

# **Disabled American Veterans**

**Department of North Carolina**



## **Constitution and Bylaws**

**As Amended  
By The  
Raleigh, NC  
Department Convention  
June 4 - 6, 2009**

**Post Office Box 28146  
625 New Bern Avenue  
Raleigh, NC 27611-8146  
(919) 833-5567**

# **CONSTITUTION**

## **PREAMBLE**

For God and Nation, and for our commonwealth, we former members of the armed forces of the United States having aided in maintaining the honor, integrity, and supremacy of our country, holding in remembrance the sacrifices in common made and drawn together by strong bonds of respect and mutual suffering, solemnly and firmly associate ourselves together in creating the Disabled American Veterans, the principles and purposes of which shall be supreme allegiance to the United States of America, fidelity to its Constitution and laws; to hold aloft the torch of true patriotism; to strive for a better understanding between nations that peace and goodwill may prevail; to cherish and preserve the memories of our military association; and to aid and assist worthy wartime disabled veterans, their widows, their orphans and their dependents.

## **ARTICLE I - NAME**

The name of this organization shall be "Disabled American Veterans, Department of North Carolina, Incorporated."

## **ARTICLE II - AFFILIATION**

The Disabled American Veterans, Department of North Carolina, Incorporated, 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.

## **ARTICLE 11 - PURPOSE**

To uphold and maintain the Constitution and the 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 veterans; to cooperate with the United States Department of Veterans Affairs and other public and private agencies devoted to the cause of improving and advancing 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 IV -- MEMBERSHIP**

Eligibility for membership in this organization shall be as prescribed in the National Constitution and Bylaws.

## **ARTICLE V -- POWERS**

The Department of North Carolina shall have perpetual succession so long as it remains a part of the National Organization, with the power to sue and be sued in the courts of law and equity; to receive, hold, own, use and dispose of such real estate and personal property as shall be necessary for the efficient and economical operation of the Department of North Carolina Disabled American Veterans; to establish local chapters throughout the State of North Carolina in accordance with the directives of the National Organization; to publish a newspaper or other publications devoted to the purpose of the Disabled American Veterans and generally do all such acts and things as may be necessary and proper in carrying into effect the purposes of this organization.

## **ARTICLE VI -- ADMINISTRATION**

Section 1. The administrative affairs of this organization shall be vested in the Department Executive Committee composed of the Department Commander, the Senior Vice Commander, the First Junior Vice Commander, the Second Junior Vice Commander, the Treasurer, the Judge Advocate, the Immediate Past Department Commander, the Chairman of the Blue Hat Committee and *one Executive Committeeman* from each district within the Department of North Carolina.

Section 2. Each Annual Department Convention shall elect a Department Commander, Senior Vice Commander, First Junior Vice Commander, Second Junior Vice Commander, Treasurer and Judge Advocate.

Section 3. No person elected as Department Commander may be reelected to succeed himself.

Section 4. The principal place of business and office of the Department Adjutant of this Department shall be the Department Headquarters, 625 New Bern Avenue, Raleigh, North Carolina, 27601. Correspondence shall be addressed to the Headquarters at Post Office Box 28146, Raleigh, North Carolina, 27611.

## **ARTICLE VII -- COMPOSITION**

The Department of North Carolina shall consist of all chapters of the Disabled American Veterans in good standing, which have been duly organized within the State of North Carolina.

## **ARTICLE VIII -- LEGISLATION**

The supreme legislative powers of this organization shall be vested in the Annual Department Convention which shall be composed of the Department Officers, Past Department Commanders, and the accredited delegates or alternates representing the several chapters, which are now, or may be hereafter included in this organization.

## **ARTICLE IX -- EXECUTIVE**

The executive power of this organization shall be vested in the Department Commander, subject to approval of the Department Convention or the Department Executive Committee.

## **ARTICLE X -- AUXILIARIES**

The Department of North Carolina recognizes the DAV Auxiliary and the National Order of Trench Rats as auxiliary units.

## **ARTICLE XI -- AMENDMENTS**

Section 1. This Constitution may be amended at any Department Convention by a two-thirds majority vote of the total accredited delegates assembled thereat, provided that the proposed amendments have been read to the convention at least twice or read once and presented in writing once, before being voted upon. In either case, two different business sessions must be involved.

Section 2. Should it ever be shown that an Article or Section of this Constitution is in conflict with an Article or Section of the National Constitution, then that Article or Section of the National Constitution shall supersede and govern without changing the force and effect of the remaining Article or Section of this Constitution.

Section 3. Amendments become effective immediately upon approval of the National Judge Advocate in accordance with Article 8, Section 8.5 of the National Constitution and Bylaws.

# **DEPARTMENT BY-LAWS**

## **ARTICLE 1 -- ORGANIZATION**

### **Section 1.1: Governing Bodies**

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

### **Section 1.2: Records -- Inspection**

Each such body shall keep records of its proceedings, which shall be open to any recognized officer of the organization.

## **ARTICLE II -- POLICY**

### **Section 2.1: Non - Partisanship**

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

### **Section 2.2: Legislative Activities**

No member shall appear before any legislative body or speak in the name of this Organization or any subdivision thereof as sponsoring or opposing any legislation contrary to any resolution then in effect with regard to such legislation, which has been regularly adopted by the Department Convention, the Department Executive Committee, or by a chapter, of which he is a member.

## **ARTICLE III -- DEPARTMENT CONVENTION AND CONFERENCES**

### **Section 3.1: Supreme Power**

The supreme powers of this organization are vested in a Department Convention.

### **Section 3.2: Duration of Mandates**

Mandates and resolutions adopted at each Department Convention shall be effective only until the next Department Convention.

### **Section 3.3: Purpose**

The Department Convention shall be held to:

Para 1. Elect Department Officers.

Para 2. Receive reports from Department Officers.

Para 3. Adopt and amend the Constitution and Bylaws of the Department and other Department regulations governing the organization, administration, and operation of the Department or member Chapters.

Para 4. Honor the outstanding performances and contributions of organization members.

Para 5. Honor the outstanding contributions to the organization by non-members.

Para 6. Conduct other business as may be properly brought before the Convention in the form of resolutions and main motions.

**Section 3.4: Time and Place**

Para 1: A Department Convention shall be held between June 1 and July 31, annually, unless prevented by a national or state emergency. *Department Conferences will be scheduled as approved by the Department Executive Committee.*

Para 2: The Department Executive Committee shall determine the place where the Convention and Conferences shall be held at least one year in advance, upon recommendation made to it by the Conference and Convention Committee. The Department Executive Committee may change the time and place if it appears that the Convention or Conference cannot be held satisfactorily at the time and place previously determined.

**Section 3.5: Composition**

The Department Convention shall be composed of the elected Department Officers, Past Department Commanders, and the delegates and alternates representing the Chapters within the Department of North Carolina.

**Section 3.6: Registration Fee**

Para 1: The registration Fee at Department Conferences and the annual Convention shall be applicable to members of the Disabled American Veterans, the Disabled American Veterans Auxiliary, and National Order of Trench Rats. The Department Executive Committee determines fees for registration and other events at Department Conferences and the annual Convention. No person otherwise eligible to vote shall be entitled to vote until they are duly registered and all fees are paid.

