

CONSTITUTION
AND
BY-LAWS
OF THE DEPARTMENT OF IDAHO
DISABLED AMERICAN VETERANS

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CONSTITUTION

DEPARTMENT OF IDAHO
DISABLED AMERICAN VETERANSARTICLE I

AUTHORITY

Under the authority of the National Constitution and By-Laws of the Disabled American Veterans, a Federal Corporation, there has been and is established the Department of Idaho, Disabled American Veterans, located within the boundary of the State of Idaho.

ARTICLE II

ALLEGIANCE

The Department of Idaho, Disabled American Veterans, organized and existing under the provisions of Article IV of the National Constitution of the National Veterans Organization known as the "DISABLED AMERICAN VETERANS", incorporated and Chartered by Act of Congress, hereby acknowledges its allegiance to and affiliation with, and submits itself to the control of the National Organization, according to decisions made in conformance with its National Constitution and By-Laws and regulations legally adopted by a vote of the National Convention or majority vote of the National Executive Committee, and agrees to abide and be bound by the National Constitution and By-Laws, as now in force or hereafter amended.

ARTICLE III

PURPOSE

To uphold and maintain the Constitution and the laws of the UNITED STATES; to realize the true American ideals and aim for which those eligible to membership fought; to advance the interests and work for the betterment of all wounded, injured or otherwise disabled veterans; to cooperate with the UNITED STATES DEPARTMENT OF VETERANS AFFAIRS and all legally established Veterans Organizations, as well as other public and private agencies devoted to the cause of improving and advancing the conditions, health, and interests of all wounded, gassed, injured or otherwise disabled veterans; to serve our comrades, our communities and our country; and to encourage in all people the spirit of understanding which will guard against future wars, conflicts or combat actions which inevitably cause disabled veterans.

ARTICLE IV

POWERS

To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, to hold, own, use and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a Constitution, By-Laws and regulations to carry on its purpose, not inconsistent with the laws of the UNITED STATES or the STATE OF IDAHO; to use, in carrying out the purposes of the Corporation, such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish District Organizations; to assist in establishment of Chapter Organizations; and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of this Corporation so long as the implementation of the above is not inconsistent with the National Constitution and By-Laws as now in force, hereafter amended, of the DISABLED AMERICAN VETERANS.

ARTICLE V

ADMINISTRATION

Section A

The administrative affairs of this Department shall be vested in a Department Executive Committee.

Section B

The Department Executive Committee shall be responsible for all administration of the Department between annual conventions, with all actions subject to approval of the Department Convention immediately following.

Section C

The Department Commander shall be the executive head of this organization, and his actions are subject to review by the Department Executive Committee or the Department Convention. If a Department Commander has been duly elected and installed, he shall be prohibited from succeeding himself in office. However, he may be elected as Department Commander after an interval of one (1) year.

Section D

Four (4) certified copies of this Constitution and By-Laws shall be maintained in permanent folders. They shall be distributed to and be the permanent property of the Department Commander, Department Adjutant, Department Judge Advocate, and the National Service Officer. These certified copies must be present at all Department Conventions and Executive Committee Meetings. All amendments hereto shall be maintained in the same manner.

ARTICLE VI

LEGISLATION

The legislative powers of this Department shall be vested in the annual Department Convention, which shall be composed of the Department's Officers and accredited delegates of the Chapters in good standing.

ARTICLE VII

MEMBERSHIP

Membership of this Department shall be all active Chapters of the Disabled American Veterans in the State of Idaho which have been or hereafter chartered by the National Organization so long as such Chapters remain in good standing as determined by the National Organization. The Department and Chapters shall not have honorary members.

ARTICLE VIII

FISCAL YEAR

The fiscal year of the Department of Idaho will be from July 1 through June 30 of the following year.

ARTICLE IX

ORGANIZATION

DISTRICTS

Section A

This Department shall consist of all Districts and Chapters in good standing within the geographical limits of the State of Idaho.

Section B

The five (5) Department Districts will include the active Chapters respectively located in the following counties of Idaho:

District 1 (Northern) 4 counties:

Bonner, Boundary, Kootenai and Shoshone.

District 2 (Southwest) 10 counties:

Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington.

District 3 (South Central) 9 counties:

Blaine, Camas, Cassia, Custer, Gooding, Jerome, Lincoln, Minidoka and Twin Falls.

District 4 (Southeast) 15 counties:

Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power and Teton.

District 5 (North Central) 6 counties:

Benewah, Clearwater, Idaho, Latah, Lewis and Nez Perce.

AUXILIARIES

1.The Department recognizes an Auxiliary and Dugouts of the National Order of Trench Rats as Auxiliary Units of the Disabled American Veterans, subject to supervision and recommendations of the Organization.

2.Auxiliaries assigned to Chapters must recognize that their purpose is to assist the Chapters in performance of its functions and they are not an entity in themselves, even though they may govern their organizations administratively.

ARTICLE X

AMENDMENTS

Section A

The Constitution may be amended by a three-quarters (3/4) vote of the Chapters in good standing.

