: That portion of the eastern lower part of the state from a line East of US 23, north to Hwy 57 in a line to Hwy 90 to Lake Huron and South to the State Line.

District 2: That portion of the central lower part of the State from a line West of US23, North to Hwy 57, East of Hwy 66 and to the State Line.

District 3: That portion of the western lower part of the State, West of Hwy 66, North to Hwy 57, to US 131 to Hwy 46 West to Lake Michigan and South to the State Line.

District 4: That portion of the Northern part of the state West of US 127 to I-75 TO Mackinaw City Bridge, South to Hwy 57, US 131, Hwy 46 and West to Lake Michigan.

District 5: That portion of the northern part of the state east of US 127 to I-75, TO Mackinaw City Bridge South to Hwy 57 in a line to Lake Huron.

District 6: The entire Upper Peninsula.

5.2 District Meetings

5.2a There shall be at least one District Meeting to be held at the State Convention. Additional meetings may be held, but are not required.

5.2b District meeting registration fees shall not exceed \$8.00 per member for meetings other than those held at the State Convention. This registration fee shall be used to defray the hosting Chapter's expenses.

ARTICLE 6 - POWERS AND DUTIES OF THE STATE OFFICERS

6.1 Qualifications of Officers

Any person holding membership in this organization whose per capita tax has been duly received by the Department of Michigan and the National organization shall be eligible to any elective office in the Department of Michigan except as restricted in Article IV, Section 4.3 of the Department of Michigan Constitution.

6.2 Powers and Duties of the State Commander

6.2a The State Commander shall be the presiding officer at the State Convention.

6.2b The State Commander shall be the presiding officer of the State Executive Committee. At his or her discretion, one of the State Vice Commanders may be delegated to preside.

6.2c The State Commander shall have the right of prior approval of all publicity releases of the Department of Michigan.

6.2d The State Commander shall appoint a State Judge Advocate, an Officer-of-the-Day, a Sergeant-at-Arms and any such Officers and committees as may be deemed necessary by the State Commander and as may be mandated by the State Convention, State Department Constitution or Bylaws. All appointed officers and Committee members must be members in good standing of the Department of Michigan during the term of appointment. All appointments made by the State Commander shall be subject to the approval of the State Executive Committee.

6.2e The State Commander shall appoint a State Inspector with the approval of the State Executive Committee. The Commander may, at his or her discretion and with the approval of the State Executive Committee, appoint the State Adjutant to fulfill the responsibilities of this office concurrently with the duties of the office of Executive Secretary.

6.2f The State Commander shall appoint with the approval of the State Executive Committee, an Interim Constitution and Bylaws Committee, composed of three members.

6.2g The State Commander shall appoint, with the approval of the State Executive Committee, an Interim General Resolutions Committee to be composed of three members.

6.2h The State Commander shall appoint, with the approval of the State Executive Committee, a State Interim Convention Committee, composed of six members to include the State Commander, the State Executive Secretary and each State Vice Commander.

6.2i The State Commander shall at his or her discretion, appoint and direct all personnel needed to help resolve disputes and/or problems between Chapters, within Chapters, or between Chapters and Auxiliary units or dugouts.

6.2j The State Commander may suspend, with cause, any non-paid appointee.

6.2k The State Commander may remove from office, any suspended non-paid appointee with the approval of the State Executive Committee.

6.2l The State Commander shall render decisions to settle disputes within the Department of Michigan. These decisions shall be subject to appeal to (in order) the State Executive Committee, the State Convention, provided written notice of intention to appeal is given to the Department of Michigan headquarters within 15 days of the State Commander's decision. In all cases, the decision of the State Convention shall be final.

6.2m The State Commander, or at the State Commander's discretion, a State Vice Commander, shall represent the Department of Michigan at the DAV National Convention.

6.3 Powers and Duties of the State Vice Commanders

6.3a The State Vice Commanders shall assist the State Commander in the performance of his or her duties on behalf of the Department of Michigan.

6.3b The State Senior Vice Commander shall accompany the State Commander to the National Convention.

6.4 Duties of the State Chaplain

The duties of the State Chaplain shall be as prescribed in the National Bylaws and as directed by the State Convention.

