

**DISABLED AMERICAN VETERANS  
SPACE COAST CHAPTER 123, Inc.  
400 South Sykes Creek Parkway  
Merritt Island, Florida 32952**

**CONSTITUTION AND BYLAWS**

**CONSTITUTION**

**Article I-NAME**

The name of this Chapter shall be Disabled American Veterans, Space Coast Chapter 123, Inc.

**Article II-PURPOSE**

The purpose of this Chapter is fulfilling our promise to the men and women who served and 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 to the requirements as set forth in the National Constitution and Bylaws. There shall be no associate, special or honorary membership in this Chapter.

**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 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(s), 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(s) 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 to 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 and that all members were notified of the proposed change, utilizing the current method in use by the Chapter to post meeting notices or other news for Chapter members prior to each of the two (2) meetings. Such notice may be by USPS, electronic mail, or social media developed and maintained by the Chapter.

## **BYLAWS**

### **Article I AUTHORITY**

Under the authority of Article 6, Section 6.2, of the National Bylaws of the Disabled American Veterans (DAV), a Federal Corporation, and Article X of the Bylaws of the DAV Department of Florida, there has been and continues to be established the DAV Space Coast Chapter 123, located at the Brevard County Veterans Memorial Center, 400 South Sykes Creek Parkway, Merritt Island, Florida, 32952. These Bylaws are promulgated as provided by Article 9, Section 9.1, of the DAV National Bylaws, and Article X of the DAV Department of Florida Bylaws.

### **Article II ALLEGIANCE**

This Chapter recognizes the National Organization known as the Disabled American Veterans, Incorporated by Act of Congress, and the DAV Department of Florida, and affirms its allegiance and subordination to the DAV National Organization and the DAV Department of Florida, their Constitutions and Bylaws, and all rules, mandates, and regulations promulgated pursuant thereto. Upon dissolution of this Chapter, any assets remaining after payment of its debts shall be distributed in accordance with Article 6, Section 6.4, Paragraphs 5 and 6, of the National Bylaws, and DAV Department of Florida Bylaws.

### **Article III**

#### **MEMBERSHIP**

Section 1. Eligibility for membership in this Chapter shall be in accordance with Article III of the DAV National Constitution, as it currently exists or is hereafter amended.

Section 2. There shall be no form of class of membership other than life membership as herein provided. Honorary and "Stand-By" memberships are prohibited.

Section 3. The cost of membership in this Chapter shall be in accordance with Article 11, Sections 11.4 and 11.9 of the DAV National Bylaws.

Section 4. The membership year shall start on July 1<sup>st</sup> and shall expire at midnight of the following June 30<sup>th</sup>.

Section 5. No member shall, by virtue of membership, acquire any property rights or any present or existing right in or to any property, which this Chapter may now have or hereafter acquire. There shall not be any refund of any payments upon resignation, transfer, expulsion, or any other termination of membership in this Chapter. No member shall receive any money or other thing of value because of any services rendered to the Chapter, as a member, officer, or otherwise, unless the same is specifically authorized by this Chapter.

Section 6. A member in good standing is one who is current in his life membership payments, has no unpaid obligations to the Chapter or other DAV organizations, and is not the subject of any disciplinary proceedings that may result in membership termination.

### **Article IV**

#### **MEETINGS**

Section 1. The Chapter shall hold at least one General Membership meeting each month. Unless otherwise announced on the Chapter web site, this meeting shall be on the second Thursday of the month at 12:00 AM at the Brevard County Veterans Memorial Center. The Chapter may have other events by a vote of the Chapter at a General Membership meeting for the purpose of holding a social gathering, for a special event, or for other good cause. By a vote of the Chapter at a General Membership meeting, a scheduled Chapter meeting or meetings may be suspended or cancelled for a specific reason.

Section 2. The Chapter Commander may call special meetings when deemed necessary, or when requested in writing by at least ten members in good standing in the Chapter.

Section 3. The call for any special meeting shall specifically state the purpose for which it is called. No other business other than that specified in the call shall be transacted at the special meeting.

Section 4. Notice of any special meeting shall be posted on the Chapter's web site, at least fifteen days prior to the meeting, stating the meeting's time, place, and purpose.

Section 5. A quorum at any regularly scheduled Chapter meeting shall consist of at least seven Chapter members in good standing. A quorum for a special meeting shall consist of at least ten Chapter members in good standing.