Section B

All proposed amendments shall be prepared in triplicate, specifically referring to the Article, Section and/or paragraph to be amended. The proposed amendment will be forwarded to the Chairperson of the Constitution and By-Laws Committee prior to the opening of the MidWinter Conference. One information copy shall be forwarded to the Department Commander and one to the Department Adjutant. Such amendment must be submitted to the individual Chapters for their study and consent with the Mid-Winter minutes.

Section C

To the extent that provisions of this Constitution may at any time be or become inconsistent with the provisions of the National Constitution and/or lawful mandates, decisions, and regulations of said National Organization, as now in force or hereafter amended, this Constitution shall be deemed amended so to conform thereto.

No further Constitutional Articles below this line.

BY-LAWS

DEPARTMENT OF IDAHO DISABLED AMERICAN VETERANS

SECTION I

DEPARTMENT OFFICERS

1.1 Elected officers shall consist of:

- (1) Commander
- (2) Senior Vice Commander
- (3) '15¹ Junior Vice Commander
- (4) 2nd Junior Vice Commander
- (5) Judge Advocate
- (6) Treasurer
- (7) Finance Committee

1.2 Each of the above officers shall be elected and installed at each Department Convention. Tenure of each elected officer shall extend from the time of his installation until his successor has been properly elected and installed.

1.3 Appointed officers shall consist of:

- (1) Adjutant
- (2) Service Director
- (3) Officer of the Day
- (4) Chaplain
- (5) Chiefs of Staff
- (6) Historian
- (7) Inspector General
- (8) Assistant Treasurer
- (9) Department Webmaster
- (10) Legislation Chairperson

- 1.4 All appointments listed in Paragraph 1.3 shall be appointed by the Department Commander and continue to serve at his pleasure. No term of office may extend beyond that of the Commander. All appointments listed in Paragraph 1.3 shall be subject to the approval of the Department Executive Committee.
- 1.5 Any vacancy occurring between Department Conventions in the Offices of Commander through 1st Junior-Vice Commander, inclusive, shall be filled by that officer next in line of succession. Any other vacancy shall be filled by the Department Commander's appointment, subject to approval by the Department Executive Committee.

SECTION II

DUTIES OF DEPARTMENT OFFICERS

- 2.1 The Department Commander as executive head of the Organization, shall serve as presiding officer of the Department Convention and Department Executive Committee, and as ex-officio Chairperson of all other committees. He shall be empowered to appoint committees and/or Chairperson thereto, assign duties to Department officers, appoint temporary assistants, and take whatever action he may deem necessary for the best interests of the Department of Idaho. All are subject to approval by the Department Executive Committee. He shall ensure that the provisions of the National and Department Constitution and By-Laws are complied with
- 2.2 The Department Senior Vice-Commander shall serve as Chairperson of the Life Membership Committee.
- 2.3 The Department 1st Junior Vice-Commander shall be Chairperson of the Americanism Committee, Chairperson of the Constitution and By-Laws Committee, and Assistant Chairperson of the Membership Committee.
- 2.4 The Department 2nd Junior Vice-Commander shall be Chairperson of the Publicity and Public Relations Committee, the DAVA Liaison Officer, and a member of the Ways and Means Committee.
- 2.5 The Department Chaplain is to be responsible for any religious functions of the Department. Most functional duties are to be described in the Official Ritual of the National Organization.
- 2.6 The Department Chiefs of Staff shall carry out such duties as assigned by the Department Commander.
- 2.7 The Department Historian shall be responsible for the safekeeping of the historical records of the Department.

- 2.8 The Department Judge Advocate is to be the legal advisor for the Department. He shall, upon request of the Department Commander, the Department Executive Committee, or the Department Convention, render his opinion on all questions directly concerning the Department. In all such cases, the decision of the Department Convention is final. He shall act as Parliamentarian of the Department Convention and act for the Department in the approval of the Department and Chapter Constitutions and By-Laws, and amendments thereto. The Department Judge Advocate shall be the Assistant Chairperson of the Constitution and By-Laws Committee.
- 2.9 The Department Treasurer/Assistant Treasurer shall disburse all monies authorized by vouchers properly issued with voucher number and code number by the Department Adjutant; sign all checks issued on the various funds of the Department, subject to the counter-signature of the Department Commander or Sr. Vice Commander; and collect or receive all monies due to the Department from various authorized sources, depositing same in a financial institution approved by the Finance Committee. The Treasurer shall make a monthly report of accounting to the Department Commander, Department Adjutant, Department Senior Vice Commander, all Department Jr. Vices, and all members of the Finance Committee. The Department Treasurer shall prepare and execute the proper tax returns to the IRS if needed and prepare the appropriate Organization Exempt IRS form 990EZ each year which is due by Nov. 15th. The Treasurer shall keep a fiscal yearly system of accounts beginning July 1st and running through June 30th of each year. The Treasurer shall submit a running report of the current fiscal year to the Finance Committee Chairperson on the first day of the Department Convention each year. The Treasurer will file a Department financial report with the National Organization within ninety (90) days after the end of the fiscal year. The Department Commander, Department Senior Vice, Department Treasurer, and other persons designated by the commander to sign checks must do so at the bank with picture I.D. immediately following the Convention. The Treasurer and Assistant Treasurer shall at all times be under the supervision of the Finance Committee.
- 2.10 The Department Adjutant shall keep a thorough record of all business conducted by the Department and its Executive Committee. A voucher log will be maintained for all Department expenses. Executive Committee Meeting Minutes, Convention Minutes, Officers Rosters and Fund Raising Records will be kept for ten (10) years. All other records shall be surveyed each year and destroyed after five (5) years on approval of the Department Executive Committee. The Adjutant shall conduct all necessary correspondence and carry into effect all motions, orders, and resolutions adopted by the Department Convention. He will officially notify all members of the Department Executive Committee, in writing, of the time and place of regular and special Committee meetings. He will serve as Secretary of the Department Executive Committee, without vote. He will serve as Secretary of the Department Convention and keep minutes of same. The Department Adjutant shall have sixty (60) days following the close of the Department Convention to prepare year-end reports, Convention minutes, Convention business and such other Department business pertinent to Department affairs. Distribution of Convention Minutes will be as follows; one (1) copy to National Headquarters; one (1) copy to the 19th District NEC; one (1) copy to each Department Line Officer; (1) copy to National Service Officer; the person listed to receive mail for each Chapter; and each Past Department Commander who attends the Convention