6.5 Duties of the State Adjutant

6.5a The State Adjutant shall be appointed by the State Commander in a non-compensated position.

6.5b The State Adjutant shall be the Secretary to the State Commander.

6.5c The State Adjutant shall be the Secretary in conjunction with the State Executive Secretary at the State Convention and Executive Committee Meetings.

6.5d The State Adjutant shall conduct the State Convention in conjunction with the State Executive Secretary.

6.5e The State Adjutant and State Executive Secretary may be one in the same if appointed by the State Commander.

6.5f It shall be the State Adjutant's duty to work to promote better relations between those responsible for the sale of advertising, the printing, mailing, and all other matters in connection with the general work involved in the publication of a Department newspaper.

6.5g It shall be the duty of the State Adjutant and the State Executive Secretary to maintain a master copy of the State Convention minutes, the State Executive Committee minutes, and State officer reports at all times in the Department office.

6.6 Duties of the Executive Secretary

6.6a The State Executive Secretary shall be a full time position. The hiring of the position shall be accomplished through the State Board of Directors process with the Chairman of the Board, the current State Commander and two (2) additional Board Members serving as interviewers along with the Director and Assistant Director of the Rehab Office.

6.6b The State Executive Secretary shall be a compensated member/employee of the Department of Michigan. He/she shall devote an average of 8 hours per day or forty hours (40) per week to the job of State Executive Secretary. He/she shall be afforded a three-year (3) contract as State Executive Secretary. This contract may be extended for up to three additional years at a time with Board of Directors approval.

6.6c The State Executive Secretary shall be the manager of the business and administrative affairs of the Department of Michigan.

6.6d It shall be the duty of the State Executive Secretary to perform the duties of the corresponding secretary of the Department of Michigan.

6.6e It shall be the duty of the State Executive Secretary to perform in conjunction with the State Adjutant the duties of Secretary of the State Convention and the State Executive Committee, and shall with the concurrence of the State Commander, determine the form of the State Convention credentials.

6.6f It shall be the duty of the State Executive Secretary to keep the controlling records of the Department of Michigan employees' paid annual and sick leave.

6.6g It shall be the State Executive Secretary's duty to work to promote better relations between those responsible for the sale of advertising, the printing, mailing, and all other matters in connection with the general work involved in the publication of the Department Newspaper.

6.6h It shall be the duty of the State Executive Secretary to maintain a master copy of the State Convention minutes, the State Executive Committee minutes, and State Officers reports at all times in the Department Office.

6.6i The budget for the Department of Michigan, budget reporting and accounting procedures shall be a shared responsibility of the State Executive Secretary and the State Treasurer. The State Executive Secretary shall provide the State Treasurer with information concerning the Department budget as it become available.

6.6j The State Executive Secretary shall at the Department's annual Convention present a report on the status of the Department.

6.6k The State Executive Secretary may serve if appointed as the State Adjutant in a dual position.

6.7 Duties of the State Treasurer

6.7a All expenditures of the Disabled American Veterans, Department of Michigan shall be reviewed by the State Treasurer. All financial disbursement requires the signature of the Treasurer and one other officer.

6.7b The State Treasurer shall be an authorized signatory on all Department depository and investment accounts, along with two other Department officers.

6.7c The State Treasurer shall be instrumental in developing Department investment policies.

6.7d The State Treasurer shall be a member of the State Executive Committee.

6.7e The State Treasurer shall be an ex-officio member of the State Board of Directors.

6.7f The State Treasurer shall review all payment vouchers prepared in support of Department expenditures based on the annual Department budget.

6.7g The State Treasurer shall review all payment vouchers prepared in support of expenditures based on the annual Rehabilitation program budget.

6.7h The final authority for accounting procedures, budgeting, back office procedures shall be the responsibility of the State Treasurer.

6.7i The State Treasurer must be Bonded, the Board of Directors shall determine the bond amount.

6.8 Duties of the State Judge Advocate

6.8a The State Judge Advocate shall serve as a member of the State Executive Committee.

6.8b The State Judge Advocate shall serve as an advisor to the Interim Constitution and Bylaws Committee.