Para 2: All chapters and Department Officers shall receive a summarized copy of the proceedings of the Department Convention and Conferences.

*Para 3.* Each chapter shall be assessed a portion of the dues paid by the National Organization to be used for expenses of Conferences and the annual Convention: The following shall be assessed and deposited in the Department account annually:

Chapters with members:	1-100	\$25.00
	101-500	\$50.00
	501-1000	\$75.00
	1,001 or more	\$100.00

**Section 3.7: Number of Delegates**

Para 1: Except as otherwise hereinafter specified, each chapter shall be entitled to one delegate and one alternate for its charter. Each chapter, in good standing, shall be entitled to one delegate and one alternate for each thirty (30) members or major portion thereof, based upon their membership as of April 30th each year. At Department Conventions, a Chapter has the total of these delegate votes if one or more delegates legally represent the Chapter.

Para 2: As used in this Article "members in good standing" shall mean the number of members for whom current per capita tax has been received by the Department.

Para 3: No person shall be entitled to vote or act as a delegate or alternate unless he is a member of the DAV in good standing.

### **Section 3.8: Election of Delegates**

The representative chapters shall elect chapter delegates and alternates at least thirty (30) days prior to a Convention. Utilizing forms provided by the Department Adjutant, Chapters shall furnish the Department Headquarters the names and other required delegate and alternate information not less than fifteen (15) days before the opening of the Department Convention.

### **Section 3.9: Voting**

Para 1: Each elected Department Officer, each Past Department Commander and each accredited chapter delegate shall be entitled to one vote in the Convention, except as hereinafter specified.

Para 2: No delegate or alternate representing any chapter, which is indebted to the Department Organization, shall be seated or entitled to vote at the Convention.

Para 3: The Department Adjutant shall render statements to each chapter, not less than thirty (30) days before each Convention, giving each chapter's indebtedness to the Department Organization, if any, and on payment of such amounts the chapter shall be considered free and clear of all indebtedness for purposes only of determining whether its delegates shall be entitled to vote at such Convention.

Para 4: No delegate or alternate representing any chapter whose charter has been suspended or revoked and has not been reinstated prior to the first business meeting of the Convention shall be entitled to vote.

Para 5: No person shall cast a vote in the Department Convention in more than one representative capacity, or be registered as a delegate from more than one chapter.

Para 6: In the absence of any delegate, his alternate shall cast his vote.

Para 7: Chapter delegations will elect their own chairman, who will cast the chapter vote in accordance with delegate wishes. The vote of any delegate who may be absent and not replaced by an alternate shall be cast in the same proportion as the votes of the delegates present.

### **Section 3.10: Active Chapters**

The term "active chapters" as used herein includes only chapters which:

1. Have ten (10) or more members for whom current per capita tax has been paid, as shown by the records of the Department Adjutant thirty (30) days prior to the Convention; and,
2. Have submitted the required forms and reports for the year or other appropriate period prior to the Convention not later than noon on the last day of the Convention; and,
3. Have duly elected new officers as required by Section 9.2 below.

### **Section 3.11: Rules of the Convention:**

Rule 1: The most current issue of **Roberts' Rules of Order** will govern, except as hereinafter provided, and when not in conflict with the National or Department Constitution and Bylaws.

Rule 2: For the purpose of recognition, a member of the Convention must (a) stand, (b) address the Chair as "Comrade Commander" or "Mr. Chairman" state name and chapter or title or otherwise identify himself if not a delegate, and (d) proceed only after recognition from the Chair.

Rule 3: Debate shall be limited to five (5) minutes for each speaker, except by two-thirds consent.

Rule 4: Not more than two (2) delegates from anyone chapter shall be permitted to discuss anyone subject, except by two-thirds consent.

Rule 5: Recognition shall be granted only once to any one speaker on any one subject. A rebuttal of not more than three (3) minutes may be permitted. Additional recognition may be granted by two-thirds consent.

Rule 6: Five (5) copies of resolutions must be submitted to the Department Adjutant, in printed or typewritten form, and signed by the sponsor. No resolution shall be accepted on the last day of the Convention, except by majority vote of the Convention.

Rule 7: The Department Adjutant shall deliver all resolutions and other such items promptly to the appropriate Convention Committee. No resolution shall be rejected or shall fail to be so delivered or referred to the appropriate Convention Committee by the first day of the Convention, regardless of whether all districts have chosen their members to Convention Committees, so long as a minimum of three (3) different districts are represented on the committee. Districts shall select their members for Convention Committees by the first day of the Convention, if possible. All resolutions on hand shall be referred as quickly as possible in accordance with the foregoing.

Rule 8: No resolution can be discussed by the Convention until a Convention Committee has reported the same, except by a two-thirds vote. Any resolution referred to but not favorably reported by such committees may be called up for consideration at the time a motion to discharge a said committee is considered. If the resolution under consideration relates to a change in the Constitution and Bylaws, it may be considered in this manner only if the proponent has presented it to the Constitution and Bylaws Committee at one of their scheduled meetings.

Rule 9: A Convention Committee may originate such resolutions as they desire to sponsor so long as they pertain to the subject with which they are charged.

Rule 10: Each Chapter shall select a chairman who shall announce the vote of his delegation. When any member thereof who is entitled to vote demands the poll of any delegation, the chairman shall poll the vote of such delegation without debate or discussion.

Rule 11: In viva voce voting on any subject before the Convention, no person shall participate except fully accredited delegates and alternates acting as delegates who have registered and paid the registration fees. Visitors shall be segregated.

Rule 12: The Unit Rule of Voting shall not be permitted.

Rule 13: If a delegation is entitled to cast more votes than the number of delegates then present, the vote of those absent shall be cast in the same proportion as those present. No voting by proxy shall be permitted.

Rule 14: Delegates and alternates of chapters indebted to the Department in any amount shall not be seated and cannot vote.

Rule 15: Voting shall be viva voce except (a) when a roll call is directed by the Chair or demanded by one fourth of the delegates present; and (b) in the case of election of Department Officers which may be viva voce voting when there is no contest. Unless otherwise directed by the Chair, roll calls shall be made in this order; Chapters in ascending numerical order; Past Department Commanders in alphabetical order, and Department Officers in descending rank.

Rule 16: Nominations for Department Officers shall be made by the Nominating Committee and from the floor.

Rule 17: Only one nominating speech and one seconding speech shall be permitted for each candidate for an elective office. Where offices are contested, each candidate may be allowed one five-minute speech.

Rule 18: In the event there are more than two candidates nominated for an office, the balloting shall continue, with the candidate with the lowest number of votes being dropped off the ballot at each voting, until one candidate shall receive a majority vote.

Rule 19: Discussion of personal grievances, local conditions or claims concerning one individual with respect to his personal interest, shall not be in order before the Convention, but may be discussed before committees of the Convention with the approval of the respective committee.