or shows interest in the Department of Idaho, DAV. The Adjutant shall be responsible for the Department Seal and shall affix it to any document requiring it. The Adjutant shall serve as Chairperson of the Credentials Committee.

- 2.11 The Department Service Director is responsible for assisting in the training and maintaining of knowledgeable Chapter and Volunteer Service Officers. He is to coordinate service schools and assist in the training of Service Officers under the supervision of the Supervisor, National Service Officer, Boise, Idaho. The Service Director is to assure that all accredited Chapter Service Officers are supplied with the current information on State and Federal programs, as far as feasible, which are recognized by the National Service Organization. The Service Director, in his implementation of training programs and disbursement of information, will have prior approval of the National Service Office Supervisor.
- 2.12 The Department Inspector General under the supervision of the Department Commander shall investigate any alleged violation of the Department Constitution and By-Laws, which may impugn the integrity or reputation of the Department. He shall report his findings and recommendations to the Department Commander.
- 2.13 The Department Officer of the Day shall perform such duties as are prescribed in the Official Ritual of the National Organization.
- 2.14 The Department Webmaster shall perform such duties as assigned by the Department Commander to maintain the Department website and will assist any Chapter's Webmaster.
- 2.15 Each Department Officer shall know and perform the duties of such office as described by the Ritual of the National Organization. Failure to perform his duties in a competent manner may result in his removal from office by a vote of the Executive Committee. Any officer so charged shall have the right to respond in person before the Executive Committee.
- 2.16 All Department Officers and Committee Chairpersons will submit written reports of their activities during their tenure of each office at each Department Convention. Such reports may be read to the Convention.
- 2.17 The Department Commander, Department Senior Vice Commander, Department Adjutant, Department Service Director, Department Treasurer will be reimbursed for expenses incurred on Department business as recommended and approved by the Department Convention. The Finance Committee may also recommend the Department Commander and Senior Vice Commander be reimbursed for a portion of expenses while attending the National Convention and Department Conventions held in the 19th District.

- 2.18 All Past Department Commanders, in good standing, shall constitute a Permanent Standing Committee to be assigned such duties as the Department Commander may see fit for the benefit of the DAV. No Department Commander shall be allowed the title of Past Department Commander unless he shall have served a full term (with the exception of illness, family death, or other reasons acceptable to the Department Convention which prevent serving a full term). Such a recommended exception will made to the Convention by the Executive Committee.

SECTION III

DEPARTMENT EXECUTIVE COMMITTEE

- 3.1 The Department Executive Committee will be composed of:

Commander
 Senior Vice Commander
 1st Junior Vice Commander
 2nd Junior Vice Commander
 Treasurer
 Judge Advocate (without vote) Immediate
 Past Department Commander Inspector
 General
 One Committeeman from each active Chapter
 All PDCs (without reimbursement for travel or lodging)

- 3.2 The Department Adjutant will serve as Secretary of the Department Executive Committee and shall have no vote in its proceedings.

- 3.3 The Department Executive Committee shall be the governing body of the Department between Conventions and shall be empowered, as a committee to transact such business as may be necessary for the welfare of the Department during that period.

(a) The Department Executive Committee shall approve any and all contracts affecting the Department. It is empowered to exercise any and every precaution deemed necessary to protect the property and funds of the Department and to promote its welfare.

- 3.4 All legislative, administrative and executive matters not otherwise covered by provisions of these By-Laws, or by action of the Department Convention, shall be determined by a majority vote of the Department Executive Committee. The Department Executive Committee may act between Conventions and stated meetings through the Department Adjutant by means of ballots.

(a) To accomplish this, the Department Adjutant must submit to each committee member, a ballot on any matter requiring attention but not attendance. A two-thirds (2/3) majority of all ballots returned will be required on the matters being voted on. Results of the votes on each matter shall be conveyed in writing to each member of the Committee. Records and notes of all mailed ballots will be maintained, and the results will be presented at the next Department Convention.