Section 6. Any member of another DAV Chapter in good standing may attend any meeting of this Chapter. They shall have no voting rights or other privileges at the meeting. No visiting member, except Department or National Officers, shall speak on any subject under debate or discussion without permission of the Chapter Commander or a majority vote of the Chapter members present at the meeting.

## **Article V**

### **OFFICERS AND THEIR DUTIES**

Section 1. The elected Officers of this Chapter shall be the Commander, Senior Vice Commander, Junior Vice Commander, Treasurer, Chaplain, and three Executive Committeemen.

Section 2. The appointed Officers of this Chapter shall be the Adjutant, Judge Advocate, Sergeant-at-Arms, Benefits Protection Team Leader, Newsletter Editor, Webmaster, Senior Service Officer, and Service Officers. The Chapter Commander shall appoint the foregoing Officers, and any assistants as required, who shall be approved by the Chapter members prior to assuming their duties.

Section 3. The Chapter Commander, or in his absence the next highest Officer, as delineated in Section 4 of this Article, shall preside at all Chapter regular or special meetings. He shall maintain order and dispatch such business as may legally come before him. The Commander shall perform all other duties that may reasonably be assumed to be incidental to his office, including those set forth in these Bylaws, the Official DAV Ritual, the DAV Chapter Officers Guide, and such other duties that the Chapter may lawfully delegate to him.

Section 4. The Senior Vice Commander, Junior Vice Commander, Treasurer, and Chaplain, in the order named, shall perform the duties of the Commander in the event of his absence, or if he should die, resign, or be removed, until his successor is elected.

Section 5. The Senior Vice Commander shall perform his duties in accordance with the DAV Chapter Officers Guide. Unless otherwise directed by the Chapter, he shall be Chairman of the Membership Committee. The Chapter Commander may appoint one or more Chapter members to be on this committee. He shall handle all correspondence pertaining to membership, such as the membership list, continuous service awards, recruiting awards, and all other matters pertaining to Chapter membership.

Section 6. The Junior Vice Commander shall perform his duties in accordance with the



DAV Chapter Officers Guide. Unless otherwise directed by the Chapter, he shall be Chairman of the Forget-Me-Not Committee. The Chapter Commander may appoint one or more Chapter members to be on this committee.

Section 7. The Treasurer shall perform his duties in accordance with the DAV Chapter Officers Guide. He shall receive and immediately deposit all Chapter funds in the Chapter's bank account without deductions or offsets. He shall make authorized disbursements by check. All checks in any amount must be signed by two of the following four Officers: Chapter Commander, Senior Vice Commander, Adjutant and Treasurer. He shall keep a system of accounts approved by the Chapter, and shall preserve all receipts and checks for payments made. He may use the services of the on-line feature(s) of the Chapter's bank, such as check issuing, obtaining current balances on the account, and other routine banking services. He shall provide a monthly published report of receipts and expenditures to the Chapter not later than the first regularly scheduled Chapter General Membership meeting following the last day of the previous calendar month. He shall submit a semi-annual report, audited and approved by the Chapter Audit Committee, not later than the first regularly scheduled Chapter General Membership meeting following each semi-annual period ending on the last day of June and December. He shall submit an annual report, on forms provided by the National Headquarters, as of each June 30<sup>th</sup> to the DAV Department of Florida and the DAV National Headquarters, in accordance with Article 9, Section 9.3 of the National Bylaws and Article IX of the DAV Department of Florida Bylaws. He shall submit IRS Form 990-N not later than 15 November of each year. The Chapter Audit Committee shall perform a complete audit of the Chapter's finances at any time the position of Treasurer is vacated.

Section 8. The Chaplain shall perform his duties in accordance with the Official DAV Ritual and the DAV Chapter Officers Guide. Unless otherwise directed by the Chapter, he shall be the Chairman of the Hospital Visitation Committee. The Chapter Commander may appoint one or more Chapter members to be on this committee. He shall be responsible for encouraging attendance at all DAV-conducted funerals and for the proper conduct thereof.

Section 9. The Executive Committeemen shall serve as follows: Annually, one Executive Committeeman shall be elected for the three-year term. The current Executive Committeeman holding the three-year term shall then hold the two-year term, and the Executive Committeeman holding the two-year term shall then hold the one-year term. The Executive Committeemen shall provide advice on issues under consideration at the Executive Committee meetings.