Rule 20: Department officers shall serve as Officers of Convention. The Department Adjutant shall serve as Adjutant and Secretary of the Convention.

Rule 21: The Department Sergeant-at-Arms shall be the Sergeant-at-Arms of the Convention. An Assistant Sergeant-at-Arms appointed by the Department Commander shall assist him.

Rule 22: Committees provided by the Department Constitution and Bylaws shall be standing committees of the Convention. They shall meet at the call of the Convention, the Department Commander, or the Chairman of the committee. Each committee chairman or secretary shall notify all committee members and the Department Adjutant as to the time and place of each meeting. Each committee chairman shall report the conclusions of his committee's report to the Convention when called for by the Chair. Each such report must be signed by a majority of the committee. Verbal reports may give only highlights, but written reports must be complete.

Rule 23: Convention committees shall consist, when feasible, of one member from each district and shall be selected in the manner prescribed by the Department Constitution and Bylaws.

Rule 24: Accredited delegates, alternates and Department Officers may appear before any Convention committee to argue for or against any matter being given consideration, provided they make an appointment for such appearance with the committee chairman or secretary. All Department officers and employees, and members of Convention committees are to be subject to call during committee sessions.

Rule 25: The final report of the Credentials Committee, the report of the Nominating Committee, and the nomination and election of Department Officers designated in Article VI of the Department Constitution, shall be held during the final business session unless the Convention wills otherwise for good and sufficient reason.

Rule 26: No person who has talked for or against any motion or other item of business on the Convention floor shall be permitted to make a motion to table it. A motion to table is not debatable and shall require only a majority affirmative vote. A tabled motion may be taken from the table by majority vote.

Rule 27: No person shall be entitled to vote or act as a delegate or alternate unless he or she is a member of the DAV in good standing.

Rule 28: Any chapter passing during roll call vote will not be privileged to cast a delayed vote unless the pass is stated as "Pass but hold in abeyance." When the issue is decided at the end of the first roll call vote, no further vote may be recorded.

Rule 29: No individual may register more than once, regardless of the number of elective or appointive offices held. This restriction applies to Past Department Commanders, District Commanders and all others.

Rule 30: the Department Executive Committee will investigate any member suspected of paying for votes with an eye toward disciplinary action under Article 16 of the National Bylaws.

### **Section 3.12: Amendment of Rules**

The foregoing Rules of the Convention may be amended by majority vote at the first business session of a Department Convention, notwithstanding anything contained in Section 12.8 to the contrary.

### **Section 3.13: Handling Resolutions**

The procedure for presentation, consideration, and adoption of resolutions by the Department Convention is established as follows:

Para 1. Every resolution to be considered must be typewritten, with at least five copies, and every such resolution must contain an endorsement indicating that a chapter, district, the Executive Committee, any standing committee or a Convention committee has favorably considered it.

Para 2. A resolution, to be considered, must be received by the Department Adjutant not later than the day preceding the final day of the Convention.

Para 3. The resolving clause shall be: "Resolved by the Disabled American Veterans, Department of North Carolina, Inc., in Department Convention assembled in (town), (date), that."

Para 4. A resolution may be considered by the Convention without conforming to the above rules of procedure if such resolution is reported favorably by the Resolutions Committee and the Executive Committee, and the failure to follow prescribed procedure was for the reason that the subject matter, purpose or aim of said resolution arose at a time that following prescribed procedure would have been impossible.

Para 5. Unless a resolution has been recommended favorably by the appropriate Convention committee, it can be considered only by an affirmative vote of the majority of the delegates present.

Para 6. All resolutions and all recommendations for Constitution and Bylaw changes ordinarily must be originated by a Chapter, District, a Convention Committee, the Executive Committee, the Finance Committee or the Department Service Commission.

Para 7. The Adjutant will deliver proposed resolutions and recommendations to the appropriate Convention Committee at the appropriate time. Should a Committee find they have been given an inappropriate item; the Chairman will be responsible for delivering the item to the appropriate committee.

### **Section 3.14 National Convention Delegates**

The Department Commander and Immediate Past Department Commander, if special recognition is due by the National Organization for the past year's accomplishments, at the time of the National Convention, shall be declared as the Department delegate and alternate to such National Convention to represent the Department of North Carolina. Travel and allowances for the individuals under this provision will be paid from Department and National Convention funds.

## **ARTICLE IV -- DEPARTMENT EXECUTIVE COMMITTEE**

### **Section 4.1: Members**

The Department Executive Committee shall be composed of the Department Commander, who shall be the Chairman, Department Senior Vice Commander, First Junior Vice Commander, Second Senior Vice Commander, Treasurer, Judge Advocate, the Immediate Past Department Commander, *the District Executive Committeemen* and the Chairman of the Blue Hat Committee. The Department Adjutant shall serve as Secretary, without a vote.

### **Section 4.2: Regular Meetings**

*The Department Executive Committee shall hold its stated meetings as follows: One within twenty-four (24) hours preceding the convening and one within twenty-four (24) hours following the adjournment of each Department Convention; plus a minimum of one (1) meeting during each Department Conference.*

### **Section 4.3: Special Meetings**

Para 1: During the period of the Convention, whenever the Department Commander deems it necessary, he may call a special meeting of the Department Executive committee.

Para 2: At other times, the Department Commander may call a special meeting of the Department Executive Committee and must do so upon the written demand of 25 percent of its members.

#### **Section 4.4: Attendance**

Any member of the Disabled American Veterans in good standing may attend meetings of the Department Executive Committee except when the Department Executive Committee may declare itself in an executive session. This right to attend such meetings shall be without the right to vote or voice and without cost to the Department Organization.

#### **Section 4.5: Mail Ballots**

Business of the Organization requiring the consideration of the Department Executive Committee between stated meetings may be transacted through the office of the Department Adjutant by means of mail ballots. The Commander and Adjutant shall determine if an item of business is suitable for a mail ballot.

#### **Section 4.6: Powers**

All legislative, administrative, and executive matters not otherwise specifically covered by the provisions of the Constitution, Bylaws, and Regulations of the National and Department Organizations or by any enactment of the Department Convention shall be determined by the Department Executive Committee. The Committee may adopt Regulations and Statements of Policy to effectuate both the intent of its determinations and the intent of these Bylaws.

#### **Section 4.7: Quorum**

A quorum for regular and special meetings of the Department Executive Committee is established as six (6) Department Executive Committeemen representing Districts and a minimum of four (4) elected Department Officers.

### **ARTICLE V - DEPARTMENT DISTRICTS**

#### **Section 5.1: Geographic Areas**

Effective 1 July 2005 the Department of North Carolina shall be divided into districts as shown below.

The purposes of this district organization are to promote the growth of the organization; promote inter-chapter relationships; provide for better liaison between various levels of the Department; and encourage meaningful coordination between districts and their congressional representatives.

District One: The counties of Bertie, Beaufort, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Martin, Northampton, Pasquotank, Perquimans, Tyrell, and Washington.

District Two: The counties of Edgecombe, Greene, Hyde, Lenoir, Nash, Pitt, Wayne, and Wilson.