3.5 The Executive Committeeman from each Chapter is the Chapter's official representative to the Department and must carry out the mandates of his Chapter in any meeting or deliberation of the Department Executive Committee. The travel and per diem expenses for the Chapter representative will be borne by the Chapter.

(a) In the event of the death, absence or removal from office of the Executive Committeeman by the Chapter, the Chapter's alternate will serve in this capacity and the alternate will be provided credentials from his Chapter, verifying same.

3.6 The Department Executive Committee shall hold two (2) regular meetings annually, one of which shall be held within twenty-four (24) hours following the Department Convention. A mid-term meeting may be held at the call of the Department Commander with at least thirty (30) days written notification to all Department Executive Committeemen of the time and place.

{a) Members of the Executive Committee, except as provided for in Section 3.5, may be authorized reimbursement for attendance at meetings as authorized by the previous Department Convention. The rate of reimbursement per mile and per day is subject to change by a majority vote of any previous Department Convention.

3.7 The Department Commander may call special meetings of the Department Executive Committee when, in his judgment, such meetings shall be necessary. The Department Commander shall direct the Department Adjutant to send mail ballots and/or an e-mail ballots to all members of the Executive Committee on the question of holding such a meeting. With approval of the majority of the Executive Committee, the Department Commander will call the meeting of the Executive Committee within sixty (60) days. All members of the Executive Committee will be advised, in writing, at least ten (10) days prior to the meeting of the place, date and time of meeting.

(a) On written request of a majority of the members of the Department Executive Committee to the Department Commander, or the Department Senior Vice Commander (in the event of the inability or the refusal of the Department Commander to act), a meeting of the Department Executive Committee shall be called not less than fifteen (15) days nor more than thirty (30) days from date of receipt of the request, for conducting such urgent business as the majority of the Executive Committee has deemed to be the reason for such meeting. The Department Adjutant shall advise each member of the Department Executive Committee, in writing, of the date, place, time, and purpose of the meeting. During the period of the Department Convention, whenever the Department Commander deems necessary, he may call a special meeting of the Executive Committee.

- (b) Expenses of all special meetings shall be subject to approval of the Department Executive Committee, and the Per Diem hotel and mileage rate will be paid as previously authorized by the immediate past Department Convention.
- 3.8 A quorum of all meetings of the Department Executive Committee must consist of a majority of all Department officers listed in Section 3.1 and representation of fifty-one (51) percent of the active Chapters in good standing.
- 3.9 Any member of the Disabled American Veterans in good standing may attend meetings of the Department Executive Committee, except when the Committee may declare itself in closed session. The right to attend such meetings shall be without right to vote and without cost to the State Organization.
- 3.10 At Executive Committee meetings an elected Department Officer may not represent his Chapter.

SECTION IV

FINANCE COMMITTEE

- 4.1 The Department Finance Committee shall consist of five (5) members to be elected at the Department Convention, with no more than one (1) member from the same Chapter.
- 4.2 Tenure of office for members of the Department Finance Committee shall be on a staggered basis as elected. Each Department Convention shall elect one (1) member for a five (5) year term and fill any vacancies previously filled by a temporary appointment. The third year member will be the Finance Committee Chairperson. In the event the position is vacant, the next member will be the Finance Chairperson.
- (a) In the event of removal, resignation or death of a member of the Department Finance Committee, the Department Commander shall appoint a member pro-tern to serve until the next Department Convention.
- 4.3 Three-fifths (3/5) of the members of the Finance Committee constitutes a quorum thereof.
- 4.4 All finances of the Department of Idaho shall be under the direct supervision of the Finance Committee. The Committee shall see that the funds of the Department are handled at all times in such a manner as to secure an economic and business-like administration of Department financial affairs. The Department Finance Committee shall function according to the mandates of the Department Convention and the guidance of the Department Executive Committee.

- 4.5 (a) The Finance Committee shall prepare a recommended Department budget for the ensuing year and present same to the Department Convention for approval.
- (b) The Finance Committee may, upon at least three-fifths (3/5) vote, authorize the investment of surplus Department funds with the approval of the Department Executive Committee.
- (c) The Department Commander will call a special meeting of the Finance Committee, if needed, at the request of the Finance Chairperson. A proper time and place for the meeting will be given by the Department Commander. The Finance Committee will be authorized Per Diem and mileage to attend Mid Winter and Department Conventions as well as any special meetings called by the Department Commander. Reimbursement will be authorized for Department Officers in Section VIII, 8.10.
- (d) The Finance Committee shall audit the Accounts of the Department Treasurer prior to the Treasurer's Report to the Convention and may order an independent audit by an outside auditor chosen by the Finance Committee following the close of the Convention and the end of the fiscal year if warranted and approved by the Executive Committee.
- (e) The Finance Committee shall meet prior to the Department Convention for an audit. Department Commander may call a special meeting of the Finance Committee as needed.
- (f) The Department Finance Committee will require receipts for all hotels and meals when traveling on Department business when reimbursement is requested. All goods and services purchased will have receipts accompany the request for reimbursement. Vouchers will be submitted in a timely manner and in no case later than ninety (90) days after completion of travel or purchase of services. Vouchers submitted after ninety (90) days will require consideration by the total Finance Committee at Department Convention at which time payment
- (g) The authorized expense Vouchers to be used shall be the latest approved version.