6.8c The State Judge Advocate shall, at the request of the State Commander, the State Executive Committee or the State Convention, render opinions on any existing or proposed parts of the Department or National organization's Constitution and Bylaws, on all questions of parliamentary procedure, and on all questions arising from Chapter or Department disputes.

6.9 Duties of the State Inspector

6.9a The State Inspector shall, under the supervision and direction of the State Commander or State Adjutant investigate any alleged violation of Chapter, Department, or National Constitution and Bylaws, including but not limited to occurrences which may impugn the integrity or reputation of the organization.

6.9b The State Inspector shall, at the direction of the State Commander or the State Executive Secretary, inspect, audit or cause to have audited the books, records and accounts of a Chapter.

6.9c The State Inspector shall render a written report of his or her findings and recommendations to the State Commander, the State Executive Secretary and the State Judge Advocate at the completion of an investigation, inspection or audit.

6.10 Duties of the State Officer-of-the-Day

The duties of the State Officer-of-the-Day shall be as prescribed in the National organization's Bylaws and as may be directed by the State Commander or State Convention.

6.11 Duties of the State Sergeant-at-Arms

The duties of the State Sergeant-at-Arms shall be as prescribed in the National organization's Bylaws and as may be directed by the State Commander or the State Convention.

6.12 Policy regarding vacancies in State offices

6.12a In the event of a vacancy or removal from office of the State Commander, the ranking State Vice Commander shall become State Commander.

6.12b In the event of a vacancy or removal from office of a State Vice Commander, the duties of the office shall devolve upon the office of the successively numbered Vice Commander. Any vacancies remaining will be filled at the next State Convention.

6.13 Tenure of Office

6.13a The elected State officers shall be installed immediately preceding the adjournment of the State Convention at which they were elected and shall hold their respective offices until their successors have been elected and installed.

6.13b Appointive State officers shall serve at the pleasure of the appointing power, except that no term of office shall exceed that of the appointing power, nor exceed term limitations provided in the Department or National Constitution and Bylaws.

ARTICLE 7 - DUTIES OF THE STATE DEPARTMENT INTERIM COMMITTEE

7.1 Interim Constitution and Bylaws Committee

It shall be the duty of the Interim Constitution and Bylaws Committee to review proposed amendments to the Constitution and Bylaws and if necessary, to rewrite such amendments in the proper form without changing the context of the proposed amendment, and to present to the convention additional amendments which the committee deems prudent and necessary. The State Judge Advocate shall serve as advisor to this committee.

7.1a The Interim Constitution and Bylaws Committee shall serve at the State Convention with the addition of six members, one from each district, to be appointed at the State Convention.

7.1b It shall be the duty of the Interim Convention Committee to select the site of the annual State Convention at least two years in advance.

7.1c It shall be the duty of the Interim Convention Committee to determine the amount of the registration fee for the State Convention. This registration fee shall remain unencumbered by any charges for Convention banquets or other items.

7.1d The Interim Convention Committee shall serve as the State Convention Committee with the addition of six members, one from each District, to be appointed at the State Convention.

7.2 Interim General Resolutions Committee

7.2a It shall be the duty of the Interim General Resolutions Committee to review proposed resolutions to be submitted to the State Convention and if necessary, to rewrite such resolutions in proper form without changing the context of the proposed resolution, and to present to the convention additional resolutions which the committee deems prudent and necessary.

7.2b Members of the Interim General Resolutions Committee shall serve on the State Convention General Resolutions Committee with the addition of six members, one from each District, to be appointed at the State Convention.

ARTICLE 8 - STATE CONVENTION

8.1 Delegates

8.1a Each Chapter shall be entitled to one delegate and one alternate for its charter and one delegate and one alternate for each twenty-five (25) members or major fraction thereof on whom a per capita tax has been received by Department headquarters at least ten (10) days prior to the State Convention.

8.1b All Chapter delegates and alternates shall be chosen by their respective Chapters at least twenty (20) days prior to the State Convention and certified to the State Executive Secretary prior to the opening of the State Convention on forms provided by Department headquarters.