District Three: The counties of Carteret, Craven, Duplin, Jones, New Hanover, Onslow, Pamlico, Pender and Sampson.

District Four: The counties of Chatham, Durham, Franklin, Granville, Harnett, Johnston, Lee, Orange, Person, Vance, Wake, and Warren.

District Five: The counties of Bladen, Brunswick, Columbus, Cumberland, Hoke, Moore, Richmond, Robeson and Scotland.

District Six: The counties of Alamance, Caswell, Guilford, Randolph, and Rockingham.

District Seven: The counties of Ashe, Allegheny, Davidson, Davie, Forsyth, Surry, Stokes, Wilkes, and Yadkin.

District Eight: The counties of Anson, Cabarrus, Gaston, Mecklenberg, Montgomery, Rowan, Stanly, and Union.

District Nine: The counties of Alexander, Avery, Burke, Caldwell, Catawba, Cleveland, Iredell, Lincoln, and Watauga.

District Ten: The counties of Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey.

### **Section 5.2: District Meetings**

Para 1: There shall be at least two (2) district meetings per year, one before Christmas and one from 45 to 90 days prior to the Department Convention, the latter of which shall be the election meeting. *In even numbered years, the even-numbered districts shall elect a District Executive Committeeman and alternate, and in odd-numbered years, the odd-numbered districts shall elect an Executive Committeeman and alternate.*

Para 2: District members (Primary and Alternate) for the Department Nominating and Resolution Committees shall be elected at the Spring meeting.

Para 3: Voting at District meetings shall be as follows: Each chapter present shall have one vote for each representative up to a maximum of six votes. Should there be more than six representatives present, each shall have a percentage of the vote, and the chapter delegation is in no way obligated to cast a unanimous vote.

## **ARTICLE VI -- CHARTERS**

Article 6 of the National Constitution and Bylaws shall govern the authority concerning charters of the Department and Chapters.

## **ARTICLE VII -- DEPARTMENT OFFICERS**

### **Section 7.1: Immediate Past Department Commander**

Para 1: The Immediate Past Department Commander is considered a Department Officer and shall be entitled to all rights and privileges accorded elective officers. He shall be under the general leadership of the Department Commander and perform other duties as are appropriate.

Para 2: Should the Immediate Past Department Commander be removed from office or be unable to serve, the Department Executive Committee may designate the most junior Past Department Commander who is able and willing to serve to occupy this position.

### **Section 7.2 Elected Officers**

Para 1: The elected officers of the Department of North Carolina shall be the Commander, the Senior Vice Commander, the First Junior Vice Commander, Second Junior Vice Commander, the Treasurer, and the Judge Advocate. The officer's rank in the order listed and shall perform the duties prescribed in the Constitution and Bylaws. No member may hold more than one elective or appointed department office at one time.

Para 2: The officers shall be elected at each Department Convention. When there is only one (1) nominee for any office, the chair may take a voice vote or may declare the nominee is elected.

Para 3: Elected officers shall serve a term of one (1) year or until their successors are elected. Their term of office shall begin at the close of the Convention at which they are elected.

Para 4: When any office becomes vacant for any reason, all subordinate chair officers advance

automatically. Resultant vacancy will be filled by appointment by the Department Commander, subject to approval of the Department Executive Committee.

Para 5: In the event of other vacancies in elective or appointive offices, the Commander shall appoint a member of the Department to fill the vacancy, subject to the approval of the Department Executive Committee.

Para 6: All elected officers shall submit a report to the Department Convention outlining his activities during his year in office. Interim reports are required to be submitted at Department Conferences.

Para 7: Elected Department Officers and Department Executive Committeemen may be removed from office, for cause, by a two-thirds vote of the Department Executive Committee. Any vacancy created as a result will be filled as prescribed above.

### **Section 7.3: Duties of Elected Officers**

#### **Paragraph 1. Department Commander**

Para 1: The Commander shall normally be the presiding officer of the Department of North Carolina Convention, Conferences, and Department Executive Committee meetings. He shall, with the approval of the Executive Committee, be the public spokesman for the Department and fulfill the duties as prescribed by the National and Department Bylaws.

Para 2: The Commander, with the approval of the Executive Committee, shall appoint such officers, chairmen, committee members, and other individuals as prescribed by these Bylaws or as he in his judgment deems necessary.

Para 3: The Commander shall be an ex-officio member of any committee, which he appoints and shall be informed of the meeting time and place of all meetings held within the Department.

Para 4: The Commander will be a member of the Department Finance Committee, but shall not be the Chairman of that Committee. He shall have signature authority for Department banking accounts.

#### **Paragraph 2. Department Senior Vice Commander**

Para 1: The Senior Vice Commander shall perform duties as may be reasonably assigned him by the Commander, the Department Executive Committee and these Bylaws. In the absence of the Department Commander for any reason, he shall perform the duties of the Department Commander.

Para 2: The Senior Vice Commander shall be a member of the Department Finance Committee. He shall have signature authority for all Department banking accounts.

Para 3: The Senior Vice Commander shall be a representative of the Department as a member of the State Veterans Council.

#### **Paragraph 3. Department First Junior Vice Commander**

Para 1: The Junior Vice Commander shall be responsible for establishing, coordinating and chairing the Department Membership Program.

Para 2: He shall perform other duties as may reasonably be assigned him by the Commander, the Department Executive Committee and these Bylaws.

#### **Paragraph 4. Department Second Junior Vice Commander**

He will perform such duties as may be reasonably assigned to him by the Commander, the Department Executive Committee, and these Bylaws.

#### **Paragraph 5: Department Treasurer**

Para 1: The duties of the Department Treasurer generally correspond to those of a treasurer of a corporation. He shall be a member of the Department Finance Committee, but shall not be chairman of that committee.

Para 2: The Treasurer shall keep the financial record of all receipts and disbursements of the Department, dispensing Department funds only upon receipt of an approved voucher from the Department Adjutant.

Para 3: The Treasurer shall receipt for and properly safeguard all Department monies.

Para 4: The Treasurer shall maintain his accounts and records in condition for audit at all times. He shall render a report of the financial status of the Department at all Executive Committee meetings and the Department convention.

Para 5: He shall have his books and accounts audited at the close of the accounting year in accordance with the policies prescribed by the Bylaws of the National Organization.

Para 6: He shall produce his records for inspection at any time during office hours by any elected Department officer and/or the Department Finance Committee, and to any other Department member in good standing, subject to prior approval of the Executive Committee.

Para 7: He shall preserve all receipts, canceled checks, vouchers, and other records, maintaining them in a manner that will permit a thorough audit. He shall forward duplicates of it to the Adjutant for file.

Para 8: He shall prepare monthly financial reports and forward a copy of it to the Adjutant, the Finance Committee Chairman, and the Commander. The Adjutant will have published a quarterly report of year-to-date receipts and expenditures.

Para 9: Expenditures shall not exceed the amounts stipulated in the approved budget and it shall be the duty of the Treasurer to see that no expenditure other than those duly approved in the budget are made or contracted to without the written approval of the Department Finance Committee.

