DAV DISABLED AMERICAN VETERANS

Building Better Lives for America's Disabled Veterans

CHAPTER CONSTITUTION AND BYLAWS GUIDELINES AND SUGGESTIONS

The enclosed materials were developed to assist you and members of your Chapter in the task of drafting the documents that will govern your Chapter's future activities and operations. In this packet, you'll find:

1. Model Constitution and Bylaws document for a DAV Chapter.
2. Additional guidelines or suggestions that may be helpful to you in developing and drafting documents for your Chapter.
3. Model Articles of Incorporation for a DAV Chapter

These models and suggestions have grown out of the actual experience of DAV chapters across the United States. That's why so many chapter leaders have found them invaluable. There's nothing theoretical about them. These are realistic solutions that are getting the job done for DAV chapters. Tested and refined over many years, they represent the condensed experience of our organization and its subordinate units in every type of community from small towns to major metropolitan areas.

We hope you'll view the enclosed materials as a proven set of tools that you can use in building a strong foundation for your Chapter's future. So, please, give careful consideration to each item in the model Constitution and Bylaws. Look carefully at each of the suggestions and recommendations in the guidelines.

Those who serve on the committee that drafts the basic documents for any DAV chapter carry a heavy responsibility. We're sure the enclosed materials will help lighten your load...while making your work more effective and long-lasting.

If you have any questions during the course of your work, please feel free to contact National Headquarters at the below address and phone number.

Sincerely,



ARTHUR H. WILSON
National Adjutant

AHW:as: 12/03
Enclosures

APPROVAL

When a Constitution and Bylaws, or amendments thereto, have been adopted, they must be forwarded immediately, in triplicate, to the State Department for approval by the State Judge Advocate. Following that, the document will be forwarded to National Headquarters, P.O. Box 14301, Cincinnati, Ohio 45250-0301, for approval by the National Judge Advocate. Until the National Judge Advocate has affixed his approval, the document is neither effective nor binding. In drafting a Constitution and Bylaws, you should refer to the Department's Constitution and Bylaws and the National Constitution and Bylaws to avoid any conflict in content.

INCORPORATION

Chapters may wish to incorporate under their respective state laws as a non-profit corporation. Enclosed is a Model Articles of Incorporation to be used as a guideline; however, it is suggested that a local attorney be consulted before finally adopting any incorporation papers. Articles of Incorporation must follow the guidelines and contain the provisions as set forth in Article 17, Section 17.1, of the National Bylaws. Furthermore, the Articles of Incorporation must be approved by the respective DAV Department Judge Advocate and the National Judge Advocate prior to filing the document with the proper state corporation authorities.

REFERENCE GUIDELINES

It is suggested that every Chapter should make available to its officers (at least), current copies of the National Constitution and Bylaws, Department Constitution and Bylaws, and have available for ready reference a current revised copy of Robert's Rules of Order. These documents, if followed judiciously, should eliminate misunderstanding and internal disputes within the Chapter.

PUBLICITY

Excellent, timely Chapter publicity material is available free of charge if you will send your request to the DAV Communications Department, National Headquarters, P.O. Box 14301, Cincinnati, Ohio 45250-0301.

MODEL

CONSTITUTION AND BYLAWS OF

_____ CHAPTER #_____

_____
(city) (state)

C O N S T I T U T I O N

ARTICLE I - NAME

The name of this Chapter shall be _____
Chapter #_____, Department of _____, DISABLED AMERICAN VETERANS.

ARTICLE II - PURPOSE

The purpose of this Chapter is to build better lives for all of our nation's disabled veterans and their families and, in furtherance of that purpose, to support the programs of the Disabled American Veterans as provided in the National Constitution and Bylaws and Regulations of the National Executive Committee.

ARTICLE III - MEMBERSHIP

Membership in this Chapter shall conform with the requirements as set forth in the National Constitution and Bylaws. There shall be no associate, special or honorary memberships in this Chapter.

ARTICLE IV - ADMINISTRATION

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

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

Section 3: At the time specified in the Chapter Bylaws, the Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander, and a Treasurer. Such other officers as may be necessary to operate the Chapter may be appointed by the Commander, with

the approval of the Chapter. Neither the Chapter Commander nor any Chapter Vice Commander may serve as Chapter Adjutant or Treasurer.

ARTICLE V - EXECUTIVE

The executive power of this Chapter shall be vested in the Chapter Commander.

