



## **Department of North Dakota**

**Constitution**

**and**

**Bylaws**

**As Amended by the Convention Delegates on**

**May 5<sup>th</sup>, 2024**

# **CONSTITUTION & BYLAWS**

## **ARTICLE I**

**Section 1.** Under the authority of Article VII of the National Constitution of the Disabled American Veterans, there has been, and is hereby established the "Disabled American Veterans, Department of North Dakota".

## **PURPOSE**

The purpose of the Disabled American Veterans, Department of North Dakota, shall be to uphold and to maintain the constitution and laws of the United States; to realize the true American ideas and aims for which we fought; to protect and to advance the interests, and to work for the betterment of all wounded, injured, and disabled American veterans; to cooperate with the United States Department of Veterans Affairs and all other public and private agencies devoted to the cause of relieving, improving and advancing the physical and mental conditions, care and medical treatment, health and economic interests of all wounded and injured or disabled American Veterans; to stimulate a feeling of mutual devotion, helpfulness and comradeship among all veterans; to serve our comrades, our communities and our country; and to encourage in all people that spirit of tolerance and understanding which will tend to guard against future wars.

## **ARTICLE II**

### **ALLEGIANCE TO NATIONAL ORGANIZATION**

The Disabled American Veterans, "Department of North Dakota," organized and existing and under the provisions of Article 8 of the National Bylaws of the Disabled American Veterans, acknowledges its allegiance to and affiliation therewith, and hereby subscribes to the jurisdiction of such National Organization.

**ARTICLE III**  
**MEMBERSHIP**

**Section 1.** The Disabled American Veterans, Department of North Dakota, shall consist of all chapters of the Disabled American Veterans which have been duly organized within the State of North Dakota and which have been constituted as such according to the provisions of this constitution and of the National Constitution of the Disabled American Veterans.

**Section 2.** Qualifications for membership in any chapter under the jurisdiction of this department shall be such as are now, or may hereafter, be prescribed in of Article III of the National Constitution of the Disabled American Veterans, this date as follows:

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

Any official Government notation or rating stated or acknowledging that any such veterans were wounded, injured or disabled, or by reason of his/her military or naval service during the period of war, shall be regarded as sufficient evidence of his/her eligibility for membership, provided, however, that where no such official government notation or rating has been made, that any such veteran may, nevertheless, be declared as eligible for membership upon submission by him/her of facts that in the opinion of the Chapter to which he/she makes application, is deemed by it to be sufficient proof that he/she was actually wounded, injured or disabled during, or by reason of such military or naval service; provided, however, that in the event that the eligibility for membership of any particular individual cannot be otherwise definitely determined by the local Chapter to which application for membership is made, or, in the event that the eligibility of any member shall have been protested, the facts relative thereto shall be sent to the National Adjutant, who shall have the power to conduct an investigation, and after same, shall report his/her findings to the Chapter for appropriate action, provided that such applicant shall have the right to make an appeal as to his/her eligibility to the National Executive Committee.

**Section 3.** There shall be no form or class of membership in any Chapter, except an active membership as herein provided.

**Section 4.** All disciplinary actions taken or commenced against members shall be in accordance with Article 16 of the Disabled American Veterans National Bylaws.

**Section 5.** Any Member of a local chapter, who desires to transfer his/her membership to another chapter, shall make a request therefore to the chapter to which he/she desires to

be transferred. A transferred membership shall not affect the voting strength of the chapter from or to, which such member may be transferred, during the fiscal year in which such transfer was made, either as to the next succeeding State or National Conventions, providing however, that credit for the membership of a transferee may be given to the receiving chapter if the transfer was made from a revoked chapter or from a National Membership-at-large status.

**Section 6.** The National Headquarters shall be permitted to solicit membership within the boundaries of this department and any memberships so obtained shall be sent to the Department.

#### **ARTICLE IV**

#### **STATE CONVENTIONS**

**Section 1.** The Legislative body of the Disabled American Veterans, Department of North Dakota, shall be its annual State Convention, to be held at least ten (10) days prior to the convening of the National Convention of this organization, at a place to be determined by a majority vote of the voting delegates in attendance at each preceding State Convention, provided, however, that in event, that, because of unforeseen circumstances, such succeeding State Convention cannot be held in compliance with the provisions made for it by the preceding State Convention, then the Department Executive Committee shall exercise the power to determine the time and place thereof.