#### **Paragraph 6: Department Judge Advocate**

Para 6.1: The Judge Advocate shall be the legal advisor and parliamentarian of the Department. He shall render opinions upon appeal to him. He shall act as advisor to the Commander in disciplinary cases covered by Article 16 of the National Bylaws. He shall review proposed Chapter Constitutions and Articles of Incorporation as prescribed under Sections 9.3 and 9.4 below. The Commander for an advisory opinion shall refer legal matters to him. He shall serve as a non-voting member of the Department Finance Committee.

Para 6.2: Decisions of the Commander, whether or not based on opinions of the Judge Advocate, are subject to appeal to the Department Executive Committee and further appeal to the Department Convention, provided that notice of intent to appeal is given in writing to the Department Adjutant within thirty (30) days after the Commander's decision is made known. The decision of the Commander, the Executive Committee or Department Convention, if so appealed, shall be final, subject however, to an appeal to the National Commander.

## **Section 4. Appointive Officers**

Para 1. With the consent and approval of the Department Executive Committee, the Commander shall appoint a Department Inspector, a Department Chaplain, an Officer of the Day, a Sergeant-at-Arms, a Department Adjutant, a Department Legislative Officer, and other such officers as he may deem necessary.

Para 2. The tenure of appointed officers shall be at the pleasure of the appointive power, provided that no term of office shall exceed that of the appointive power, except as otherwise expressly provided for elsewhere in these bylaws.

Para 3. No appointive officer designated in Section 7.4, paragraph 1 above, may serve in any other elected or appointed position within the Department, except as a committee advisor.

Para 4. In the event of a vacancy in an appointive office, the Commander shall appoint a member to fill the vacancy, subject to the approval of the Department Executive Committee.

## **Section 5. Duties of Appointed Officers**

### **Paragraph 1. Department Inspector**

The Inspector shall, under the supervision and direction of the Commander, investigate any alleged violation of Chapter, Department, or National Constitution, Bylaws or Regulations, including, but not limited to, occurrences in the Department, Chapters, or NOTR Units which may impugn the integrity or reputation of the Organization. Upon completion of an investigation, inspection or audit, the Inspector shall render a written report of his findings and recommendations to the Commander.

### **Paragraph 2. Officer of the Day**

The Officer of the Day shall, in addition to his other prescribed duties, act as the custodian of National and Organizational colors and accouterments and provide a safe storage for these department items. He shall be responsible for placing these items in their proper place at each Convention and Conference. He shall take his rightful place at the podium during the annual installation of newly elected officers.

### **Paragraph 3: Sergeant-at-Arms**

The Sergeant-at-Arms shall, in addition to his other prescribed duties; preserve order during meetings of the Department and upon direction of the Commander shall escort visitors to the podium. During meetings of the Convention, he shall admit only those persons who are properly registered and identified as delegates or alternates. He shall work with the Credentials Committee to meet his objectives.

### **Paragraph 4: Department Adjutant**

Para 1. The Department Adjutant, subject to the instructions of the Department Commander, Department Executive Committee or National Convention, shall supervise and direct the activities of the Department Organization.

Para 2. In addition to the other duties and authority set forth in these Bylaws, the Department Adjutant shall be the chief executive officer of this Organization, and shall be the Secretary of and attend the meetings of the Department Executive and Department Finance Committees, and shall have a voice, but no vote.

### **Paragraph 5: Department Chaplain**

The duties of Chaplain shall be as prescribed in the official Ritual of the Disabled American Veterans Organization.

### **Paragraph 6: Department Legislative Officer**

Para 1: The Department Legislative Officer shall be responsible for establishing, coordinating, maintaining and chairing the Department Legislative Program.

Para 2: He shall perform other such duties as may reasonably be assigned to him by the Commander, the Department Executive Committee and these Bylaws.

## **Section 6. Other Officers**

The duties of other officers the Commander may appoint as he deems necessary, shall be those prescribed in the National Bylaws and/or as directed by the Commander or other presiding officer, subject to the approval of the Department Executive Committee.

### **Section 6.1 Term of Office - Appointed Officers**

Para 1: The term of office of the appointed Department Officers shall not exceed that of the appointing power and may be terminated at any time by the appointing power, provided, however, that the removal of the Department Adjutant or the Department Legislative Officer by the Department Commander is subject to approval by a two-thirds vote of the Department Executive Committee. The Department Executive Committee may, by a two-thirds vote of its members, remove the Department Adjutant or the Department Legislative Officer from office for cause.

Para 2: The term of office of all appointed Department Officers terminates automatically at the adjournment of each Convention, except that Department Officers who are not employees of the Department organization may continue to serve until their successors are installed. There is no right whatsoever to reappointment as a Department Officer.

## **ARTICLE VIII -- DEPARTMENT COMMITTEES**

### **Section 8.1: Standing Committees**

Para 1: The Department of North Carolina shall operate from one Convention to the next Convention by committees, which will have standing authority to act for the Department as prescribed by these Bylaws.

Para 2: Following are the Committees that will be considered standing committees and have an ongoing function throughout the year. During the Convention they will be considered Convention Committees.

- a. Finance Committee
- b. Blue Hat Committee
- c. VA Voluntary Service Committee
- d. Membership Committee
- e. Convention and Conference Committee
- f. Awards Committee
- g. Legislative Committee
- h. Constitution and Bylaws Committee
- i. Employment Committee
- j. Public Relations Committee

## **Section 8.2: Composition and Appointment of Standing Committees**

Para 1: Except for the Blue Hat, Finance, Resolutions and Nominating Committees, each committee will consist of no less than three (3) nor more than six (6) members, appointed by the Department Commander with the concurrence of the Department Executive Committee following his election, except as provided for in these Bylaws.

Para 2: Chapter Commanders should advise the Department Adjutant of those chapter members who would like to serve on a committee. Ordinarily, at no time shall more than one (1) member of a Chapter be appointed to any one committee. No elected or appointed Department Officer may be appointed to serve on a Convention or Standing Committee except as permitted and specified in Article VII of these Bylaws. *For these purposes, the Executive Committeemen are not considered Department Officers.*

Para 3: In the event of death, resignation or election to a Department office of a committee member, the Chairman will advise the Commander, and the Commander shall appoint a new committee member, subject to the approval of the Department Executive Committee or Department Convention.

## **Section 8.3: Committee Reports**

Committees shall submit a report of their program and actions to the Executive Committee at each Conference. The Chairman shall render a final report of the Committee activities at the Convention. All reports are to be written and will be maintained by the Department Adjutant as a permanent record.