ARTICLE VI - AUXILIARY

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

ARTICLE VII - AMENDMENTS

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

B Y L A W S

ARTICLE 1 - ORGANIZATION

Section 1: This Chapter recognizes the National Organization known as Disabled American Veterans, incorporated by Act of Congress, and affirms its allegiance, and subordination to the National Organization, its Constitution, Bylaws and all rules, mandates and regulations promulgated pursuant thereto. Upon dissolution of the Chapter, the assets remaining after the payment of its debts shall be distributed as provided in Article 6, Section 6.4. Paragraphs 5 and 6, of the National Bylaws.

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

Section 3: Minutes of the meetings of the Chapter, including the Chapter Executive Committee, shall be kept and be available for inspection by any Chapter member.

ARTICLE 2 - CHARTER

The Charter of this Chapter, issued by the National Executive Committee, is its authority to function and shall be displayed behind the Commander's station at all regular meetings.

ARTICLE 3 - EXECUTIVE COMMITTEE

Section 1: The Chapter Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commander, Treasurer and any other elected Chapter officers.

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

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

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

Section 5: The Chapter Executive Committee may act for the Chapter only in emergencies and at all other times shall recommend courses of action to the Chapter in session.

ARTICLE 4 - OFFICERS

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

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

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

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

Para. 5: There shall be no voting by proxy or voting by absentee ballot.

Section 2, Para. 1: The Commander shall be the presiding officer at all Chapter meetings and, in his/her absence, the duty will fall to the next highest officer in line of succession who is present.

Para. 2: The Senior Vice Commander shall be the Membership Chairman and as such is responsible for campaigns to increase membership.

Para. 3: The Treasurer shall keep an accurate record of all monies received and disbursed and shall deposit any monies received as soon as possible. The Treasurer shall make a report on Chapter finances at each meeting and records shall be open to any member when a request is

made in writing through the Executive Committee. An annual financial report, in accordance with the requirements of the National Bylaws, shall be submitted to the State Department and Chapter.

Section 3, Para. 1: Upon election or appointment, and installation of the successor to any such Chapter office, all Chapter property in his or her predecessor's possession shall be surrendered to the newly installed officer.

ARTICLE 5 - QUALIFICATIONS

Section 1: Any person who is a member of this Chapter shall be eligible to any elective or appointive office in this Chapter, except as otherwise provided in this Constitution and Bylaws.

ARTICLE 6 - TENURE OF OFFICE

Section 1: Officers for the Chapter shall be nominated during the (month) meeting and again immediately prior to the (month) election meeting.

Section 2: Elected and appointed officers shall be installed within thirty (30) days of their election or appointment. They shall serve for one (1) year or until newly elected or appointed officers have been installed.

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

Para. 2: In the event the office of Commander shall be vacated for any reason, the Senior Vice Commander shall be elevated to Commander, Junior Vice Commander to Senior Vice Commander and the vacancy filled as outlined in Para. 1 of this Section.

Section 4: It shall require a majority vote of those Chapter members present and voting to elect a candidate for any Chapter office. It shall also require a majority of votes cast to elect delegates or alternates to a State or National Convention.

ARTICLE 7 - MEMBERSHIP

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

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

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

ARTICLE 8 - FINANCES

Section 1: The Treasurer or other designated officer shall deposit all monies in the name of the Chapter and shall countersign with the Commander or one other designated Chapter officer on all checks.

Section 2: The Treasurer or other designated Chapter officer shall be charged with handling normal finances in the operation of the Chapter.

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

ARTICLE 9 - MEETINGS

Section 1: Regular Chapter meeting dates, time and location shall be determined by majority vote of the Chapter in session.

Section 2: The Chapter must hold at least four (4) regular meetings with a quorum present within a membership year.

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

Section 4: Rules of Chapter meetings shall be as follows:

RULE 1. A quorum shall consist of seven (7) members in good standing, of which at least two (2) must be elected Chapter officers.

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

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

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

RULE 5. Voting shall be by voice unless otherwise requested by at least seven (7) members.

ARTICLE 10 - COMMITTEES

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

Section 2: Committees shall consist of not less than three (3) nor more than seven (7) members (except as may otherwise be herein provided), including the Chairman. Committees shall be appointed by the Commander, with the approval of the Chapter, with the exception of the Nominating Committee which shall be elected by the Chapter.

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

ARTICLE 11 - MISCELLANEOUS

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

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

Para. 3: To the extent to which any of the provisions of this Constitution and Bylaws are, or may at any time become, inconsistent or in conflict with the provisions of the Constitution and Bylaws and lawful mandates, decisions and regulations of either the governing State Department or the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended so as to conform thereto.

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

ATTEST:_____

Adopted after this second and final reading on the _____ day of _____, 20___.