SECTION V

REVENUE AND FINANCE

- 5.1 Revenue of this Department shall be derived from a per capita tax, from Life members as received annually from National Headquarters, any Department fund raising projects, or other fund raising projects approved by the National Organization.
- 5.2 No revenue of this Department shall be derived from assessments of the Chapters or its members, except as otherwise provided for in these By-Laws.

- 5.3 All monies shall be deposited in the General Fund. All monies shall be deposited and all investments made in the name of the Disabled American Veterans, Department of Idaho.
- (a) Income from the funds covered by this Article, and any portion of such income accruing in any fiscal year, may be transferred to the General Fund of the Department and used for any purpose or purposes of the Disabled American Veterans, Department of Idaho, only on the recommendation of the Department Finance Committee.
- (b) Any reserve funds of the Department of Idaho, Disabled American Veterans, shall consist of such fund as are now or hereafter invested in Savings and/or Certificates of Deposit. Such funds will be deposited in a banking institution, savings and loan association or credit union, whose deposits are fully insured by the United States Government to the amount of the deposit.
- (c) No finance motions are to be allowed on the floor without the Finance Chairperson/Committee being present
- (d) The Finance Committee members shall arrive one (1) day ahead of all others in order to do the Annual Audits at the Annual Convention.
- (e) All financial matters for the Department must be approved by the Finance Committee Chairperson.
- (f) The Treasurer shall not be allowed to write any checks without the approved voucher from the Finance Chairperson or the approval of three (3) members of the Finance Committee.
- (g) All fund raising money must be deposited into the Department General Fund in a timely manner.
- (h) The Finance Committee members must be available for all Finance Committee meetings except when excused by the Finance Committee Chairperson. Two (2) unexcused absences will result in dismissal from the Finance Committee.
- (i) All vouchers must be sent to the Adjutant to be assigned a voucher number and code number. The Adjutant will send the vouchers to the Finance Committee Chairperson. The Chairperson will look them over and if he/she approves the voucher, it will be sent to the Commander to be approved. Disapproved vouchers will be returned to the Adjutant. The Commander will send approved vouchers to the Treasurer who will then issue the check.

SECTION VI

STANDING COMMITTEES

6 .1 The following Standing Committees of the Department of Idaho shall be appointed by the Department Commander, who shall appoint such other committees as are deemed necessary to carry out the business of the Department.

Legislation
Constitution and By-Laws
Credentials
Resolutions
Time and Place
Employment
Building
Steering

Medical Treatment
Hospitalization and Hospital Standards
Americanism
Membership
Grievance
Publicity and Public Relations
Ways and Means

SECTION VII

SERVICE PROGRAM

- 7.1 The Department Service Director is responsible for the Service Fund.
- 7.2 The Department Service Director shall meet with the National Service Officer prior to each annual Department Convention for the purpose of presenting an estimated budget for the Service Program. Such budgets will be subject to the approval of the Department Finance Committee.
- 7.3 The National Service Officer shall meet with the Department Service Director from time to time for the purpose of presenting any revisions of the budget as required by changes in the Service Program.
- 7.4 The National Service Officer will be requested to submit an annual written report of the activities of his office.

SECTION VIII

CONVENTION

8.1 POWERS

The supreme powers of this Department shall be vested in an annual Department Convention. The mandates and resolutions adopted at each Department Convention shall be effective only until the next Convention, unless readopted at such Convention.

8.2 TIME AND PLACE

The Annual State Department Convention will be held sometime between 15 April and 30 June each year, at a time and place approved by the preceding Convention. However, the Department Executive Committee may change the time and place, if it appears that the Convention cannot be held satisfactorily at the time and place selected by the Convention. The Convention location will be determined two (2) years in advance.

8.3 OFFICERS

The Department officers shall serve as Officers of the Department Convention. The Department Adjutant shall serve as Adjutant of the Convention and shall be authorized to employ stenographers and other necessary employees, and rent or purchase equipment and supplies as may be necessary to perform the work of the Convention, subject to the approval of the Executive Committee. The Convention Adjutant shall be responsible for the preparation, distribution, and submission of all required reports of the Convention, including minutes, resolutions, and exhibits as required by National and Department Constitution and By-Laws.

8.4 HOST CHAPTER

(a) The Host Chapter will stand all expenses not enumerated in section 8.3. The Host Chapter shall ensure that the Convention Headquarters has sufficient handicapped rooms available, and that all facilities in the Convention Headquarters are wheelchair and handicapped accessible.

(b) The Host Chapter is empowered to charge a registration fee to each registered delegate to cover the cost of food and entertainment made part of the Convention program. This fee must be published and submitted to all Chapters at least two (2) months prior to the Convention in the Convention Announcement.

(c) The Host Chapter shall provide a Sergeant -At-Arms.

8.5 RULES OF CONVENTION

Rules of the Convention shall conform to those in the National By-Laws in Section 3.10 and will be read by the Department Judge Advocate at the beginning of the first business session, except when such reading is waived by unanimous consent of the Convention. In addition, the Department Executive Committee may provide additional rules as required. Such rules, however, shall be subject to amendment and the approval of the Convention. All matters of parliamentary procedure not specifically covered by such rules of these Bylaws shall be governed by Roberts Rules of Order, Newly Revised.