8.2 Voting

8.2a Each elected State officer, each State Executive Committee member, each Past State Commander, shall be entitled to one (1) vote in the State Convention except as otherwise specified. Chapter delegates are entitled to cast the total number of votes as defined in Article 8, Section 8.1. In the absence of a Chapter delegate, a Chapter alternate delegate shall cast the votes, to which they are 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.

8.2b No elected State officer, Past State Commander, Executive Committee member, delegate or alternate delegate who's per capita tax has not been duly received by the Department or who has not registered and paid the State Convention registration fee shall be seated in the Convention for the privilege of voting in Convention.

8.2c Members may be credentialed in only one voting capacity at the State Convention and as such entitled to vote in that one capacity.

8.2d Chapter delegations denied the privilege of voting due to Chapter indebtedness to the Department are entitled to a hearing before the Convention Credentials Committee, and to the right of appeal of the Credentials Committee ruling to the State Convention.

8.2e There shall be no form of Unit Rule nor voting by proxy.

Mandates:

8.3 All mandates and resolutions adopted at the State Convention shall be effective only until the close of the next State Convention unless adopted at such next Convention.

8.3a The State Executive Secretary shall determine the form of the State Convention credential.

8.4 Convention Committees

8.4a The State Commander shall appoint a Credentials Committee composed of six (6) members, one from each District, who shall determine the number of votes available to be cast by each Chapter at the State Convention based on delegate registration and the National Membership report.

This committee shall report their findings to the Convention at the earliest opportunity and shall provide an updated report at each Convention session.

8.4b The personnel of all Convention Committees other than the Convention Credentials Committee and Rules Committee shall be chosen by and from the delegates of the Convention before the close of the first Convention session, providing, if possible, the opportunity for each Chapter to have representation on one of the committees.

8.4c The Constitution and Bylaws Committee shall be composed of the three members of the Interim Constitution and Bylaws Committee and six members, one from each District, chosen by and from the Convention delegates before the close of the first convention session.

8.4d The State Convention Committee shall be composed of the six members of the Interim Convention Committee and six members, one from each District, to be chosen by and from the Convention delegates before the close of the first Convention session.

8.4e The State Convention General Resolutions Committee shall be composed of the three members of the Interim General Resolutions Committee and six members, one from each District, to be chosen by and from the Convention delegates before the close of the first Convention session.

8.5 Convention Site Selection

8.5a There shall be a Convention procedure and policy manual to be used as a guide by the Interim Convention Committee. The State Convention Committee, appointed at each Convention, shall review and recommend such changes as are necessary to the manual in a report to the State Convention for the Convention's consideration and action.

8.5b The selection of Convention sites and implementation of conventions shall be the duty of the Interim Convention Committee, with the approval of the State Convention.

8.5c Only the host Chapter and Auxiliary Unit may conduct a fund raising event at the State Convention. This fund raising event must have the approval of the Department of Michigan.

ARTICLE 9 - EXECUTIVE COMMITTEE

9.1a A majority of the members of the Executive Committee shall constitute a quorum of that body.

9.1b The State Executive Committee shall hold its stated meetings as follows: One within 24 hours following the close of the State Convention and one within 24 hours preceding the next State Convention.

9.1c During the period of the State Convention, the State Commander may call a special meeting of the State Executive Committee.

9.1d A special meeting of the Executive Committee may be called by the State Commander with the written consent of a majority of the committee membership. The State Commander shall call a special meeting of the State Executive Committee between State Conventions at the written request of a simple majority of the State Executive Committee members.

9.1e The order of business at the State Executive Committee Meetings shall be:

1. Call to order by presiding Officer.
2. Roll call of members.
3. Minutes of the previous meeting.
4. Report of the State Treasurer.
5. Report of the Chairman of the Board of Directors.
6. Communications.
7. Committee reports.
8. Unfinished business.
9. New business.
10. Good of the order.
11. Adjournment.

9.1f In the absence of the State Commander, the ranking State Vice Commander shall preside.

9.1g The regular business of the organization requiring the consideration of the State Executive Committee between stated meetings shall be transacted through the office of the Executive Secretary by use of the mail, telephone, e-mail or facsimile transmission. Whenever a ballot is taken, the results of such balloting shall be printed listing the vote of each Executive Committee member as soon as possible following each balloting.

