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MAR 30 2015

March 20, 2015

Mr. Robert W. Eaton, Adjutant
Calhoun County Chapter #7
Disabled American Veterans
P.O. Box 4146
Battle Creek, MI 49015

Dear Adjutant Eaton:

The Constitution and Bylaws for Calhoun County Chapter #7, Department of Michigan, is hereby approved as of this date, with the following change.

Article 9, Section 4 of the Chapter's Bylaws must be amended to delete the following, *"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 those of the Department and National Organization have been exhausted."* Similar language was removed from the National Bylaws during the National Convention several years ago. As such, the chapter must also remove such language as to not conflict with the Bylaws of the National Organization.

A copy of this document is being returned to Calhoun County Chapter #7, a copy is being sent to the Department of Michigan, and a copy is being retained in our permanent files here at National Headquarters for future reference.

Sincerely,

MICHAEL E. DOBMEIER
National Judge Advocate

MED:kb
Enclosure

c: Department of Michigan ✓

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FEB 20 2015



**CONSTITUTION AND BYLAWS
CALHOUN COUNTY CHAPTER #7
DEPARTMENT OF MICHIGAN
DISABLED AMERICAN VETERANS
2015**

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CONSTITUTION AND BYLAWS OF
CALHOUN COUNTY CHAPTER # 7
BATTLE CREEK, MICHIGAN

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

ARTICLE I – NAME

The name of this Chapter shall be Calhoun County Chapter # 7, Department of Michigan, 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

Any man or woman, who was wounded, gassed, injured or disabled in line of duty during time of war, while in the service of either the military or naval forces of the United States of America, and who has not been dishonorably discharged or separated from such service, or who may still be in active service in the armed forces of the United States of America is eligible for membership in the Disabled American Veterans. Others, who are disabled while serving with any of the armed forces of any nations associated with the United States of America as allies during any of its war periods, who are American citizens and who are honorably discharged, are also eligible.

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.

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 and a Dugout of the National Order of Trench Rats, subject to such supervision as conforms with the National and Department Constitution and the 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 either read at two (2) consecutive meetings or written copies of such amendment are given to those Chapter members present at those meetings and that all Chapter members were notified of the proposed change prior to each of the two (2) meetings.

BYLAWS

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, 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.

Section 4: All matters of procedure not otherwise provided for in the Constitution and Bylaws of Calhoun County Chapter #7, or the Constitution and Bylaws of the Department of Michigan, or in the Constitution and Bylaws of the National organization shall be governed by Robert's Rules of Order (newly revised).

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 - MEMBERSHIP

Section 1: A new applicant for membership shall not be denied Chapter membership if he or she meets the eligibility requirements set forth in the National Constitution and Bylaws, National Bylaws, Article 11.

Section 2: Only Chapter members 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.

Section 4: Membership dues shall be as provided in the National Bylaws, Article 11, Section 11.9.

ARTICLE 4 – MEETINGS

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

Section 1, Para. 2: The order of business at any regular Chapter meeting shall be as prescribed in the Official DAV Ritual and as dictated by the needs of the Chapter.

Section 1, Para. 3: 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 be available for reference.

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.

Section 5: At each meeting the Commander will have available:

- a. A copy of the Chapter, Department, and National Constitution, Bylaws and regulations.
- b. A copy of 'Robert's Rules of Order, (newly revised).
- c. A copy of the DAV Chapter Officer Guide.
- d. A copy of the Official Ritual of the Disabled American Veterans
- e. A list or agenda of the complete order of business
- f. A list of all committees

ARTICLE 5 – SPECIAL CHAPTER MEETINGS

Section 1: 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 seven (7) 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 meeting.

Section 2: Special meeting notices should be mailed to all Chapter members at least one (1) week before such meeting, with the reason for and the subject of the meeting stated on the meeting notice.

ARTICLE 6 – OFFICERS AND THEIR DUTIES

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

Section 1, Para. 2: 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.

Section 1, Para. 3: Officers for the Chapter shall be nominated during the March meeting and again immediately prior to the April election meeting.

Section 1, Para. 4: Any member of this Chapter, in good standing, shall be eligible to assume the position of any elective or appointive office in this Chapter, except as otherwise provided in this Constitution and Bylaws.

Section 1, Para. 5: 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.

Section 1, Para. 6: It shall require a majority vote of those Chapter members present and voting to elect a candidate to any Chapter office. It shall also require a majority of votes cast to elect delegates or alternates to the State or National Convention. However, if there are less delegates and alternates than the number to which the Chapter is entitled, then all such candidates nominated for delegate or alternate shall be declared elected.

Section 1, Para. 7: Elected and appointed officers shall be installed prior to the Department Convention each year. They shall serve one(1) year or until newly elected or appointed officers have been installed.

Section 1, Para. 8: All voting for officers shall be written ballot, except by unanimous consent.

Section 1, Para. 9: In the event of a vacancy of any elective office, nominations and election to fill such vacancy may be made at the same meeting.

Section 2, Para. 1: 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 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 a 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.

Section 2, Para. 2: All newly installed officers shall be issued, by the Chapter, copies of the DAV Official Ritual of the Disabled American Veterans, the DAV Chapter Officer Guide, and the Chapter's Constitution and Bylaws.

Section 2, Para. 3: Upon election or appointment, and installation of the successor to any such Chapter office, all Chapter property in his/her predecessors possession shall be surrendered to the newly installed officer.

Section 2, Para. 4: The Chapter shall submit a chapter officer report to the state department and National Organization within ten (10) days after the installation of newly elected or appointed chapter officers. The chapter officer report shall be completed on the form provided by National Headquarters and shall be certified by the chapter commander and adjutant. Any change in elected or appointed officers of the chapter during the membership year requires the submission of a new chapter officer report to the state department and National Organization within ten (10) days after installation. Failure to file complete reports as required by the National Constitution and Bylaws, Article 9, Section 9.2, Para. 3, is cause to suspend or revoke the chapter charter.