## **Section 8.4: Duties of Standing Committees**

### **Paragraph 1: Department Finance Committee**

Para 1: *The Department Finance Committee shall be composed of the Department Commander, Senior Vice Commander, Treasurer, Immediate Past Department Commander, and four District Executive Committeemen; plus the Judge Advocate, who serves without voting rights. Two (2) District Executive Committeemen will be appointed from even numbered districts in even-numbered years and two (2) District Executive Committeemen will be appointed from odd-numbered districts in odd-numbered years. Provided eligible District Executive Committeemen are available, the terms of District Commanders on the Finance Committee will be limited to four years. The Committee Chairman will be elected by that committee and will be one of the District Executive Committeemen. The Department Adjutant shall serve as secretary, without a vote.*

Para 2: The Finance Committee shall be responsible for preparing a proposed annual budget. The Finance committee shall furnish a copy of the proposed budget to the Executive Committee at the meeting immediately prior to the annual Convention for its recommendations. The proposed budget shall then be presented to the Convention for approval. In the event that the Convention adjourns without adopting an annual budget, the Executive Committee shall adopt a budget at its first meeting following the Convention.

Para 3: Neither the Executive Committee nor the Convention shall adopt or approve any budget that provides for expenditures in excess of the estimated income for the fiscal year involved, as determined by the Finance Committee, nor shall they approve any expenditure not included in the budget unless the motion also calls for transfer of funding from another account to cover the expense. Exceptions to this policy are authorized in cases of an emergency and/or when the Department must spend down because of excessive assets.

Para 4: The Finance Committee will be authorized to make adjustments in budget accounts of an approved budget provided that (1) the adjustment does not increase the total budget; (2) the adjustment is necessary due to unforeseen circumstances, and (3) the adjustment will not impact on funds appropriated for services to its members.

Para 5: The Finance Committee shall be responsible for the conduct of all audit functions in the Department. The Committee shall assure that Department accounts are audited annually.

Para 6: The Finance Committee shall be responsible for initiation of all Department fund-raising activities. They shall make a recommendation to the Department Executive Committee, which shall have the authority to approve or disapprove Department fund-raising activities.

Para 7: At the request of a chapter, the Finance Committee shall review requests for chapter or unit fund-raising requests denied by the Department Commander and approve or disapprove the fund-raising activity on its merits. The Department Executive Committee can overrule this decision at the request of the chapter.

Para 8: The Finance Committee shall review annual Chapter Financial Reports and submit its recommendations for approval to the Department Executive Committee should a Chapter be found in violation of DAV Bylaws or Regulations of the DAV National Executive Committee

### **Paragraph 2: Department Membership Committee**

*Para 1: Committee members shall be the Department Executive Committeemen representing the ten Department Districts. The Department First Junior Vice Commander shall be the Committee Chairman.*

Para 2: Shall establish a Department Membership Program to be carried out in addition to any ongoing Chapter or National Membership Program, providing the Convention a report indicating the results of the Department Membership Program.

Para 3: Shall be responsible for assisting in the formation of new chapters in the Department, utilizing guidelines set forth in the National Bylaws, and shall make recommendations to the Department Executive Committee for approval of new chapters.

Para 4: Shall make a recommendation to the Department Executive Committee for the suspension or revocation of a Chapter Charter when a Chapter is not in compliance with National or Department Constitution, Bylaws, or regulations.

### **Paragraph 3: Department Awards Committee**

Para 1: Shall be responsible for planning, purchase and preparation of all awards of the Department of North Carolina to be presented at the Convention to members, individuals, chapters, and organizations.

Para 2: Shall receive award nominations and act as a screening and recommending committee to make appropriate recommendations to the Department Commander and Department Executive Committee on all awards made or contemplated by the Department, except those awards, of which the Department has no control and those personal awards and citations conferred by the Department Commander.

Para 3: Annual Department Membership Awards that may be presented at the Department Convention include the following:

- a. Division 1 - Chapter with less than 100 members achieving the highest % increase of assigned goal.
- b. Division 2 - Chapter with 101-200 members achieving the highest % increase of assigned goal.
- c. Division 3 - Chapter with 201-350 members achieving the highest % increase of assigned goal.
- d. Division 4 - Chapter with 351-500 members achieving the highest % increase of assigned goal.

e. Division 5 - Chapter with 501-1000 members achieving the highest % increase of assigned goal.

f. Division 6 - Chapter with 1001 or more members achieving the highest % increase of assigned goal.

g. Century Club - To each member who secures 100 or more members.

h. Recruiter of the Year - To the member who secures the most new members during the membership year. Paid employees of the National and Department organization are ineligible for this award.

i. *District Membership Award - To the Executive Committeeman whose district achieves the highest percentage increase in excess of assigned goal.*

Para 4: Annual Department Awards for outstanding achievement by Chapters and Individual members that may be presented at the Convention:

a. Outstanding Disabled Veteran of the Year

b. Outstanding Chapter of the Year

c. Outstanding Chapter Service Officer

d. Patriotism Award

e. Outstanding Chapter Commander Award

f. Outstanding Chapter Newsletter

g. *Outstanding Executive Committeeman Award*

h. Distinguished Service Award - Chapter and/or individual

Para 5: May present the following awards on the recommendation of Chapters or members of the Department of North Carolina:

a. Outstanding Local Veterans Employment Representative.

b. Outstanding Disabled Veteran Outreach Program Specialist.

c. Outstanding Small Employer of the Year (under 200 employees)

d. Outstanding Large Employer of the Year (over 200 employees).

e. Outstanding Legislator of the Year

Para 6: The Department Commander may make the following awards at the Department convention:

a. Outstanding Service Award - Individual, Chapter, or Group.

b. Department Citations - Individual, Chapter, or Group.

c. National Certificate of Merit - Individual, Chapter, or Group.

Para 7: The Department Commander or the Awards Committee, subject to approval of the Department Executive Committee, may authorize additional awards. All membership awards are to be selected by the data provided by the National Membership Department as of 30 April, annually.

**Paragraph 4: Department Convention and Conference Committee**

Para 1: Shall be responsible for recommending locations in the State of North Carolina to the Department Executive Committee for conferences and the annual Convention.

Para 2: Will serve and be responsible for coordinating the activities at a conference or convention, subject to the approval of the Department Executive Committee or Department Convention.

Para 3: Shall, with the Department Adjutant, serve as the Credentials Committee during the Department Convention.

**Paragraph 5: Department Legislative Committee**

Para 1: Shall be responsible for reviewing all resolutions and mandates for legislation affecting disabled veterans in the State of North Carolina, the United States and its territories.

Para 2: Shall prepare legislative proposals to be presented to the State of North Carolina General Assembly and the Division of Veterans Affairs supporting legislation that will be beneficial to disabled veterans and their families, subject to the approval of the Department Executive Committee or Department Convention.

Para 3: Shall review all legislative proposals and resolutions that affect legislation on a national level for approval at the Department Convention and submission to the National Convention, if approved.

Para 4: Shall coordinate and execute the approved mandates of the Convention, at all Legislative levels throughout the State of NC and at the National level.

Para 5: Shall be responsible for maintaining a list of Chapters and Department members that are concerned with legislative issues. The Committee shall use this list to solicit support of the membership for Department legislative proposals and keep members informed of the progress of legislative matters.

**Paragraph 6: Department Employment Committee**

Para 1: Shall consider all matters with reference to all forms of employment of disabled veterans as well as preference rights in examination, appointments, retention, promotions or employment or re-employment rights in Federal Civil Service and in state, county, and local governments.