8.6 DELEGATES

At the Department Convention, each Chapter in good standing shall be entitled to one (1) delegate and one (1) alternate for the Chapter Charter, and one (1) delegate and one (1) alternate for each ten (10) members or major fraction thereof.

(a) In computing the membership of Chapters for any purpose, the sum total of all life and current part Life members as reported by National Headquarters to the Department Adjutant immediately prior to the Convention, will be used.

8.7 DELEGATE FEES AND VOTING

In the event any Delegation is entitled to cast more votes than the number of delegates present, the entire vote of the Chapter may be cast, providing such Chapter has paid the entire Delegate Fee for both Delegate present and those absent. The Delegate fee is set at six dollars (\$6.00) for every ten members or part thereof, plus six dollars (\$6.00) for a Charter Fee payable to the Department of Idaho. The Chapter may not be seated or vote unless the entire authorized delegate-voting strength has been paid. All Past Department Commanders and all elected Department Officers, with the exception of the Judge Advocate, are entitled to one (1) vote if they so registered (as a Past Department Commander or Department Officer).

8.8 VALIDATION

Each Chapter shall obtain a Validation Certificate on or before the Final Reading of the Credentials Committee. If a Chapter becomes entitled to receive a Validation Certificate after the commencement of a Department Convention and before the close thereof, its delegates may then be seated, provided the full registration Fee for each delegate has been paid. After being so seated, such delegates may thereafter participate and may vote upon any matter thereafter coming before the Convention, but they shall not be entitled to have their votes recorded in connection with any matter upon which a final vote was taken prior to the seating of the delegates of such Chapter.

(a) Failure to submit a New Chapter Officers Report to the Credentials Committee Chairperson prior to State Convention will be sufficient grounds for withholding the Chapter Validation Certificate. A Chapter shall be deemed not in good standing if it does not have a current Chapter Validation Certificate and shall not be permitted to vote at a Department Convention; provided, however, that the Delegates from such Chapter may be recognized for the limited purpose of appealing to the Convention with regard to whether or not it has received or is entitled to receive a Chapter Validation Certificate.

(b) All Chapters will submit a written report of its past year activities, which have been signed by the Chapter Commander.

8.9 QUORUM

A quorum shall exist at the State Convention when the majority of all Department Officers are present and when a majority of the Chapters in good standing of the Department is represented.

8.10 TRAVEL EXPENSES

Mileage will be figured on a standard mileage chart established by the Idaho Department of Transportation at the rate per mile traveled established at the previous Department Convention. The rate for the hotel will be paid at the rate of up to Seventy-Five Dollars (\$75.00) per day. Double reimbursement is prohibited. You may not collect from Department and Chapter on the same travel. Meal allowance may be paid at the rate of Twenty Dollars (\$20.00) per day providing you are conducting Department business, authorized by the Commander, and receipts are presented along with a voucher.

SECTION IX

NOMINATIONS AND ELECTIONS

9.1 TIME AND PLACE

Nomination and election of Department Officers for the upcoming year shall begin at 2:00 PM, local time, of the last day of the Department Convention and shall take precedence over all other matters, and shall not have its beginning delayed more than thirty (30) minutes by administrative matters.

9.2 ELIGIBILITY

No person shall be eligible to hold any office in this Department unless he/she is a member in good standing of an Idaho Chapter of the Disabled American Veterans.

9.3 NOMINATIONS

Nominations of candidates for Department Offices shall be from the floor by any accredited member of the Convention.

9.4 ELECTIONS

Election of Officers shall be by roll call of Chapters, and a Candidate receiving a majority of votes cast shall be declared elected. In the event more than two (2) candidates are nominated for one (1) office, voting shall continue until one (1) candidate receives a majority of the votes cast. The Candidate receiving the least votes will be dropped at each successive roll call. All roll calls shall be in increasing Chapter number order in even number years and in decreasing Chapter number order in odd number years.

(a) There will be no absentee voting.

(b) The unit rule of voting is specifically prohibited.

(c) Voting by proxy is specifically prohibited.

(d) Each Chapter delegation shall elect a Chairperson who shall announce the votes of that delegation. If a poll of the delegation is demanded by a member of the delegation who is entitled to vote, the Chairperson shall conduct such a poll without debate or discussion

9.5 NATIONAL EXECUTIVE COMMITTEEMAN AND ALTERNATE

Paragraphs 9.1 thru 9.4 above will apply the year it is the Department of Idaho's turn to endorse a candidate for National Executive Committeeman and a candidate for an Alternate at the 19th District Meeting at the National Convention.

SECTION X

RULES OF ORDER

10.1 All matters of procedure not otherwise provided for in these By-Laws or in the Rules of the Convention shall be governed by Roberts Rules of Order Newly Revised. A "motion of interpretation" shall be improper unless the matter sought to be interpreted is clearly ambiguous or uncertain of meaning.

SECTION XI

REAPPORTIONMENT

11.1 POWERS

The Department of Idaho recognizes District Organizations as heretofore established.