Section 10. The Adjutant shall perform his duties in accordance with the DAV Chapter Officers Guide. He shall keep a true, historical, and complete record of all business conducted by the Chapter, and publish the Agenda for, and the Minutes of, each Chapter and Executive Committee meeting. He shall conduct all necessary Chapter correspondence, other than that of Membership and Finance.

Section 11. The Judge Advocate, at the request of the Chapter Commander, shall give an opinion upon all parliamentary questions, upon any question arising from any dispute

upon the floor of the meeting, or concerning the interpretation of the Chapter, DAV Department of Florida, or National Organization Bylaws. Upon receipt of his opinion, the Commander (or presiding officer) shall announce his ruling or decision, which need not be in accordance with the opinion of the Judge Advocate. Such ruling or decision shall be final and binding upon the Chapter unless it is overruled by two-thirds of the Chapter members in good standing at that time, or if it is reversed upon an appeal taken to the next higher governing body within thirty days of such ruling or decision.

Section 12. The Sergeant-at-Arms shall perform his duties in accordance with the Official DAV Ritual and the DAV Chapter Officers Guide.

Section 13. The Benefits Protection Team Leader shall keep the Chapter informed of, and make recommendations on, current local, state, or national Veterans in accordance with DAV State and National guidelines. The Chapter Commander may appoint one or more Chapter members to assist the Legislative Officer.

Section 14. The Newsletter Editor shall collect information and data from Chapter officers and from other sources for each time the Chapter Newsletter is published. He shall compile and edit such information and data for space available, acceptable form, and meaningful content for the Chapter membership. He shall maintain a permanent file of all Chapter publications, in both hard copy and electronic formats. He shall submit the newsletter, in electronic format, to the Chapter Webmaster for inclusion on the Chapter's web site, and shall mail the newsletter to all Chapter members who have indicated that they want a hard copy of newsletter. The Chapter Commander may appoint one or more Chapter members to assist the Newsletter Editor.

Section 15. The Chapter Webmaster shall maintain the Chapter's on-line web site. He shall include on this web site the current and next previous edition of the Chapter Newsletter (see Section 15 above), appropriate news items concerning the Chapter from the DAV State Department and the National Organization, and any other items deemed of interest to the Chapter's membership, e.g., a list of Chapter Officers, Minutes of the Chapter's Executive Committee and General Membership meetings, scheduled Chapter events, and a listing of candidates recommended by the Nominating Committee for the next election of Chapter Officers. The Chapter Commander may appoint one or more Chapter members to assist the Webmaster.

Section 16. The Senior Service Officer shall schedule the periods of duty of the Chapter's Service Officers, and shall make a report of Service Officer activities at each Executive Committee and General Membership meeting.

Section 17. Chapter Service Officers shall advise and assist veterans and/or their dependent(s) in the technical preparation of their claims for benefits from the Department of Veterans Affairs.

Section 17a. All Chapter Service Officers must be DAV Life Members.

Section 17b. All current and prospective Chapter Service Officers must undergo training and be certified annually by the DAV Department of Florida.

Section 17c. All current and prospective Chapter Service Officers who complete Service Officer training at Chapter expense are obligated to serve one year from the date of appointment, and will sign a statement to that effect prior to attending training.

Section 17d. The Chapter Commander shall appoint each Chapter Service Officer, for a one-year period, upon completion of the required training and certification. The General Membership shall approve the appointments of all Service Officers.

Section 17e. A non-certified Chapter member may neither act as a Chapter Service Officer, nor sign nor submit any veteran's claim for benefits from the Department of Veterans Affairs.

Section 17f. Chapter Service Officers shall make no statement to any veteran and/or a veteran's dependent(s) concerning the probability that a claim may be approved, in whole or in part, by the Department of Veterans Affairs.

Section 17g. Chapter Service Officers shall make no judgment as to the truth of a veteran or a veteran's dependent(s) claim for benefits from the Department of Veterans Affairs.

Section 17h. Chapter Service Officers shall notify the Senior Service Officer of any expected absences, or when an emergency prohibits the Chapter Service Officer from performing his or her scheduled duty; if the Senior Service Officer is not available, the Chapter Service Officer shall contact the Adjutant or the Commander.

Section 17i. The Chapter Commander may remove any Chapter Service Officer for violation of these policies, for failure to meet his scheduled service period(s) on a consistent basis, or for any other cause adversely affecting the service mission.

