

**CONSTITUTION AND BYLAWS OF**  
**Disabled American Veterans SUNRISE MOUNTAIN CHAPTER #13 INCORPORATED**  
**LAS VEGAS, NEVADA**

**CONSTITUTION**

**ARTICLE I – NAME**

The name of this Chapter shall be Sunrise Mountain Chapter #13, Department of Nevada, DISABLED AMERICAN VETERANS.

**DISABLED AMERICAN VETERANS Sunrise Mountain Chapter #13 Incorporated.**

**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 or any Chapter Vice Commander may serve as Chapter Adjutant or Treasurer. Nominations for elected officers may be from the nominating committee or nominated from the floor.

The Chapter Commander or Senior or Junior Vice Commanders may not serve as the Chapter Adjutant or Chapter Treasurer.

Section 4: No Commander may serve more than two consecutive terms.

## **ARTICLE V – EXECUTIVE**

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

## **ARTICLE VI – AUXILIARY**

Section 1: This Chapter recognizes a DAV Chapter Auxiliary, subject to such supervision as conforms with the National and Department Constitution and Bylaws

Section 2: The DAV Auxiliary, if participating in the Chapter's Forget-Me-Not Drive, will receive fifty (50) percent of the net proceeds.

## **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 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 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.

Section 4: 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 related to wartime service-disabled veterans. Nor shall the Chapter enter into or engage in 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.

Section 5: Except as 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. All fund-raising activities will be conducted in accordance with Article 15 of the National Bylaws and the Regulations of the National Executive Committee.

## **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 Commanders 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 shall 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 AND THEIR DUTIES**

Section 1, Para. 1: The Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander, and Treasurer. Additionally, the Executive Committee man/woman and alternate must be elected at a Chapter meeting to represent the Chapter at Department. 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. 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.

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. 2.1: The Junior Vice Commander is responsible for Americanism.**

Para. 3: The Treasurer shall keep an accurate record of all monies received and disbursed and shall deposit any monies received within thirty (30) days. 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 National Bylaws, shall be submitted to the State Department and National Organization within ninety (90) days after the close of the accounting year of the Chapter. A Chapter audit of financial records will be completed annually, prior to the Chapter Annual Election.

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.

Section 4: 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, or in his/her absence, the Senior Vice 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 lawfully be delegated to him/her by the Chapter.

All checks or vouchers issued by the Chapter Treasurer must be countersigned by the Commander, or the Senior Vice Commander.

Section 5: 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 Senior Vice Commander shall be elevated to Commander, Junior Vice Commander to Senior Vice Commander and the vacancy filled by election.

Section 6 Para. 1: 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 the membership records and should make certain they are kept up to date.

Para. 2: 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.

Para. 3: At each Chapter meeting, the Chapter 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/her responses with the Chapter records.

Para. 4: 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 7: 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/herself and countersigned by the Commander or Senior Vice 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.

Section 8: 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 members of this Organization, discourage discord, and promote harmony. Subject to the direction of the Chapter, he/she shall act as Chairman of the 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.

Section 9: 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 this 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 10: 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.

Section 11: 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 the official DAV National and Department publications, with the approval of the Commander and 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 12: 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.

Section 13: 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 and 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 14: 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.

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

Section 17: A member may only hold 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.

Section 18: The office of the Adjutant and Treasurer may be held by the same person. The Service Officer may hold any other elective or appointed office. Neither the Chapter Commander or any Chapter Vice Commander may serve as Chapter Adjutant or Treasurer.

**The Chapter Commander or Senior or Junior Vice Commanders may not serve as the Chapter Adjutant or Chapter Treasurer.**

Section 19: 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 Byelaws 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 the Organization in his/her possession or under his/her control.

## **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 March meeting and again immediately prior to the April 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: No Commander may serve more than two consecutive terms.

Section 4, 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: 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 office, the Commander shall appoint another member to fill such vacancy with the approval of the Chapter.

Para. 3: 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.

... and the vacancy filled as outlined in Article 4, Section 5 of our Bylaws.

Section 5: 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 the 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.

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.

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

## **ARTICLE 8 – FINANCES**

Section 1: The Treasurer or other designated officer shall deposit all monies in the name of the Chapter within thirty (30) days of receipt, and shall countersign with the Commander, or Senior Vice Commander on all checks.

Section 2: The Treasurer 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.

Section 4: The Commander shall have the authority to expend up to fifty (\$50.00) dollars for those items necessary for the operation of the Chapter or for needy veterans. Any such expenditure to be by check and reported at the next regular meeting.

## **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 ten (10) 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: 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 5: 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 the Constitution and Bylaws.

Section 2: All 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, if necessary.

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 audits in accordance with Article 4, Section 2, Para. 3.

## 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 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.

Para. 2: A copy of this Constitution and Bylaws shall be properly affixed to the back of 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: The Chapter will issue a quarterly publication, and said publication and postage shall be paid from the service funds of the Chapter. The DAV Auxiliary of this Chapter shall have access to this publication at no cost.

Section 3: Standard Operating Procedures (SOP) shall be maintained and brought to all meetings.

Section 4: A list of all Chapter property will be maintained and signed for by the incoming commander who will be financially responsible for all items on the list.

Section 5: DAV Sunrise Mountain Chapter #13 Incorporated Constitution and Byelaws will be updated every two (2) years.

Section 6: DAV Sunrise Mountain Chapter #13 Incorporated will not duplicate or compete with AAFES, Service Activities, or a Nonappropriated Fund Instrumentality.

Section 7: DAV Sunrise Mountain Chapter #13 Incorporated, is a duly Chartered Non-Profit Corporation in the State of Nevada, and is responsible for all legal debts.

Adopted after this second and final reading on the 27<sup>th</sup> day of June 2006

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CHAPTER ADJUTANT

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CHAPTER COMMANDER

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DEPARTMENT JUDGE ADVOCATE

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NATIONAL JUDGE ADVOCATE