11.2 ORGANIZATION PROCEDURES

Upon petition of a majority of the Chapters contiguous with each geographically, the Department Commander may seek approval of the Department Executive Committee and so recognize a District as being an integral part of the Department of Idaho. Such petitioners, in their application to the Department Commander, shall present examples of their intent and purpose.

11.3 MEETINGS

District meetings may be composed of active members of the Chapters within the District. A majority of the Chapters in the District so represented may constitute a quorum. Voting on District business or elections may be by the Department strength of each participating Chapter in attendance at the meeting. If no quorum exists at a District meeting, the District Commander may direct his Adjutant to contact the Chapters involved and allow a positive or negative vote to be cast by mail.

11.4 OFFICERS

Each District may be organized and may select a District Commander, a District Vice Commander, and such other elected or appointed officers as the District may determine. These Officers will hold office for the fiscal year or until their successors have been chosen and installed. The annual election will be held no more than two (2) months prior to the Department Convention.

11.5 FUND RAISING

There will be no fund raising by Districts.

11.6 VACANCIES IN OFFICE

In the event of a vacancy in the office of District Commander, the District Vice Commander shall succeed to the office. In the event of a vacancy in the office of the District Vice Commander, the District shall, within thirty (30) days, elect a new District Vice Commander to serve the remainder of the term. If no election is held within thirty (30) days to elect a new District Vice-Commander, the Department Commander shall appoint a new District Vice Commander to serve the remainder of the term. Such person, so elected or appointed, must be a member of a Chapter within the area of the District.

11.7 REVOCATIONS

Charters of Districts within this Department may be revoked only by the Department Executive Committee for cause.

SECTION XII

CHAPTERS

12.1 CONSTITUTION

Each Chapter will, under the provisions of Article IV of the National Constitution, establish a Constitution and By-Laws which shall govern its actions. This Constitution and By-Laws must be approved by the Department of Idaho and National Headquarters of the Disabled American Veterans and shall not be effective until approved. Each Chapter may select an appropriate meeting place and conduct meetings in accordance with their Constitution and By-Laws. Special meetings may be called on ten (10) days written notice to all members prior to the date of the meeting.

12.2 Officers

Each Chapter will be governed by a Chapter Commander, Senior Vice-Commander, Junior Vice Commander(s), and whatever other officers are deemed necessary to conduct Chapter business. Election of Chapter officers must be completed prior to the Department Convention with installation taking place within 30 (thirty) days.

12.3 COMMITTEES

Each Chapter Commander may appoint committees as required by National, Department, and Chapter By-Laws.

12.4 RECORDS

The books and records of the each Chapter shall be open to inspection and/or audit by the Department Commander, or his designated representative upon written authority from the Department Commander.

12.5 REVOCATION

Charters of the DAV Chapters and Auxiliaries or other Subordinate units may be revoked only as provided in Article VI (Charters), Section 6.4 of the National By-Laws.

12.6 CERTIFICATION

Each Chapter within this Department shall execute and file the required Certificate of Corporate status with the Idaho Secretary of State by the Chapters' incorporation anniversary date.

12.7 QUORUM

A quorum shall be at least five percent (5%) of the entire Chapter membership in good standing, except in no case shall it be less than five (5) qualified individual members, and voting by proxy shall be prohibited.

SECTION XIIIAUXILIARIES

13. 1 CHARTERING

(a) No Charter for Auxiliaries and other Subordinate units and/or organizations shall be issued in the Department of Idaho without prior approval of the Department Commander.

(b) All present Charters, and Charters issued in the future, for Auxiliary and Subordinate units and organizations shall recognize their purpose is to assist the Department of Idaho in the performance of its functions. The organizations, units or Auxiliaries are subject to supervision and recommendations of the parent organization, THE DEPARTMENT OF IDAHO. These Auxiliaries, other Subordinate organizations, and/or other units are recognized as not an entity in themselves, even though they may govern their organizations administratively.

13.2 ELIGIBILITY FOR MEMBERSHIP

(a) Membership in the Auxiliary or other Subordinate organizations and/or units will be recognized as defined in the National Constitution and By-Laws.

(b) Members of the National Order of Trench Rats must be members of the Disabled American Veterans in good standing.

13.3 FUND RAISING

The Department of Idaho DAV AUXILIARY, their local units, and the local Dugouts of the NATIONAL ORDER OF TRENCH RATS are required to secure prior approval of fund raising projects as provided in the National By-Laws, Article XV.13.4.

13.4 REPORTS

All Auxiliary and Subordinate units and other organizations shall make an annual report to each Department Convention in writing, including a financial statement, and shall be subject to the mandates of the Department Convention and the National Constitution and By-Laws.

SECTION XIV

AMENDMENTS

14.1 AMENDING PROCESS

(a) These By-Laws may be amended by a two-thirds (2/3) vote of Chapters in good standing.

(b) All proposed amendments shall be prepared in triplicate specifically referring to the Article, Section and/or Paragraph to be amended. The proposed amendment will be forwarded to the Chairperson of the Constitution and By-Laws Committee prior to the opening of the Mid-Winter Conference. One information copy will be forwarded to the Department Commander and one to Department Adjutant. Such amendment must be submitted to the individual Chapters for their study and consent with the Mid-Winter minutes.