Section 18. In addition to the foregoing Sections 3-17, each Chapter Service Officer shall faithfully perform such other duties as may be properly assigned to him by the Chapter, the Senior Service Officer, or the Chapter Commander.

Section 19. Any Chapter member may hold only one elective office within the Chapter at one time. A Chapter delegate to a District, Department, or National Convention is not holding an "elective office" within the meaning of this Section. An elective Officer may also be an appointive Officer and vice versa, except that neither the Chapter Commander nor the Vice Commanders may be the Adjutant or the Treasurer. The same person may be the Adjutant and Treasurer.

Section 20. Each Chapter member, by accepting any elective or appointive Chapter office, agrees that his services shall be rendered gratuitously, and that he shall not be entitled to reimbursement for any sums incurred or spent, unless expressly authorized by the Chapter at a regularly scheduled Chapter General Membership meeting, or authorized by the annual Chapter budget approved by the Chapter at a General Membership meeting. No Committee Chairman, Committeeman, Chapter Officer, or other Chapter member shall have the power or authority to incur any expense or

obligation, or to bind this Chapter to expend any monies. Chapter Officers shall not spend any monies unless specifically authorized by the Chapter at a regularly scheduled General Membership meeting, or authorized by the annual Chapter budget approved by the Chapter at a General Membership meeting.

Section 21. Each Chapter member, by accepting any elective or appointive Chapter office, agrees to perform the duties of such office to the best of his ability, to act and conduct himself in such a manner at all times and places as shall reflect credit on the DAV, to enforce and sustain the Bylaws of this Chapter, the DAV Department of Florida, and the DAV National Organization, and when his successor has been duly elected or appointed, to surrender to him, without notice or demand, all the records and other property of the Chapter in his possession or under his control.

## **Article VI** **COMMITTEES**

Section 1. The Standing Committees of the Chapter, in addition to those listed in Articles V and VII of these Bylaws, shall be the Welfare/Sickness and Distress Committee, Program Committee, Audit Committee, and Finance Committee.

Section 2. The Chapter Commander, except as otherwise expressly provided in these Bylaws or as directed by the Chapter membership, shall appoint the membership of each Committee and designate the Chairperson unless specifically noted in these Bylaws. He may serve as ex-officio member of all Committees appointed by him except the Audit Committee and the Nominating Committee (See Section 2 of Article VII).

Section 3. Welfare/Sickness and Distress. The Chapter Chaplain shall be the Chairman of this Committee. The Committee shall keep itself informed as to public and private agencies and organizations that can offer temporary or permanent assistance to disabled veterans and/or their dependents, and to assist such persons in securing proper and adequate aid and assistance. The Executive Committee as set forth in the By-laws, may make emergency, one-time, grants in any individual case of not more than \$200.00, if within the amount budgeted by the Chapter for such purposes. This disbursement is required to be presented to the membership for approval at the next general membership meeting. The Committee may refer such veterans and/or their dependents to one of the Chapter Service Officers if they require assistance in filing for VA disability benefits or pensions.

Section 4. Program Committee. This Committee shall secure speakers on other than partisan political issues or labor issues. The Committee shall arrange for and conduct the Chapter Officers' Installation Ceremony. The Committee may recommend entertainment for Chapter meetings and other Chapter affairs, with the approval of the Chapter for any expenditure of Chapter monies, unless already approved in the annual Chapter budget.

Section 5. Finance Committee. This Committee shall prepare a proposed annual budget for the next DAV Fiscal Year, to include Operating and Forget-Me-Not funds, based on State and National guidelines. The Committee shall submit the budget to the Chapter



Executive Committee at its May meeting. After review by the Chapter Executive Committee, the Finance Committee shall present it to the Chapter General Membership no later than the next regularly scheduled Chapter General Membership Meeting for revisions and/or adoption.

Section 6. Audit Committee. The Audit Committee shall consist of at least three Chapter members, excluding the Chapter Commander, Senior Vice Commander, Treasurer, Adjutant, Finance Committee members, and any assistants to the foregoing, if appropriate. The Committee shall audit the semi-annual Treasurer's report, and if found true and correct, approve the report. The Committee shall conduct the annual audit of the report required by Section 10.3 of the DAV Department of Florida Bylaws. The Committee shall also examine the records and files of the Adjutant, and make a report thereon to the Chapter at least once in each semi-annual period.

