

**CONSTITUTION AND BYLAWS OF
DISABLED AMERICAN VETERANS SUNRISE MOUNTAIN CHAPTER 13
INCORPORATED
LAS VEGAS, NEVADA**

CONSTITUTION

ARTICLE I – CHAPTER NAME

The name of this Chapter shall be Disabled American Veterans Sunrise Mountain Chapter 13 Incorporated.

ARTICLE II – PURPOSE

The purpose of the Chapter is to build better lives for all 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 Department of Nevada Constitution and Bylaws as well as the National Constitution and Bylaws of the Disabled American Veterans.

ARTICLE III – MEMBERSHIP

Membership in this Chapter shall conform with the requirements 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. 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, DEC and Alternate DEC, Adjutant, and any other elected Chapter officers.

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Section 3: At the time specified in the Chapter By-Laws, the Chapter shall elect annually, a Commander, Senior Vice Commander, Junior Vice Commander, a Treasurer, and a Chaplain. Such other officers as may be necessary to operate the Chapter may be appointed by the Commander, with the approval of the Chapter. The Chapter Commander, Senior Vice Commander and the Junior Vice Commander may not serve as the Chapter Adjutant or Chapter Treasurer. Nominations for elected officers may be from the nominating committee or from the floor during a Chapter meeting.

Section 4: The DAV has a non-discrimination policy whereby all requests for aid and assistance are given equal consideration without regard to race, color, religion, sex, national origin, handicap, age, or any other legally protected classification. Further, such non-discrimination policy applies to all qualified applicants for employment by the DAV for all positions, and to all activities in which the DAV has been engaged, or in any way may be engaged at any time in the future.

ARTICLE V – EXECUTIVE

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

ARTICLE VI – AUXILIARY

The DAV Auxiliary of this Chapter, if participating in a Chapter Forget-Me-Not Drive, will be compensated by level of effort and participation, as determined by the Chapter.

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 the 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) regular meetings and that all Chapter members were notified of the proposed change prior to each of the two (2) regular meetings.

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CHAPTER 13 BYLAWS

ARTICLE 1 – ORGANIZATION

Section 1: This Chapter recognizes the National Organization known as the Disabled American Veterans, incorporated by an Act of Congress, and affirms its allegiance and subordination to the National Organization, its Constitution, Bylaws, and all rules, mandates, and regulations promulgated pursuant to 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 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 Regulation of the National Executive Committee.

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ARTICLE 2 – CHARTER

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

ARTICLE 3 – EXECUTIVE COMMITTEE

Section 1: The Chapter Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commander, Treasurer, DEC and Alternate DEC, Adjutant, 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 Executive Committee shall constitute a quorum.

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

ARTICLE 4 – OFFICERS AND THEIR DUTIES

Section 1, Paragraph 1: The Chapter shall elect annually, a Commander, Senior vice Commander, Junior Vice Commander, Treasurer, and Chaplain. Additionally, the Department Executive Committee Member and Alternate must be elected at a Chapter meeting to represent the Chapter

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at Department. Neither the Chapter Commander, Senior Vice Commander nor Junior Vice Commander may serve as Chapter Adjutant or Treasurer.

Para. 2: The Commander, with the approval of the Chapter, shall appoint the Chapter 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.

Para. 6: Succession: 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 given the option to be elevated to the position of Commander. If the Senior Vice Commander accepts, the Junior Vice Commander shall be given the option to be elevated to Senior Vice Commander and the empty position shall be filled by election after nominations in accordance with this Constitution and Bylaws. If the Senior Vice Commander declines the option, the Junior Vice Commander will be given the option to be elevated to the position of Commander and the empty position shall be filled by election after nominations in accordance with this Constitution and Bylaws. If the Junior Vice Commander declines the option to fill the position of Commander, the Senior Vice Commander shall assume the position of Acting Commander until a new Commander is elected. Immediately, the Acting Commander will announce to all the members of the Chapter, that nominations and an election of a new Commander will take place at the next regular meeting of the Chapter.

Para. 7: A member, by accepting any elected or appointed office, promises and agrees to perform the duties of such office 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 in a positive manner, to enforce and sustain this Constitution and Bylaws and the Constitution and Bylaws of the Department and National Organizations, and when his/her successor has been duly elected or appointed, to surrender to him/her with notice or demand, all the records and other property of the Chapter in his/her possession or under his/her control as stated in the Oath of Office.

Section 2: Officer Duties and Responsibilities

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Paragraph 1: Commander

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 attendance.

Shall maintain order and dispatch such business as may legally come before him/her.

Shall perform all other duties that may reasonably be assumed to be incidental to his/her office, including those set forth in the Constitution and Bylaws and in the Official DAV Ritual, and such other duties as may lawfully be delegated to him/her by the Chapter.

Shall have the authority to authorize expenditures up to \$500 in cases of emergency with the approval of the Chapter membership.

Paragraph 2: Senior Vice Commander

The Senior Vice Commander shall perform the duties of his/her station as set forth in the Official DAV Ritual;

Shall encourage friendship and harmony among members of this organization and shall discourage discord;

Shall be the Membership Chairman and as such be responsible for all campaigns to increase membership;

Shall be given the option to be elevated to Commander in the event the Commander should die, resign, or be removed;

Shall, during a temporary absence or inability of the Commander to perform his/her duties, perform such duties until the Commander resumes his/her duties.

Paragraph 3: Junior Vice Commander

The Junior Vice Commander shall perform the duties of his/her station as set forth in the Official DAV Ritual;

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Shall see 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;

Shall at all times, encourage loyalty to the United States of America, the DAV, and to the members of this Chapter, subject to the direction of this Chapter;

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 in the committee.