14.2 CONFLICT WITH NATIONAL BY-LAWS

In the event of any conflict between these By-laws and those of the National Organization as they now exist or may hereafter be adopted or amended, the latter shall prevail.

SECTION XV

EFFECTIVE DATE

15.1 RECISSION

All former By-Laws of the Department of Idaho, Disabled American Veterans, not incorporated herein, are hereby rescinded.

15.2 EFFECTIVE DATE

These By-Laws shall be in force and effective after adoption by the Department Convention, pending approval by the National Judge Advocate.

SECTION XVI

GENDER

16.1 The masculine, whenever used in the Department Constitution and these By-Laws or of the DAV Ritual shall include the feminine gender.

APPENDIX I

CONSTITUTION AND BY-LAWS
DEPARTMENT OF IDAHO DISABLED
AMERICAN VETERANS

RULES OF THE CONVENTION

THESE RULES GOVERNING THE CONDUCT OF THE CONVENTION MUST BE READ AT THE OPENING SESSION OF EACH DEPARTMENT CONVENTION, EXCEPT WHEN SUCH READING IS WAIVED BY UNANIMOUS CONSENT OF THE CONVENTION.

- Rule 1: ROBERTS RULES OF ORDER, NEWLY REVISED, will govern, except as hereafter specified.
- Rule 2: For the purpose of recognition, a member of this Convention must: (1) stand (2) address the Chair as Mr. Chairperson (3) state his name and Chapter and/or Department Title and (4) proceed only after being recognized by the Chair.
- Rule 3: Debate shall be limited to three (3) minutes for each speaker except by a two-thirds (2/3) consent.
- Rule 4: No more than two (2) representatives from any one delegation shall be permitted to discuss any one subject, except by two-thirds (2/3) consent.
- Rule 5: Recognition shall be granted only once to any speaker on any one subject. A rebuttal of not more than three (3) minutes may be permitted. Additional recognition may be granted by two-thirds (2/3) consent.
- Rule 6: No person who has talked for or against any motion, resolution, or report on the Convention floor shall be permitted to make a motion to table it. A motion to table is not debatable and shall require a two-thirds (2/3) affirmative vote. A tabled motion may be taken from the table, for reconsideration, by a majority vote.
- Rule 7: In viva voce voting on any subject before the Convention, no person shall participate except fully accredited delegates and alternates acting as delegates, who have registered and paid the registration fee. Visitors, other than voting members of the Convention, shall be segregated.
- Rule 8: There shall be no form of unit voting or voting by proxy.

- Rule 9: In case any delegation is entitled to cast more votes than the number of delegates present, the vote of those absent shall be cast in the same proportion as the votes of those present.
- Rule 10: Voting shall be viva voce, except when a roll call is demanded by the Chairperson or acting Chairperson of any delegation.
- Rule 11: Delegates and alternates of Chapters, which are indebted to National or Department in any amount, shall not be seated and cannot vote until such indebtedness is paid in full.
- Rule 12: The Steering Committee will give a complete, detailed report on all candidates for Department office who appear before the Committee. The report will include the name of each candidate the Committee finds most qualified for each Department office. The same will apply for National Executive Committeeman and Alternate in the years the Department of Idaho is entitled to candidates.
- Rule 13: Each Committee Chairperson shall present his Committee's report to the Convention when called upon by the Chairperson.
- Rule 14: Discussion of personal grievance, local conditions, or claims concerning one individual only, with respect to his personal interest, shall not be in order before the Convention but may be discussed before the Committees of the Convention with the approval of the respective Committees.
- Rule 15: In conformity with the Department By-Laws, the Department officers shall serve as the Officers of the Convention.
- Rule 16: The foregoing Rules of the Convention may be amended by a majority vote at the first business session of the Department Convention.

DATE OF ACTION BY THE DEPARTMENT OF IDAHO CONVENTION 4 MAY 2012, AT THE OWY'HEE PLAZA HOTEL IN BOISE, IDAHO.

This page has been electronically inserted to show signatures for the By-Laws, Resolutions and Rules of the convention, Passed at the 2012 convention.

The original copies with signature are in the Adjutants files.

This page only reflects approval and effective dates from

Date Approved by the Department of Idaho Convention 2012, May 4, 2012.

Title: Commander, DAV Department of Idaho.

Name: Arnold J. Hayes

Signature: *Arnold J. Hayes*

Date: 5/4/2012

Title: Chairman, DAV Department of Idaho Constitution and BY-Laws

Committee: *Constitution and By-Laws*

Name: *Arnold J. Hayes*

Date: 5/4/2012

Title: Judge Advocate, DAV Department of Idaho

Name: Lynn Peterson

Signature: *Lynn Peterson*

Date: 5/4/2012

Title: Adjutant

Name: Lorren N. Co

Title: National Judge Advocate Disabled American Veterans

Signature: *Lorren N. Co*

Date: 5/9/2012

Title: National Judge Advocate General Disabled American Veterans

Name: Mitch

Signature: *Mitch*

Date: 5/9/2012

Signature:

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National Approved this copy on 7-9-12.