Para 2: Shall also consider matters relating to vocational rehabilitation, education and training, except those provided by Title 38, U. S. Code.

**Paragraph 7: Department Constitution and Bylaws Committee.**

Para 1: Shall be responsible for reviewing proposed changes to the Department Constitution and Bylaws and presenting proposed changes to the delegates of the Convention for review and consideration by the Body. Shall ensure that approved changes are submitted to the Department Judge Advocate and National Judge Advocate for final approval.

Para 2: Shall be responsible for review and submission to the Department Convention, of proposed changes to the National Constitution and Bylaws with submission of approved changes to the National Convention.

**Paragraph 8: Department VA Voluntary Service Committee (VAVS)**

Para 1: Shall consider questions concerning the standards of medical care delivery by VA Medical

Centers and outpatient clinics and all matters pertaining to the DAV Voluntary Service Program.

Para 2: Committee members shall include the VAVS Representatives and Deputies from each VA Medical Centers in North Carolina, inclusive of Mountain Home, Tennessee VAMC, if available and interested, concerned volunteers from these VA Medical Centers.

#### **Paragraph 9: Blue Hat Committee**

Para 1: A standing committee known as the Blue Hat Committee will serve in an overall advisory capacity to the Department Commander, the Department Executive Committee and Department Conventions. This committee shall consist of any and all members of the Department of North Carolina in good standing.

Para 2: The Chairman and Vice Chairman shall be elected annually at the Department Convention meeting of the Committee. The Chairman will choose a secretary. The Chairman will be a member of the Department Executive Committee and the Vice-Chairman will serve as the alternate.

#### **Paragraph 10: Department Service Commission**

Para 1: The Department of North Carolina recognizes the North Carolina Department Service Commission, which is charged with the responsibility of organizing, developing, and perpetuating a Department Service Program in North Carolina.

Para 2: The Service Commission shall operate under the separate program document in effect prior to 01 June 1994. Changes to this document must be approved by the Department Executive Committee and confirmed by a vote of the delegates to the next Department Convention.

Para 3: To assist the Commission in fulfilling its mission, any forfeitures and fines acquired from defunct chapters (In accordance with Paragraph 6, Section 6.4, National Bylaws), shall be transferred to the Department Service Foundation.

Para 4: The Department Service Commission shall be composed of three (3) Commissioners from the general membership, the Department Commander, and the Supervisor of the North Carolina National Service Office. Each member shall have equal voting privileges.

Para 5: Commissioners shall serve staggered three-year terms, with one Commissioner's term expiring each year. The incoming Commander shall appoint or reappoint a member to begin another three-year term. By virtue of their office, the Department Commander and NSO Supervisor shall be standing members of the Commission.

Para 6: Any Commissioner may be recalled from his office by a majority vote of the Department Executive Committee. If a Commissioner is absent from two successive meetings, without sufficient cause, the Department Commander shall declare his office vacant. The Commander shall appoint a new Commissioner to complete the term, subject to approval of the Department Executive Committee.

#### **Section 8.5: Convention Committees**

In addition to the Standing Committees of the Department, the Committee on Nomination of Department Officers and the Committee on Resolutions will meet at the Call of the Convention in order to conduct business specific to the Convention.

Paragraph 1: The Committee on Nomination of Department Officers

Para 1: This Committee will consist of an appointed chairperson plus one member or alternate elected by the Districts. This Committee will accept applications and interview candidates for the elective Department Offices at the Convention; Committee recommendations will be kept confidential until called for at the election session of the Convention.

Para 2: The Committee shall review the qualifications and interview each candidate nominated by Chapters to be Department Officers.

Para 3: The Committee shall interview candidates at the annual Department Convention. The Committee shall report their recommendations for elective Department Officers immediately preceding the scheduled election of Officers at the Convention.

#### Paragraph 2. The Committee on General Resolutions

Para 1: This Committee will consist of an appointed chairperson plus one member or alternate elected by the Districts.

Para 2: This Committee shall consider all matters which are not covered by the resolutions submitted by Chapters and Department Committees which are referable to other Committees and shall formulate and give expressions of thanks, appreciation and condolences, in resolution form.

Para 3: The Department Commander, at his discretion, may establish additional committees to conduct business during the Convention.

Para 4: Department Standing Committees as established under Article VIII of these Bylaws will continue to conduct the business of the Department during the Convention without change in composition.

Para 5: The Department Executive Committee shall serve as the Committee on Rules.

### **Section 8.7: Convention Committee Reports**

Each Convention Committee shall submit a final report of its findings and recommendations to the Convention when called upon to do so by the Department Commander.

### **Section 8.8: Duties of Convention Committees**

Convention committees shall operate in accordance with standard committee practices and the Rules of the Convention. The Resolutions Committee will be responsible for considering and reporting on all resolutions not referable to another committee; and, more specifically, shall be responsible for resolutions pertaining to citizenship, Americanism, national defense and security of the United States.

## **ARTICLE IX -- CHAPTERS**

### **Section 9.1: Organization**

Local units, termed Chapters, may be created and shall operate under the guidelines of Article 9 of the National Bylaws. No chapter may operate within this Department until it has received a National Charter. A petitioning group desiring a charter shall apply to the Department Adjutant in writing. No chapter may be named for a living person.

## **Section 9.2: Chapter Officers**

Each chapter shall hold an annual election of officers prior to the Department Convention. Newly elected chapter officers shall be installed not later than 30 days after election; however, said installation shall be held not later than June 30. Officers required shall be a Commander, a Senior Vice Commander, a Junior Vice Commander, a Treasurer, a Chaplain, and Adjutant (who may be appointed and, if permitted by the Chapter's constitution, may also be the Treasurer), and other officers as authorized by the approved Chapter Constitution and Bylaws.

## **Section 9.3: Constitution and Bylaws**

Para 1: Each chapter must adopt its own Constitution, Bylaws, and regulations provided that such documents do not conflict with those of the Department or the National Organization, and are first approved by the Department Judge Advocate and then by the National Judge Advocate. Chapters shall provide copies of all proposed constitution, bylaws, regulations, and amendments thereto to the Department Headquarters and must transact all business through the Department Headquarters.

Para 2: Constitution and Bylaws and changes must be submitted to the Department Judge Advocate with a copy of the minutes of such meeting approval.

## **Section 9.4: Articles of Incorporation**

Within ninety days after its charter is issued, each chapter shall incorporate under the appropriate laws of North Carolina. The articles of incorporation and chapter bylaws must be approved by the Department Judge Advocate before adoption. The Department Adjutant is charged with the responsibility of assuring that all chapters are incorporated.

## **Section 9.5: Chapter Fund Raising**

Para 1: No chapter, group of chapters, districts, or committees, separately or collectively, directly or indirectly, shall conduct a public fund-raising project without first obtaining the consent, in writing, of the Department Commander.

Para 2: No chapter or group of chapters shall conduct any fund-raising project outside their immediate community without first obtain the consent of a majority of the chapters in the area where such a project is contemplated.