9.2 Powers and Duties of the State Executive Committee

9.2a All legislative, administrative and executive matters not otherwise specifically covered by the provisions of the State Department Constitution and Bylaws, mandates or regulations of the State Convention, or by the National organization's Constitution and Bylaws shall be determined by the State Executive Committee.

9.2b The State Executive Committee shall have approval rights over the financial policies determined by the State Board of Directors in the event the policies are not governed by the State Department Constitution and Bylaws or the Constitution and Bylaws of the National Organization.

9.2c The State Executive Committee shall have the right of approval of all appointments to be made by the State Commander.

9.3 Reimbursement of Executive Committee Member's expenses

Reimbursement of State Executive Committee member's expenses to and from State Conventions shall be governed by the State Department Bylaws as a "Power and Duty of the State Board of Directors."

9.4 Duties and Responsibilities of the State Executive Committee

9.4a The term of office of the State Executive Committee members shall begin at the first Executive Committee Meeting immediately following the close of the State Convention and shall end at the close of the following State Convention.-. The three (3) district Executive Committee Members from even numbered districts shall be elected in even numbered years for a two (2) year term, and three (3) district Executive Committee Members from odd numbered districts shall be elected in odd numbered years for a two (2) year term

9.4b Each district Executive Committee member shall hold 1 District Meeting per year, excluding State Convention.

9.4c Each State Executive Committee Member must respond EC ballots in a timely manner.

9.4d Each District Executive Committee member shall try to visit each chapter in their district at least one per year.

9.4e If incapacitated, Executive Committee Alternate member will perform the duties until member is able to return to perform their duties.

9.4f Each Executive Committee member must follow any further duties per the State Board of Directors policies.

ARTICLE 10 - Board of Directors

10.1 The Board of Directors shall provide oversight and assessment of operation and staff of the Organization. The Board of Directors shall have the responsibility for approval of the annual budget. The Board of Directors shall implement policies to ensure that all finances and assets of the DAV Department of Michigan are managed in a prudent and responsible manner.

10.1a The Board of Directors shall be composed of seven (7) member, to include the State Commander and the six (6) district Executive Committee members. The election shall take place at the annual state convention. the three (3) district Executive Committee member from even numbered districts shall be elected in even numbered years for a two (2) year term, and the members of the odd numbered districts shall be elected in odd numbered years for a two (2) year term.

10.1b Annually following the adjournment of the State Convention and majority vote, the Board of Directors shall elect a Chairman and Vice-Chairman. The State Treasurer, State Judge Advocate, and State Executive Secretary, and the State Adjutant shall serve on the Board of Directors as advisors with voice but no vote.

10.1c No member of the State Board of Directors shall simultaneously hold more than one (1) elected position.

10.1d Members of the State Board of Directors shall be paid \$5.00 per diem for days at the State Convention and Board of Directors meeting dates. The State Board of Directors shall set reimbursement rates, not to exceed Internal Revenue Service guidelines.

10.1e The regular business of the organization requiring the consideration of the State Board of Directors between scheduled meetings, shall be transacted through the office of the State Executive Secretary by the use of the mail, telephone, e-mail or facsimile transmission. Whenever a vote is taken in this fashion the votes shall be printed listing the vote of each Board of Directors member as soon as possible following each vote and the results communicated to the members

10.2 Audit Committee

Pursuant to the Disabled American Veterans National Constitution Bylaws and Regulations Article 8 Section 8.4 and Article 9, Section 9.3; Department and chapters will perform an annual audit complying with Nationals audit requirements. Further, for Department and for those chapters with gross receipts exceeding \$ 300,000.00, an audit of the financial statements must comply with the American institute of Certified Public Accountants Statements and Standards.

10.2a Department of Michigan

The State Board of Directors shall elect three (3) of its members to serve on the audit committee for one (1) year commencing from the first Board of Directors meeting after election and installation of the State Executive Committee members at State Convention. The Audit Committee will have the power to review and approve the financial statement audit engagement for the fiscal end-of-year financial statement audit. The audit committee will present at the annual budget meeting their selection of the auditing firm and request the amount of the cost of the annual financial audit for payment. Additional responsibilities and requirements of the audit committee are formalized in the Board of Directors policies, Audit Committee Charter specifically.