Shall, in coordination with the Commander, Adjutant, Treasurer, and other officers, develop and maintain an annual planning calendar and present all upcoming events and actions at each monthly meeting;

Shall be given the option to be elevated to the position of Commander in the event the Commander and Senior Vice Commander should die, resign or be removed.

Shall, during a temporary absence or inability of the Senior Vice Commander to perform his/her duties, perform such duties until the Senior Vice Commander resumes his/her duties.

Paragraph 4: 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. The Treasurer shall keep an accurate record of all monies received and disbursed and shall deposit any monies received within thirty (30) days.

Shall keep a system of accounts approved by the Chapter and shall preserve all receipts and checks or vouchers for payments made for a period of three (3) years.

Shall render a monthly financial report to the Chapter, including receipts and expenditures, not later than the first regular Chapter meeting following the last day of each calendar month. The Chapter financial records shall be opened to any member in good standing when a request is made in writing through the Chapter Commander.

Shall coordinate closely with the Commander and Adjutant as well as other Chapter officers to efficiently carry out the duties of the Treasurer.

Shall prepare an Annual Financial Report, in accordance with the National Bylaws, which shall be submitted to the state Department and National Organization with ninety (90) days after the close of the accounting year of the Chapter.

Shall have the authority to spend up to \$500 in emergency situations which may arise between regular Chapter meetings without the approval of the Chapter members.

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Shall prepare an annual proposed budget and present it to the membership for approval at the first regular meeting of the Chapter each fiscal year.

Paragraph 5: The Adjutant

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 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.

The Adjutant shall archive the minutes of each Chapter and Executive Council meeting.

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

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.

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

Paragraph 6: 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 of 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.

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Paragraph 7: 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 with the approval of the Chapter.

Paragraph 8: The Service Officer

Shall advise and assist veterans disabled in the line of duty during time of war, and their dependents, in the preparation and processing of their claims for benefits from any governmental agency.

Paragraph 9: The Judge Advocate

Upon request of the Commander, 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 of 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.

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Paragraph 10: 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.

Paragraph 11: The Sergeant-at-Arms and the Color Guards

Shall perform the duties of their respective offices as set forth in the Official DAV Ritual.

Paragraph 12: 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.

Paragraph 13: By accepting any elective or appointed office, a member agrees that his/her services shall be rendered gratuitously with no expectation of stipend or other payment other than for actual out of pocket expenses made for the benefit of the Chapter. By accepting any elective or appointed 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.

Paragraph 14: The Chapter Commander, Senior or Junior Vice Commanders may not serve as the Chapter Adjutant or Chapter Treasurer.

ARTICLE 5 – QUALIFICATIONS

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

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Section 2: A member may hold one elected Chapter office at any one time. A delegate to a Department Executive, Financial or Service Committee, or National or Department Convention is not holding an "elected office" with the meaning of this section, except as otherwise provided

herein: an elected officer may also hold an appointed office and vice versa, except as otherwise provided in the National, Department or these Constitution and Bylaws.

Section 3: The office of the Adjutant and Treasurer may be held by the same person. The Chapter Service Officer may hold any other elected or appointed office.

Section 4: The Chapter Commander, Senior Vice Commander, and Junior Vice Commander may not serve as the Chapter Adjutant or Chapter Treasurer.

Article 6 – TENURE OF OFFICE

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

Section 2: Elected and appointed officers shall be installed with thirty 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, Paragraph 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.

Paragraph 2: The Chapter may direct that notice be sent to any elected or appointed 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 their 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 elected office, such office shall be filled by nomination and election at the same meeting. If an appointed office, the Commander shall appoint another member to fill such vacancy with the approval of the Chapter.

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Paragraph 3: In the event the office of Commander shall be vacated for any reason, the Senior Vice Commander shall be given the opportunity to assume the position of Commander, the Junior Vice Commander to Senior Vice Commander and the vacancy filled in accordance with Article 4, Section 5 of this Bylaws. If the Senior Vice Commander chooses not to assume the position of Commander, the Junior Vice Commander shall be given the opportunity to fill the office of Commander and the vacancy filled in accordance with Article 4, Section 5 of this Bylaw.

If the Junior Vice Commander declines the option to fill the position of Commander, the Senior Vice Commander shall assume the position of Acting Commander until a new Commander is elected. Immediately, the Acting Commander will announce to all the members of the Chapter, that nominations and an election of a new Commander will take place at the next regular meeting of the Chapter.

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

ARTICLE 7 – MEMBERSHIP

Section 1: No new applicant shall be denied Chapter membership if he/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 two-thirds approval of the voting 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.

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.

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Section 2: The Chapter must hold at least ten (10) regular meetings with a quorum (as described in Section 5, Rule 1 of this Article) present within a membership year.

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

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.

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 and approved by the members in session.

ARTICLE 10 – Committees

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

Section 2: 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

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the Nominating Committee, which shall be elected by the Chapter, if requested by at least 7 seven members and approved by the members in session.

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 Semi-Annual (in July and January) audits in accordance with Article 4, Section 2, Paragraph 3 of this Constitution and Bylaws.

ARTICLE 11 – MISCELLANEOUS

Section 1: Maintenance and Amending of this Constitution and Bylaws

Paragraph 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) regular Chapter meetings and that all Chapter members were notified of the proposed changes prior to each of the two (2) regular Chapter meetings.

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

Paragraph 3: To the extent to which 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: 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 3: DAV Sunrise Mountain Chapter 13 Incorporated Constitution and Bylaws will be updated every two (2) years.

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Section 4: DAV Sunrise Mountain Chapter 13 Incorporated will not duplicate or compete with AAFES, Service Activities, or a Non-appropriated Fund Instrumentality.

Section 5: 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.

ARTICLE 11 - MISCELLANEOUS

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Adopted after this second and final reading on the 25th day of February 2025.