Para 3: The Department Commander may approve or disapprove any chapter fund-raising project, subject to appeal by the Department Executive Committee, should the Commander disapprove a project.

## **Section 9.6: Fund-raising Fees and Procedures**

Para 1: Each chapter, auxiliary unit or NOTR unit which shall conduct any fund-raising activity or derive any funds using the name or insignia of the Disabled American Veterans, shall first obtain Department approval for all such activities at least thirty (30) days prior to such events. All requests for fund-raising projects shall be made to the Department Headquarters on forms furnished by the Department Adjutant.

Para 2: Each chapter or NOTR unit shall pay to the Department Service Foundation 10 percent of the net proceeds of all fund-raising activities, including Forget-Me-Not Drives.

Para 3: All payments to the Department Service Foundation will be made within thirty days upon completion of a fund-raising project and accompanied by a Fund Raising Report form to be furnished by the Department Adjutant.

Para 4: A quarterly payment and report will be required on any continuous fund-raising activity such as bingo, a canteen, property rentals, etc.

Para 5: Any Chapter or NOTR, which conducts a fund-raising project without prior approval or notice, as required herein, will not thereby subject its charter to revocation.

Para 6: The Department Executive Committee will have the authority to enforce and supervise the provisions of this Section.

### **Section 9.7: Financial Records and Reports**

Para 1: Each chapter will keep a complete financial record of all monies received, expended, and remitted in accordance with the instructions contained in Section 9.3 of the National Bylaws. Each chapter will submit an annual financial report within ninety days after the close of the accounting year, which will be the membership year commencing July 1 and ending 30 June to the Department Headquarters on forms provided by National Headquarters. A copy of the bank statement for each account held in the name of the organization for the period ending 30 June of the accounting year will accompany the annual financial report to Department Headquarters.

Para 2. All financial reports will 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 15.7, Para 2 of the National Bylaws.

Para 3. Each chapter will 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 will conduct a quarterly audit of the chapter finances. These audits will be required in addition to the annual audit required by the National Organization.

Para 4. Failure to file annual financial reports will be cause to suspend or revoke the chapter charter.

Para 5. Each chapter will keep records of its proceedings, which will be open for review by the Department Commander or his designated representative at all times.

### **ARTICLE X -- AUXILIARIES**

Para 1: The Department of North Carolina recognizes the Disabled American Veterans Auxiliary and the National Order of Trench Rats as auxiliary units of the Disabled American Veterans.

Para 2: Each recognized auxiliary shall present a report of their status and prior year accomplishments to each annual Department Convention.

Para 3: The State Department Organization of the DAV Auxiliary, the NOTR, and all subordinate units thereof will be subject to DAV Department Convention Mandates, the DAV Department Constitution and Bylaws, Department Executive Committee Regulations and Policies, and to the Department Organization's supervision and recommendations.

Para 4: In the event of a conflict, the DAV Department Bylaws, Executive Committee Regulations or Policies take precedence.

## **ARTICLE XI -- REVENUE**

The revenue of this Department shall be derived from any source approved by the preceding Department Convention and or the Department Executive Committee and by the National Executive Committee, and as otherwise provided by this document.

## **ARTICLE XII – MISCELLANEOUS**

### **Section 12.1: Corporate Organization**

Para 1: This Corporation is not organized for profit. It shall issue no stock. No part of its net earnings shall inure to the benefit of any individual. No member shall have any pecuniary interest in any of the income, earnings, assets or property of this Corporation, or shall any part thereof be withdrawn or distributed to any of its members.

Para 2: Upon final dissolution or liquidation of this Corporation, and after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets shall be distributed to the National Organization or to such charitable corporation as a court of competent jurisdiction determines to have purposes closest to those of this Corporation.

Para 3: The office of the Department Commander is comparable to that of a chairman of the board and president of a corporation; a Department Vice Commander, a vice-president; the Department Adjutant, chief executive officer and secretary, and the Department Executive Committee is comparable to a corporate board of directors.

Para 4: The names and addresses of the members of the Disabled American Veterans and its Auxiliaries, in whatever format, shall not be used for commercial purposes, in support of any political action committee, or for any other political use. Nothing in this paragraph shall prohibit their use in fund-raising as permitted by these Constitution and Bylaws.

Para 5: The Department shall have an official seal in form and content as prescribed by the National Organization.

### **Section 12.2: Rules of Order**

All matters of procedure not otherwise provided for in the Bylaws of the National Organization, these Bylaws or in the Rules of the Convention shall be governed by the most current issue of Roberts' Rules of Order.

### **Section 12.3: Bonds**

The Department shall provide a Fidelity Bond with a maximum liability of \$500,000, which covers all elected and appointed Department Officers and members of the Department Executive Committee.

### **Section 12.4: Fiscal Year**

The fiscal year of this corporation shall be from July 1 to June 30.

### **Section 12.5: Definitions**

Para 1: Whenever the word "National" is used herein, it shall refer to the Disabled American Veterans, a corporation created by an act of Congress, with its principal place of business at Cold Spring, Kentucky, mailing address, P. O. Box 145550, Cincinnati, Ohio, 45250-5550.

Para 2: Whenever the words "State" or "Department" are used, they shall unless the context clearly otherwise indicates, refer to the Department of North Carolina, Disabled American Veterans, a corporation duly chartered under the laws of the State of North Carolina.

**Section 12.6: Presumed Applicability of Constitution**

Para 1: This constitution and subsequent revisions thereto shall be binding on all members of this corporation, including all chapters within the Department, whether incorporated or not.

Para 2: Each member and chapter severally agree not to bring any action or proceedings in any court of law or equity relating to his or its rights or privileges as a member or officer until all remedies provided by this Constitution and the National Constitution and Bylaws have been exhausted.

**Section 12.7: Notification of Meetings**

All parties involved in meetings of committees, boards or councils authorized by this Constitution and Bylaws, will be given adequate prior notice of meetings at least ten (10) days in advance. Due consideration will be given to mail delays, etc., with telephone or electronic notice given when appropriate.

**Section 12.8: Amendment of Bylaws**

The Bylaws may be amended at any Department Convention by a vote of two-thirds of the total accredited delegates assembled, provided that the proposed amendments shall have been read to the Convention at least twice or read once and presented in writing once, before being voted upon. In either case, two different business sessions must be involved. (NOTE: This does not apply to amending Section 3.12, Rules of the Convention. See Section 3.13 above. )

**Section 12.9: Gender**

The masculine, whenever used in the Department Constitution, these Bylaws or any regulation adopted, shall include the feminine gender.

**Section 12.10: Employment**

In order to avoid a conflict of interest, real or implied, no immediate family member, defined as Mother, Father, Sister, Brother, Son or Daughter of either husband or wife of an employee shall be considered for employment by the Disabled American Veterans, Department of North Carolina. This includes all areas of service where employees may be engaged in support thereof, as defined by the Department Executive Committee.

ATTEST:

Adopted after this second and final reading on the 6th day of June 2009.

\_\_\_\_\_  
DEPARTMENT ADJUTANT

\_\_\_\_\_  
DEPARTMENT COMMANDER

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

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