## **Article VII**

### **NOMINATIONS AND ELECTIONS**

Section 1. The regular annual election of Chapter Officers and one three-year Executive Committeeman shall be held at the April General Membership meeting.

Section 2. A Nominating Committee consisting of at least three Chapter members in good standing shall be elected by the membership at a general membership meeting not later than the regularly scheduled General Membership meeting in February. The committee shall canvas the Chapter membership for those members in good standing willing to serve as Chapter Officers and Executive Committeemen for the following year. All persons nominated must have agreed to serve if elected. The committee shall present a slate of nominees at the regularly scheduled General Membership meeting in March. The committee shall provide the slate of nominees to the Chapter Webmaster for publication on the Chapter web site, and to the Chapter Newsletter Editor for inclusion in the Chapter Newsletter published prior to the April General Membership meeting.

Section 3. The Chapter members in good standing present at the regularly scheduled April General Membership meeting shall vote on the slate of candidates for Officers and Executive Committeemen for the following year as presented by the Nominating Committee, plus any nominations from the floor by Chapter members in good standing. A majority of votes cast shall be required to elect a candidate for Chapter Officer or Executive Committeeman.

Section 4. In the event of a vacancy of any elective office, nominations and election to fill such vacancy may be made at the next regularly scheduled Chapter General Membership meeting. Only Chapter members in good standing may be nominated.

Section 5. The Chapter shall nominate Chapter delegates and alternates to the State or National Conventions at the regularly scheduled General Membership meeting, which is at least 15 days prior to the opening date of the Convention. Chapter members nominated must be in good standing. A majority of votes cast shall be required to elect

a State or National Convention delegate or alternate. The Chapter shall reimburse each delegate and alternate to a State or National Convention for mileage, meals, registration fee, rental car and lodging, with the amount of reimbursement to be determined for each Convention (see Section 6 below). Each delegate and alternate to a State or National convention must attend the Convention full time, and make a report to the Chapter at the General Membership in order to obtain reimbursement for Convention expenses; a joint report by the delegates and alternates shall meet this requirement for a specific Convention. Each delegate must provide receipts for lodging, the registration fee, and a statement of miles driven for reimbursement for these expenses.

Section 6. Registration fees and expenses for mileage, meals, rental car and lodging that are not included in the Chapter's annual budget for State and National Conventions, the DAV Department of Florida Mid-Winter Conference, other State or District meetings, Service Officer training, or other meetings or training authorized by the Chapter shall be recommended by the Chapter Executive Committee and voted on at a regularly scheduled General Membership meeting.

Section 7. Officers and Executive Committeemen elected at the regularly scheduled General Membership meeting in April shall be installed at the next succeeding General Membership meeting. Officers and Executive Committeemen elected to fill vacancies shall be installed at the same meeting at which they were elected.

## **Article VIII**

### **EXECUTIVE COMMITTEE**

Section 1. Members of the Chapter Executive Committee shall be the Chapter Commander, Vice Commanders, Treasurer, Adjutant, Chaplain, Judge Advocate, Senior Service Officer, Benefits Protection Team Leader, Newsletter Editor, Webmaster, Executive Committeemen, and the immediate Chapter Past Commander, who shall automatically be a member Ex-Officio. If the immediate Chapter Past Commander is unable to perform his duties as an Ex-Officio member of the Executive Committee, the next previous Chapter Past Commander assumes this position. The Chapter Commander shall serve as the Chairman of the Executive Committee. In the event an Executive Committee member holds more than one position, he shall have only one vote on any matter brought before the Executive Committee.

Section 2. The purpose of the Chapter Executive Committee shall be to provide a forum for discussion of business affairs of the Chapter, and to make recommendations of actions deemed beneficial to the Chapter. The Chapter membership, at a regularly scheduled General Membership or specially called meeting, shall have the sole power to approve or disapprove, in whole or in part, the Chapter Executive Committee's recommendations.

Section 3. The Executive Committee shall hold one regularly scheduled meeting each month, unless otherwise approved by the Chapter membership at a regularly scheduled General Membership meeting or a specially called meeting. This meeting must be held at least one week prior to the day of the regularly scheduled General Membership



meeting. Unless otherwise specified, the regularly scheduled meeting shall be held at the Brevard County Veterans Memorial Center on the first Thursday of each month. The Chairman may call special meetings. Three members of the Executive Committee may request a special meeting in writing to the Chairman. The Chairman shall provide notice of the time and place of each special meeting by email or telephonically to each member of the Executive Committee not less than 48 hours prior to the scheduled time for the meeting. A majority of the Executive Committee members shall constitute a quorum.