10.2b Department of Michigan Chapters

Chapters shall elect or appoint three (3) of their members that are in good standing and do not have authority and/or responsibility over the chapters financial gross receipts to the audit committee. The audit committee will convene after the chapters fiscal year end and prior to September 30th.

For chapters with gross receipts exceeding \$300,000.00, the audit committee will contract for a Certified Public Accountants audit of the financial statement (s) and submit the completed financial statement (s) and audit report to Department and national before September 30th. Additionally, the audit committee will ensure that IRS form 990 is completed and filed with the IR. Furthermore, the audit committee will oversee the mitigation of any and all audit findings by the chapter officers.

For chapters with gross receipts less than \$ 300,000.00, the audit committee will minimally audit:

- The handling and posting of receipts to the financial statements.
- The approval of disbursements and payment of funds.
- The completion of the Disabled American Veterans Annual Financial Report, Verify balances of monies reported on each line item of the report.
- The filing of the report prior to September 30th. Chapters with gross receipts less than \$ 10,000.00, the report is sent to Department only. Chapters with gross receipts of \$ 10,000.00 or greater the report is sent to Department and National Organization.
- IRS form 990 is completed and filed with the IRS.

10.3 Vacancies

10.3b Should the Chairman of the State Board of Directors become unable or unwilling to serve, the Vice Chairman shall serve as the Chairman for the remainder of the unexpired term. If a vacancy occurs in the offices of the State Adjutant or State Treasurer, the State Commander appoints an eligible replacement to serve for the remainder of the unexpired term, to be confirmed by the Executive Committee.

10.4 Powers and Duties of the State Board of Directors

10.4a The State Board of Directors shall make recommendations to the State Convention to improve service or better the general structure of the Disabled American Veterans, Department of Michigan.

10.4b The State Board of Directors shall have direct supervision over Article XIII-Employment.

10.4c The State Board of Directors shall have rights of approval concerning any and all personnel to be employed by the Department of Michigan.

10.4d It shall be the responsibility of the State Board of Directors to provide for the audit of all Department of Michigan accounts, to see that all employees and appointive officer of the Department of Michigan entrusted with the handling of Department funds and revenue are properly bonded and that the bond premiums are promptly paid, and that the finances of the Organization are properly managed to secure an economic and business-like administration of its financial affairs.

10.4e The State Board of Directors shall have direct supervision of the Department of Michigan revenue, expenditures and investment policies.

10.4f The State Board of Directors shall authorize and cause to be paid the expenses of the State Commander or his/her designated representative, the National Service Officers, and the Department Service Officers at any time they are on official business of the Department.

10.4g The State Board of Directors shall authorize and cause to be paid the expenses of the State Officers, the State Adjutant, the State Executive Secretary if the funds are available the Department Service Officers, the National Service Officers, and such other appointed Officers as may be designated by the State Commander with the approval of the State Board of Directors to the annual State Convention.

10.4 h The State Board of Directors shall provide such clerical help as is needed to conduct the State Convention and the meetings of the State Executive Committee, and shall authorize and cause to be paid the expenses of such clerical staff.

10.4i The State Board of Directors shall authorize and cause to be paid the expenses of the State Executive Committee.

10.4j The State Board of Directors shall determine, authorize and cause to be paid convention rates for the expenses of the State Executive Committee members to the annual state convention, provided that

the State Executive Committee member is shown on the official roll call to be present at the pre-convention Executive Committee meeting. Newly elected State Committee members to be seated at the post convention Executive Committee meeting shall not be reimbursed for expenses to the State Convention. If the newly seated Executive Committee members are required to remain one or more days following the close of the annual State Convention, they shall be reimbursed convention rates for the expenses of the additional stay.

10.4k The State Board of Directors shall authorize and cause to be paid the expenses of the State Commander, the State Senior Vice Commander, State Executive Secretary and providing funds are available the State Adjutant to and from the National Convention.