_____ _____

ADJUTANT (CHAPTER) COMMANDER (CHAPTER)

_____ _____

DEPARTMENT JUDGE ADVOCATE NATIONAL JUDGE ADVOCATE

SUGGESTED PROVISIONS FOR CHAPTER CONSTITUTION AND BYLAWS

Should you wish to enlarge upon the Model Constitution and Bylaws, the following are suggested provisions and guidelines that can be included in your Chapter Constitution and Bylaws at the discretion of the Chapter membership.

SPECIAL CHAPTER MEETINGS

Special meetings of the Chapter may be called by the Commander whenever the Commander may deem it necessary, or when requested in writing to do so by (number) or more Chapter members. The call of any such special meeting shall specifically state the purpose for which it is called. No other business, not specified in the call, shall be transacted at the special meeting.

OFFICERS AND THEIR DUTIES

The Commander, or in his/her absence the next highest officer, shall preside at all regular or special meetings of the Chapter. He/She shall maintain order and dispatch such business as may legally come before him/her. All checks or vouchers issued by the Chapter Treasurer must be countersigned by the Commander. He/She shall perform all other duties that may reasonably be assumed to be incidental to his/her office, including those set forth in this Constitution and Bylaws and in the Official DAV Ritual, and such other duties as may be lawfully delegated to him/her by the Chapter.

The Senior Vice Commander and Junior Vice Commander, in the order named, shall perform the duties of the Commander in the event of his/her absence. If the Commander should die, resign or be removed, the same order of authority would be in effect until a new commander is elected.

The Adjutant is responsible for keeping the Chapter's records and conducting the Chapter's official correspondence. He/She must keep detailed records of the Chapter's meetings and business affairs. All motions considered by the Chapter should be recorded along with the names of the members who make, second, or speak on motions. The Adjutant is responsible for the membership records and should make certain they are kept up to date.

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

At each Chapter meeting, the Adjutant should read all correspondence received between meetings and see that all matters which require action by the Chapter are properly disposed of. He/She should answer all correspondence promptly and file copies of his responses with the Chapter records.

The Adjutant shall work closely with the Commander, Treasurer, and other Chapter officers in order to efficiently carry out the duties of his office.

The Treasurer shall receive and immediately deposit all the Chapter’s money in a bank account in the name of the Chapter without any deductions or offsets. He/She shall make authorized

disbursements only by checks or vouchers signed by himself and countersigned by the Commander. He/She shall keep a system of accounts approved by the Chapter and shall preserve all receipts and checks or vouchers for payments made. He/She shall render a monthly report of receipts and expenditures to the Chapter not later than the first regular Chapter meeting following the last day of each calendar month. An annual financial report, audited and approved by the Chapter Audit Committee, shall be submitted to the State Department and National Organization within ninety (90) days after the close of the accounting year of the Chapter, as required by the National Bylaws.

The Senior Vice Commander shall perform the duties of his station as set forth in the Official DAV Ritual. He/She shall encourage friendship among the members of this Organization, discourage discord, and promote harmony. Subject to the direction of the Chapter, he/she shall act as Chairman of membership solicitation activities to the end that every eligible veteran may become a member. With the approval of the Chapter, the Senior Vice Commander may appoint one or more members to assist him/her in such membership activities.

The Junior Vice Commander shall perform the duties of his/her station as set forth in the Official DAV Ritual. He/She shall see that every member is given a reasonable opportunity to state his/her views on any subject under discussion in a meeting of the Chapter, not inconsistent with this Constitution and Bylaws or Robert's Rules of Order. He/She shall, at all times, encourage loyalty to the United States of America, to the DAV, and to the members of the Chapter. Subject to the direction of the Chapter, he/she shall act as Chairman of the Americanism activities of the Chapter and, with the approval of the Chapter, may appoint one or more members to assist him/her as such Chairman.

The Chaplain shall perform the duties of his/her station as set forth in the Official DAV Ritual. He/She shall visit the sick and comfort the families of those members who pass away. He/She shall be responsible for encouraging attendance at DAV conducted funerals and the proper conduct thereof. Subject to the direction of the Chapter, he/she shall act as Hospital Visitation Chairman and, with the approval of the Chapter, may appoint one or more members to assist him/her as such Chairman.

The Historian shall keep a brief history of the activities of the Chapter during his/her term of office, to be kept as a permanent record of the Chapter. He/She shall also act as Publicity Officer of the Chapter and regularly furnish proper publicity materials to local newspapers, radio stations and television outlets, as well as official DAV National and Department publications, with the approval of the Commander and the Executive Committee. No other member shall cause any publicity to be given to any Chapter activity or concerning the Chapter without the approval of the Chapter.