Section 4. The Executive Committee shall make recommendations to the Chapter from time to time which it believes will be of benefit to the Chapter. (See Section 2 above) Upon referral to the Executive Committee by a majority vote of the members at a regularly scheduled General Membership meeting, the Committee shall consider and make recommendations to the members concerning expenditure of Chapter monies not already authorized by the annual Chapter budget, fund raising projects, any agreements or contracts, and any other issue referred to the Committee. Unless otherwise directed by the Chapter membership in its referral of an issue to the Executive Committee, the Committee shall provide its recommendation on each issue at the next regularly scheduled General Membership meeting.

Section 5. The Chapter Executive Committee shall also act as a Resolutions Committee. Upon referral to the Executive Committee by a majority vote of the members at a regularly scheduled General Membership meeting, or on its own initiative, the Committee shall consider and make recommendations to the members concerning any resolutions, regardless of the resolution's source, e.g., the Chapter membership, the DAV Department of Florida, or the National Organization. Unless otherwise directed by the Chapter membership in its referral of a resolution to the Chapter Executive Committee, the Committee shall provide its recommendation on the resolution at the next regularly scheduled General Membership meeting.

Section 6. In the event the Chapter Executive Committee fails to make a recommendation on any matter referred to it within 30 days or requests additional time to study the matter, the Chapter membership, by a majority vote at a regularly scheduled or special General Membership meeting, may act upon such matter without the recommendation of the Executive Committee.

Section 7. The minutes of each meeting of the Chapter Executive Committee shall be made available in written form, and the Adjutant shall read them at the next regularly scheduled Chapter General Membership meeting, unless waived by vote of the members present at the General Membership meeting. The Chapter members must approve by majority vote at a regularly scheduled or special General Membership meeting any recommendations and actions taken by the Executive Committee. After the minutes are read, any Chapter member may request that any part thereof be discussed or voted upon separately.

Section 8. Any one or more of the three Executive Committeemen may be removed from office and the vacancy filled as provided in Article IX, Section 1 below.

**Article IX**  
**RESTRICTIONS AND MISCELLANEOUS**

Section 1. The Chapter membership may direct that notice be sent to any elected or appointed Chapter Officer who has failed to attend two consecutive regularly scheduled meetings of the Chapter, unexcused, or in the opinion of the Chapter membership is not fulfilling the duties of his office, such notice stating that at the next regularly scheduled General Membership meeting, the matter of his recall from office shall be considered. At the meeting set forth in the notice, the Chapter membership, by a two-thirds vote of the members present, may declare such office vacant and such officer recalled. If an elective officer, his office shall be filled by nomination and election at the same meeting. If an appointive officer, the Chapter Commander shall appoint another member to fill such vacancy with the approval of the majority of the Chapter members present at such meeting.

Section 2. Robert's Rules of Order, current edition, shall be used to govern meetings of this Chapter in all cases where they are applicable, provided they are consistent with the Constitution and Bylaws of this Chapter, the DAV Department of Florida, and the National Organization.

Section 3. The order of business at any regularly scheduled Chapter meeting shall be as prescribed in the Official DAV Ritual, and as the needs of the Chapter may necessitate.

Section 4. There shall be no voting by proxy. Only Chapter members present and in good standing shall be entitled to vote on any question.

Section 5. The presiding officer at any Chapter meeting shall be entitled to vote only in case of a tie, or when voting is by a written ballot.

Section 6. Payment of life membership payments and being in arrears in life membership payments by Chapter members shall be governed by Article 11, Section 11.4 of the National Bylaws.

Section 7. Each member accepting or retaining membership in this Chapter agrees to be bound by the Bylaws of this Chapter, the DAV Department of Florida, and the National Organization, now in force or hereafter adopted or amended.

Section 8. All disciplinary actions taken or commenced against members, Officers, or Executive Committeemen shall be in accordance with Article 16 of the National Bylaws.

Section 9. Except as otherwise expressly provided in the National Bylaws, this Chapter shall not sponsor or engage in, directly or indirectly, any fund-raising or finance project without the prior approval of the DAV Department of Florida.

