

October 4, 1985

RECEIVED

OCT 15 1985

Mr. Ken Mortensen, Adjutant
Manistique Chapter #26
Disabled American Veterans
218 North Houghton
Manistique, Michigan
49854

Dear Mr. Mortensen:

Enclosed please find the Constitution and By-Laws for Manistique Chapter #26, Department of Michigan. I have reviewed this document and find the following discrepancies or problem areas.

Article IX, Sections 1 and 2, By-Laws - While it is permissible for a Chapter to select the date and time of their meetings, each Chapter is mandated by Article VI, Section 6.5, Paragraph 3 of the National By-Laws, to hold no less than four (4) meetings with a quorum present each membership year.

Article XI, Section 1, Paragraph 1, By-Laws - This Paragraph should be revised, in part, to outline the procedure to follow in amending your By-Laws. An acceptable format to adopt is outlined in Article VII of your Constitution.

Other than the above exceptions, the Constitution and By-Laws for Manistique Chapter #26, Department of Michigan, is approved by the undersigned.

A copy of this document and response is being forwarded to the Department for their information and files. In addition, we are placing a copy on file at National Headquarters for future reference.

Sincerely,

BONIFACE R. MAILE
National Judge Advocate

BRM:ejt

cc: Mr. Leo J. LeRoux, Adjutant
Department of Michigan

enclosure

CONSTITUTION AND BYLAWS OF CHAPTER # 26

MANISTIQUE, MICHIGAN

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

ARTICLE I - NAME

The name of this Chapter shall be Manistique, Chapter No. 26,
DISABLED AMERICAN VETERANS.

ARTICLE II - PURPOSE

The purpose of this Chapter is to support the program of the Disabled American Veterans as defined in the National Constitution and Bylaws.

ARTICLE III - MEMBERSHIP

Membership in this Chapter shall conform with requirements as set forth in the National Constitution and Bylaws.

ARTICLE IV - ADMINISTRATION

Section 1. The administrative affairs of this Chapter shall be vested in the Executive Committee in emergencies only and all other actions of the Executive Committee must be ratified by a simple majority vote of the Chapter.

Section 2. The Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commander and all other elected Chapter Officers.

Section 3. At the time specified, the Chapter shall elect a Commander, Senior Vice Commander, Junior Vice Commander and such other officers as may be necessary to operate the Chapter.

ARTICLE V - EXECUTIVE

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

ARTICLE VI - AUXILIARY

This Chapter recognizes a women's Auxiliary, subject only 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 two-thirds majority vote of those present and voting, subject to approval of the Department and National Judge Advocate and effective only after date of this approval provided that amendment is read at three meetings and that all members were notified of the proposed change prior to each of the three meetings.

B Y L A W S

ARTICLE I - ORGANIZATION

Section 1. Governing body of this Chapter shall be the Chapter in session, except as provided in the Constitution.

Section 2. Records of the proceedings of the Chapter and Executive Committee shall be kept and open for inspection to any member in good standing.

ARTICLE II - CHARTER

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

ARTICLE III - EXECUTIVE COMMITTEE

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

Section 2. Meetings of the 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 Chairman and Lay Members may attend the Executive Committee meetings, but without the right to vote.

Section 4. A majority of members shall constitute a quorum.

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

ARTICLE IV - OFFICERS

Section 1, Para. 1. The Chapter shall elect a Commander, Senior Vice Commander, Junior Vice Commander and such other officers as may be necessary to operate the Chapter.

Paragraph 2. The Commander shall appoint the Adjutant, Committee Chairman and members and such other officers as are necessary to carry out the business of the Chapter.

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

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

Paragraph 3. The Treasurer or other designated officer shall keep an accurate record of all monies received and disbursed and shall deposit any monies received as soon as possible. He shall make a request on finances at each meeting and records shall be open to any member when a request is made in writing through the Executive Committee. A financial report, as of June 30, shall be sent to the Department and National Adjutant, not later than August 1, annually.

ARTICLE V - QUALIFICATIONS

Section 1. Any person who is a member in good standing shall be eligible to any elective or appointive office in this Chapter.

ARTICLE VI - TENURE OF OFFICE

Section 1. Officers shall be elected annually in May.

Section 2. Elected and appointed officers shall be installed prior to the Department Convention each year. 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 and the Commander is empowered to appoint a member to serve the unexpired term, with the approval of the Chapter.

Paragraph 2. In 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 Paragraph 1.

Section 4. It shall require a majority of votes to elect a candidate for any office. It shall require a majority vote cast to elect delegates or

alternates to a state or national convention; provided, however, that if there are less delegates and alternates than that to which the Chapter is entitled, then all such candidates nominated for delegate or alternate shall be declared elected.

ARTICLE VII - MEMBERSHIP

Section 1. Applicants for membership shall be investigated by the membership committee and a report made to the Chapter at the next regular meeting.

Section 2. The same procedure shall apply to transfers.

Section 3. Only members in good standing are eligible to vote on any motion or election.

Section 4. No applicant shall be denied Chapter membership if he meets the eligibility requirements as set forth in the National Constitution and Bylaws.

Section 5. Annual and Life Members may secure a transfer of membership upon the approval of the Chapter.

ARTICLE VIII - FINANCES

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

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

Section 3. Annual dues in this Chapter shall be as the Chapter may direct, but every effort will be made to limit annual memberships and stress life memberships.

ARTICLE IX - MEETINGS

Section 1. Chapter meetings shall be held as often as directed by the Chapter. Meeting dates to be set by majority vote of the Chapter in session.

Section 2. Place and time of meetings shall be determined by the desires of the Chapter.

Section 3. Rules of Chapter meetings shall be as follows:

RULE 1. A quorum shall consist of five (5) members in good standing.

RULE 2. Robert's Rules of Order, Revised, will govern except as hereafter specifically stated.

- RULE 3. Discussion of personal grievances will not be in order on the floor unless brought out by the Grievance Committee.
- RULE 4. Matters concerning one individual only with respect to his own personal interest, shall not be in order but may be taken before the proper committee.
- RULE 5. Voting shall be viva voce unless otherwise requested by at least seven (7) members.

ARTICLE X - COMMITTEES

Section 1. All committees will meet at the call of the chairman or Commander.

Section 2. Committees shall consist of not less than three, no more than seven members (except as otherwise herein provided) including the chairman, and shall be appointed by the Commander with approval of the Chapter.

Section 3. The Chapter Commander shall be a member ex officio of all committees.

ARTICLE XI - MISCELLANEOUS

Section 1, Para. 1. All amendments shall be subject to approval of the Department and National Judge Advocate and effective only after date of such approval.

Paragraph 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.

Paragraph 3. To the extent to which the provisions of this Constitution and Bylaws are or may be at any time become inconsistent with the provisions of the Constitution and Bylaws and lawful mandates, decisions and regulations of either the State or National Departments, is 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 will be handled in accordance with Article XVI of the National Bylaws.

ATTEST: _____

Adopted after this third and final
reading 23rd day of

July, 1985.

Kenneth O. Mostensen
ADJUTANT (CHAPTER)

John A. Matthews
COMMANDER (CHAPTER) #26

(DEPARTMENT JUDGE ADVOCATE)

(NATIONAL JUDGE ADVOCATE)

I CERTIFY that the within constitution and/or
by-laws does not conflict with those of the
National Organization, and to that extent, is
approved.

Date:

10/9/85 Benjamin Malle
DAV National Judge Advocate

subject to letter
dated 10/4/85