10.4l The State Board of Directors shall determine and cause to be paid convention rates for the expenses to all special meetings of the State Executive Committee between conventions provided that the State Executive Committee is shown present on the official roll call at the meeting.

10.4m The State Board of Directors shall determine the salary of all compensated positions within the Department of Michigan.

10.4n The State Board of Directors shall, subject to the approval of the State Executive Committee, determine financial policies of the Department of Michigan not governed by the State Department of Michigan Constitution and Bylaws or the National Constitution and Bylaws.

10.4o The State Board of Directors shall allocate funds to maintain a Department Hospital Fund.

10.4p The State Board of Directors shall provide annually in the Department budget an appropriation of not less than \$ 300.00 to the host chapter for the purpose of holding district meetings.

ARTICLE 11 - REVENUES AND EXPENDITURES

11.1 Expenditures

11.1a All expenditures of the Disabled American Veterans, Department of Michigan shall be made by check or electronic funds transfer and supported by payment vouchers approved by any two or more of the following: the State Commander, the State Treasurer, the State Executive Secretary, and the Chairman or Vice Chairman of the State Board of Directors.

11.1b The State Treasurer, State Commander, Chairman of the Board of Directors, and the State Executive Secretary shall be listed on all Department deposit accounts as authorized signatories.

11.1c Reimbursement of travel expenses shall be set by the State Board of Directors and shall not exceed Internal Revenue Service guidelines.

11.1d Revenue

11.1e The Department per capita tax for members shall be determined by distribution amounts set by the DAV National Organization and a Department of Michigan Publication subscription fee.

ARTICLE 12 - EMPLOYMENT POLICY OF THE DEPARTMENT OF MICHIGAN

12.1 Application for any compensated position within the Department of Michigan shall be made to the State Board of Directors.

12.2 All requests for personnel shall be directed to the State Board of Directors.

12.3 The State Executive Secretary and the Director of the National Service Office in the Department of Michigan shall be the supervisory personnel of their respective offices and as such shall be in complete charge of personnel assigned to their office except as provided in the State Department of Michigan Constitution and Bylaws.

12.4 No person shall be refused employment for reason of religion, race, color, national origin, age, sex, marital status, height, weight, arrest record, handicap or any other federally protected classification. Selection for employment shall be made solely on consideration of a person's ability to meet job specifications as prescribed in the policies.

12.5 In the event of a justified reduction in work force as determined by the State Executive Secretary or the Director of the National Service office, the position(s) affected will be based on the needs of the organization and the veteran population served and be approved by the State Board of Directors.

12.6 Full-time employees of the Disabled American Veterans, Department of Michigan shall receive longevity pay of \$20.00 per year for each year of service, to a maximum of \$500.00 per year over and above any annual salary or wage increase entitlement.

12.7 All employees of the Department of Michigan present and future, shall be provided a copy of the DAV of Michigan Employee Handbook and shall provide a signed receipt that will be kept in their personnel files.

ARTICLE 13 - CHARGES AND TRIALS

13.1 Charges against any member of this organization and trial of such members shall be governed by Article XVI of the National organization's Bylaws.

13.2 No member shall be expelled or limited in any privileges of membership, except as specified in Article XVI of the National organization's Bylaws.

13.3 No member shall receive a refund of any membership dues upon his/her expulsion or resignation from membership. The National Commander, may, in the event of expulsion and at his discretion, refund all dues.

ARTICLE 14 - MISUSE OF ROSTERS

The membership roster and eligible list of this organization shall be confidential and shall only be used for duly authorized Disabled American Veterans' business and shall not be used for circularizing for political or unrelated purposes. Violation of this article may be the basis for charges under Article XVI of the National organization's Bylaws.

ARTICLE 15 - AMENDMENTS

15.1 Resolutions proposing to amend the State Department Bylaws must be submitted to the State Executive Secretary not later than fourteen (14) days prior to the first business session of the State Convention.

15.2 These Bylaws may be amended at any State Convention by two-thirds (2/3) vote of the delegates present and voting, provided that the amendment must have been read at a business session prior to the session in which they are considered.

15.3 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 the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended as to conform thereto.