Section 10. This Chapter shall not conduct a fund-raising drive or project in the territory of any other Chapter unless the prior written approval required by Section 9 above is

obtained. This Chapter shall at all times strictly comply with all provisions of the National and DAV Department of Florida Bylaws concerning fund-raising drives or projects, and shall neither sponsor nor conduct, directly or indirectly, any lottery in the name of using any part of the name of the DAV or its initials.

Section 11. The name of this Chapter or of the DAV must not be used in connection with, nor shall the Chapter enter into or engage in, any political, sectarian, or labor dispute, nor in any matter not directly relating to wartime service-disabled veterans; provided, however, that nothing in this section shall prohibit this Chapter from participating in political issues that have a direct bearing upon the welfare or citizens, as a whole.

Section 12. Whenever used in these Bylaws, and the context so requires, the masculine shall include the feminine, and the singular include plural, and vice versa. The initials "DAV", whenever used herein, refer to the "Disabled American Veterans".

Section 13. The Chapter shall neither obtain nor use a Credit or Debit card for general Chapter use.

Section 14. Any member, in good standing, of DAV Chapter 123 who has a grievance against the Chapter must present the grievance in writing, signed by the aggrieved party(s) to the Chapter Executive Committee. The written grievance shall contain a remedy for the alleged grievance. The Chapter Executive Committee shall receive and justify the grievance for review. After careful consideration of the facts and information presented, the Chapter Executive Committee shall make a recommendation to the membership at the next general membership meeting for the membership to vote to approve or disapprove the recommendation. If the member wishes to appeal the decision of the membership, they would appeal to the Department Executive Director, who would decide whether or not the grievance warrants review or investigation at a higher level.

## **Article X**

### **EFFECTIVE DATE AND AMENDMENTS**

Section 1. These Bylaws shall be effective upon adoption by a two-thirds vote of Chapter members in good standing present and voting and approval by the DAV Department of Florida and the National Organization Judge Advocates.

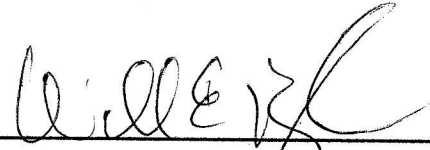
Section 2. These Bylaws may be amended only by having the proposed amendment submitted and read at one regularly scheduled Chapter General Membership meeting, and adopted by a two-thirds vote of the Chapter members in good standing present and voting. Notice of proposed Bylaw changes shall be published in the Chapter's next newsletter and on the Chapter's web site, and again voted on at the next regularly scheduled Chapter General Membership meeting, with approval required by two-thirds of the Chapter members in good standing present and voting.

Section 3. To the extent to which the provisions of these Bylaws may at any time be or become inconsistent with the provision of the Constitution and Bylaws, and lawful mandates, decisions, and regulations of either the DAV Department of Florida or the National Organization, as now in force or as hereafter amended, these Bylaws shall be deemed amended, as to conform thereto.

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### CERTIFICATION OF ADOPTION

These Bylaws were adopted by the DAV Space Coast Chapter 123, 400 South Sykes Creek Parkway, Merritt Island, Florida. Individual changes were adopted at various General Membership meetings throughout CY 2018-2019 and consolidated in this update. Bylaws subject to the approval of the DAV Department of Florida and the National Organization Judge Advocates.

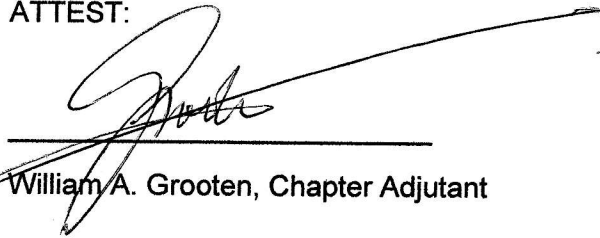


William E. Benagh, Chapter Commander

05/11/2020

Date

ATTEST:



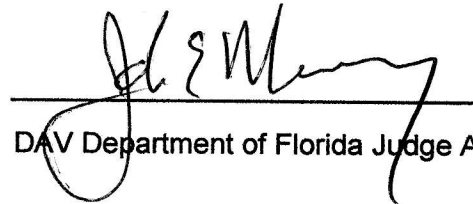
William A. Grooten, Chapter Adjutant

APPROVED:



DAV National Judge Advocate

APPROVED:



DAV Department of Florida 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: 7-8-20

DAV National Judge Advocate