The Service Officer shall advise and assist veterans disabled in line of duty during time of war, and their dependents, in the preparation and processing of their claims for benefits from any governmental agency. He/She shall also assist them in securing suitable, gainful employment.

The Judge Advocate, upon the request of the Commander of the Chapter, shall render an opinion upon all parliamentary questions, upon any question arising out of any dispute upon the floor of the assembly, or concerning the interpretation of this Constitution and Bylaws, or the Constitution or Bylaws of the National or Department organizations. Upon receipt of his/her opinion, the Commander (or presiding officer, if the Commander is not in the chair) shall

announce his/her ruling or decision, which need not be in accordance with the opinion of the Judge Advocate. Such decision shall be final and binding upon the Chapter unless (1) overruled by a two-thirds vote of the members at the meeting during which the decision is announced, or (2) reversed upon an appeal taken to the next higher governing body within thirty (30) days after such decision is made known.

The Officer-of-the-Day shall perform the duties of his/her office as set forth in the Official DAV Ritual. He/She shall welcome all visitors and see that each is properly introduced.

The Sergeant-at-Arms and the Color Guards shall perform the duties of their respective offices as set forth in the Official DAV Ritual.

In addition to the foregoing, the respective Chapter officers shall faithfully perform and carry out such other duties as may be properly assigned to them from time to time by the Chapter.

A member can hold only one elective Chapter office at any one time. A delegate to a National or Department Convention is not holding an "elective office" within the meaning of this Section, except as otherwise provided herein; an elected officer may also hold an appointive office, and vice versa, except as may otherwise be provided in the National, Department or these Constitution and Bylaws.

The office of the Adjutant and Treasurer may be held by the same person. The Service Officer may hold any other elective or appointive office. Neither the Chapter Commander nor any Chapter Vice-Commander may serve as Chapter Adjutant or Treasurer.

By accepting any elective or appointive office, a member agrees that his/her services shall be rendered gratuitously and that he/she shall not be entitled to reimbursement for any sums advanced, incurred or spent unless expressly authorized by the Chapter at a regular Chapter meeting. No chairman, committeeman, Chapter officer or other Chapter member shall have the power or authority to incur any expense or obligation or bind the Chapter, unless by prior express approval of the Chapter, evidenced by a majority vote at a regular meeting. A member, by accepting any elective or appointive office, promises and agrees to perform the duties of such office or appointment to the best of his/her ability; to act and conduct himself/herself in such manner, at all times and places, as will only affect the good of the Organization; to enforce and sustain this Constitution and Bylaws, and the Constitution and Bylaws of the National and Department organizations; and when his/her successor has been duly elected or appointed, to surrender to him/her without notice or demand all the records and other property of the Chapter or of the Organization in his/her possession or under his/her control.

NOMINATIONS AND ELECTIONS

All voting for officers shall be by written ballot, except by unanimous consent.

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

All nominations for either State or National Convention delegates shall be made at the meeting preceding the meeting at which they are to be elected. Election for National Convention delegates shall be held not less than sixty (60) days preceding the opening date of such convention.

Installation of Chapter officers shall take place within thirty (30) days of their election or appointment. Officers elected or appointed to fill vacancies shall be installed at the same meeting at which they are elected or appointed.

EXECUTIVE COMMITTEE

Whenever the Chapter has had thirty (30) or more members for three (3) consecutive months, the Chapter shall set a time, at a regular meeting to be held not more than thirty (30) days thereafter, at which an Executive Committee shall be elected to hold office until the next annual election. Thereafter, the Chapter shall elect an Executive Committee at each annual election until such Committee shall be dispensed with by a three-fourths vote of the Chapter.

The Executive Committee shall be composed of the Commander, the Vice Commanders, the Treasurer, and four (4) Chapter Executive Committee Members, the latter to be elected from Chapter members in good standing as above provided, and in accordance with "Nominations and Elections." Four (4) such committee members shall be elected thereafter at each annual Chapter election. The Committee shall elect its own Chairman from its membership, who shall not be the Commander. None of the four (4) Chapter Executive Committee Members shall hold any other elective office in this Chapter.

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

The Executive Committee shall make recommendations to the Chapter, from time to time, which it believes will be of benefit to the Chapter.

The Committee shall also act as a Resolution Committee, and no resolution shall be adopted by the Chapter unless first submitted to the Executive Committee for its recommendations, except by a three-fourths affirmative Chapter vote.