Section 3, Para. 1: Unexcused absence of any officer from three (3) consecutive meetings shall be cause for removal by the Chapter. 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.

Section 3, Para. 2: The Chapter may direct that notice be sent to an elective or appointive officer 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 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.

Section 4: In the event the office of the Commander shall be vacated for any reason, the Senior Vice Commander shall be elevated to Commander, the Junior Vice Commander to Senior Vice Commander with the approval of the Chapter. The vacancy, an elective office, shall be filled by nomination and election with the approval of the Chapter.

Section 5, Para. 1: 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, the DAV Chapter Officer Guide, the DAV Official Ritual of the Disabled American Veterans, and such other duties as may be lawfully delegated to him/her by the Chapter.

Section 5, 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.

Section 5, Para. 3: The Commander, with the approval of the Chapter, may appoint such other officers as may be necessary to operate the Chapter.

Section 6: 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.

Section 7, Para. 1: The Adjutant shall submit a Chapter officer report to the State Department and the 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.

Section 7, Para. 2: The Adjutant is responsible for keeping the Chapter's official correspondence. 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, the DAV Chapter Officer Guide, and such other duties as may be lawfully delegated to him/her by the Chapter. 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.

Section 7, Para. 3: The Adjutant, at each meeting, can either read the minutes of the preceding meeting to the membership or hand out a typed copy of the preceding meeting's minutes to each member. The membership then motions to accept or reject the minutes as presented.

Section 7, Para. 4: The Adjutant, at each Chapter meeting, 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.

Section 7, Para. 5: The Adjutant shall work closely with the Commander, Treasurer, and other Chapter officers in order to efficiently carry out the duties of his/her office.

Section 8, Para. 1: The Treasurer shall perform the duties of his/her office as set forth in the DAV Chapter Officer Guide. 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 must keep separate all monies collected from the Forget-Me-Not sales from general accounts. He/She shall make authorized disbursements only by checks or vouchers signed by himself and countersigned by the Commander or one other designated Chapter officer. 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. This report shall have been approved by the Chapter. A Trustee Committee shall also audit and approve these reports at least on a quarterly basis. 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 close of the accounting year of the Chapter, as required by the National Bylaws.

Section 8, Para. 2: The Treasurer or other designated Chapter officer shall be charged with handling normal finances in the operation of the Chapter.

Section 9: The Senior Vice Commander shall perform the duties of his/her station as set forth in the DAV Chapter Officer Guide. 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 be the Membership Chairman and head all membership solicitation activities and campaigns to increase membership in the Chapter. With the approval of the Chapter, the Senior Vice Commander may appoint one or more members to assist him/her in such membership activities.

Section 10: The Junior Vice Commander shall perform the duties of his/her office as set forth in the DAV Chapter Officer Guide. He/She shall see that every member is given a reasonable opportunity to state his/her views on any subject under discussion in the meeting of the Chapter, not inconsistent with this Constitution and Bylaws or Robert's Rules of Order, Revised,. 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.

Section 11: The Chaplain shall perform the duties of his/her office as set forth in the DAV Chapter Officer Guide and the DAV Official Ritual of the Disabled American Veterans. 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 may appoint one or more members to assist him/her.

Section 12: 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.

Section 13: The Service Officer shall perform the duties of his/her office as set forth in the DAV Chapter Officer Guide. The Service Officer shall advise and assist veterans disabled in the line of duty and their dependents, in the preparation and processing of their claims for benefits from any government agency. He/She shall also assist them in securing suitable, gainful employment. He/She shall also assist with referrals to other agencies.

Section 14: 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.

Section 15: The Sergeant-at-Arms and the Color Guards shall perform the duties of their respective offices as set forth in the Official DAV Ritual.

Section 16: The office of the Adjutant and Treasurer may be held by the same person. The Service Officer may hold any elective or appointive office.

Section 17: 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.

Section 18: 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.

ARTICLE 7 - 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 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 8 – COMMITTEES

Section 1: All Committees will meet at the call of the Chairman or Commander, or as otherwise provided in the 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.

Section 4: The Chapter Commander shall be a non-voting member of all committees with the exception of the Nominating and Audit (Trustee) Committees.

ARTICLE 9- RESTRICTIONS AND MISCELLANEOUS

Section 1: 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.

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

Section 3: 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 the case of a tie or where the voting is by written ballot.

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

Section 5: All disciplinary actions taken or commenced against Chapter members or officers shall be in accordance with Article 16 of the National Bylaws.

Section 6: 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.

Section 7: 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 manner 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.

ARTICLE 10 – AMENDMENTS

Section 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 either read at two (2) consecutive meetings or written copies of such amendment are given to those Chapter members present at those meetings and that all Chapter members were notified of the proposed change prior to each of the two (2) meetings.

Section 2: When this 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, the Chapter should refer to the Department's Constitution and Bylaws and the National Constitution and Bylaws to avoid any conflict in content.

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

ATTEST: _____

Adopted after this second and final
reading on the 17th day
of February, 2015.

Robert Eaton
ADJUTANT (CHAPTER)

Ismael E. Schmidt
COMMANDER (CHAPTER)

[Signature] 3/3/15
DEPARTMENT JUDGE ADVOCATE

Michael E. Quinn
NATIONAL JUDGE ADVOCATE

I CERTIFY that the within constitution
and/or by-laws does not conflict with
those of the National Organization,
and to that extent, is approved. *Subject*
to my letter of
DATE: 3-20-15