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

The minutes of each meeting of the Executive Committee shall be read at the next following regular Chapter meeting by the Adjutant. The approval of the minutes by the Chapter shall constitute an approval of the recommendations and actions taken by the Executive Committee as reported in such minutes. When the minutes are read, any Chapter member may request that any part thereof be discussed or voted upon separately. The Executive Committee shall hold one regular meeting each month on the _____ (example: "first Tuesday") at _____ o'clock p.m. and may hold special meetings upon the call of the Chairman or the Commander, or any three (3) members of the Committee who may request the same in writing. Notice of the time and place of each special meeting shall be given in writing to each member of the Committee not less than forty-eight (48) hours prior to the holding thereof except with the

unanimous consent of all members of the Committee. A majority of the members of the Committee shall constitute a quorum.

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

RESTRICTIONS AND MISCELLANEOUS

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

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

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

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

Each member accepting or retaining membership in the Chapter agrees to be bound by this Constitution and Bylaws and the DAV National and Department Constitution and Bylaws, now in force or hereafter adopted or amended. Each member also agrees not to bring any action in any court of law or equity relating to his/her rights or privileges as a member or officer until all remedies provided by this Chapter's Constitution and Bylaws and the State and National Constitution, Bylaws and lawful mandates have been exhausted.

All disciplinary actions taken or commenced against Chapter members or officers shall be in accordance with Article 16 of the National Bylaws.

Except as otherwise expressly provided in the National Bylaws, the Chapter shall not sponsor or engage in, directly or indirectly, any fund-raising project without the prior approval of the governing State Department or National Executive Committee, where required by the National Bylaws. If the Chapter is located in a state not having a State Department, it shall not take such a course without the prior approval of the National Executive Committee. All fund-raising

activities will be conducted in accordance with Article 15 of the National Bylaws and the Regulations of the National Executive Committee.

The name of this Chapter or of the Disabled American Veterans must not be used in connection with any political, sectarian or labor dispute, nor in any matter not directly related to wartime service-disabled veterans. Nor shall the Chapter enter into or engage in any such activities. However, nothing in this paragraph shall prohibit the Chapter from participating in political issues which have a direct bearing upon the welfare of America's disabled veterans.

MODEL

ARTICLES OF INCORPORATION

We, the undersigned natural persons of the age of twenty-one years or more, at least two of whom are citizens of the State of _____, acting as incorporators of a corporation under the Non-Profit Corporation Act, do hereby adopt the following Articles for such corporation.

ARTICLE 1

The name of the corporation is: _____ Chapter #_____, Disabled American Veterans, Department of _____, Incorporated.

ARTICLE 2

The corporation is a non-profit corporation.

ARTICLE 3

The period of its duration is perpetual.

ARTICLE 4

The purpose for which the corporation is organized is: To uphold 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 interest and work for the betterment of all wounded, gassed, injured and disabled veterans; to cooperate with the Department of Veterans Affairs and all other public and private agencies devoted to the cause of improving and advancing the condition, health and interest 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. This corporation is limited to such as will qualify it as an exempt organization under Internal Revenue Section 501(c)(4). This corporation will not as a substantial part of its activities carry on propaganda or otherwise attempt to influence legislation. This corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

ARTICLE 5

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

ARTICLE 6

The street address of the initial registered office of the corporation is:
_____.

ARTICLE 7

The name of its original registered agent at such address is: _____
_____.

ARTICLE 8

The number of directors constituting the initial board of directors of the corporation is _____, and the names and addresses of the persons who are to serve as the initial directors are:

NAME	ADDRESS

The board of directors for this corporation shall be elected annually by the membership of _____ Chapter #_____. Only members of said Chapter are eligible to be elected to serve on the board of directors of this corporation.

ARTICLE 9

The corporation shall consist of every member or any person who shall become a member of _____ Chapter #_____, Disabled American Veterans, Department of _____.

ARTICLE 10

No part of the net earnings, property or assets of this corporation shall inure to the benefit of any private person or any member, officer or director of this corporation.

IN WITNESS WHEREOF, we have hereunto set our hands, this _____ day of _____, 20____.

_____

_____

_____

_____

STATE OF _____

COUNTY OF _____

I, the undersigned authority, do hereby certify that on this _____ day of _____, 20____, personally appeared before me, ____ _____ _____, who, each being by me first duly sworn in, severally declared that they are the persons who signed the foregoing document as incorporators and that the statements therein contained are true.

IN WITNESS THEREOF, I have hereunto set my hand and seal on the day and year written above.

_____

Notary Public, _____ County,

My Commission Expires _____