**Section 2.** At each State Convention, each Chapter shall be entitled to one delegate and one alternate, and in addition, one delegate and one alternate for each ten (10) members or major fraction thereof for whom per capita tax has been received by the Department Adjutant at least three (3) days prior to the opening date of said Convention; provided, however, that recognition shall not be extended to the designated delegates of any chapter which is indebted to the National organization, or to the Department.

**Section 3.** Each elective officer, elected by the preceding State Convention, and each accredited chapter delegate of the Convention shall be entitled to the total number of votes defined in Article IV, Section 2.

**Section 4.** "A quorum shall exist in a State Convention when the delegates from a majority of the chapters in good standing are present."

**Section 5.** In the call for the Annual State Convention, the Department Executive Committee shall have full power to

provide for the form of credentials and all other matters incident to the convening of such convention; and rules and regulations which are not otherwise specifically covered by this constitution. Immediately after a State Convention shall have been called to order, for the conduct of such business as may be before it, the Department Commander shall appoint a Convention Credentials Committee of not less than three (3) delegates, no two of whom shall be delegates from the same chapter, which, with the assistance of the Department

Adjutant, shall make out a roll call of all Department officers and Executive Committee members, and for all Chapters, showing the number of votes to which each is entitled, and shall report and roll call to the first business session of said State Convention, officially extending voting privileges to the delegates of such chapters as have complied with the provisions of Section 2 of Article IV hereof, providing further that subsequent thereto, the Convention Credentials Committee shall report and extend official recognition to the delegates of those units which, in the meantime, may have complied with the provisions of Section 2 of Article IV hereof.

**Section 6.** "Each department must keep a complete financial record of all monies received, expended and remitted; all money must be deposited in the name of the department. Each department shall have an audit committee composed of at least three members of the department, excluding the Department commander, Department senior vice-commander, Department treasurer, Department adjutant and Department finance committee chairperson, who shall conduct an annual audit and submit a report of same to the National Organization within ninety days after the close of the accounting year of the department. All reports will be accomplished on forms provided by National Headquarters. All financial reports shall specify and itemize the precise source and expenditure of all funds of the department during the reporting period. Broad or general classifications will not be deemed acceptable and may subject the department to the audit provisions of Article 15, Section 15.6, para. 2 of the National Bylaws. Failure to file financial reports will be cause to suspend or revoking of the charter of the department. If, in the opinion of the National Organization, a financial audit of the Department is necessary, and the National Commander authorizes it, such audit will be conducted by the National Organization at Department expense."

## ARTICLE V

### DEPARTMENT OFFICERS

**Section 1.** Prior to the adjournment of each State Convention, the accredited delegates thereat shall elect a Department Commander, a Department Senior Vice Commander, a Department 1st Junior Vice Commander, a Department 2nd Junior Vice Commander, a Department 3rd Junior Vice Commander, a Department Judge Advocate/Inspector General, a department Adjutant/Treasurer, and a Department Chaplain. Such officers shall hold office from the time of election and installation at such convention up until their successors in office shall have duly elected and qualified. Vacancies in such offices, occurring between State conventions by reason of death, resignation, or indefinite absence from this State, shall be filled by majority vote of the members of the Department Executive Committee.

**Section 2.** "The Department shall elect a delegate and alternate to represent this Department to attend the National Convention, such delegate or alternate to be nominated and elected by the State Convention."

**Section 3.** The Department Commander is the Executive Officer of this Department. This person in his/her absence, the next highest officer shall preside at all State Conventions, and at all meetings of the Department Executive Committee. He/she shall maintain order and dispatch such business as may legally come before him/her at such meetings. He/she shall perform such other duties as may reasonably be assumed to be incident to his/her office, or such as are delegated to him/her by the last preceding Department Convention, or by the Department Executive Committee.

**Section 4.** The Department Senior Vice Commander shall, in the event of death, resignation, absence or

removal of the Department Commander, perform the duties of the Department Commander. The Department Junior Vice Commander shall, in the absence of the Department Commander or Department Senior Vice Commander, perform the duties of the Commander.

**Section 5.** The Department Adjutant/Treasurer shall deposit all monies for the Department. This person keeps a system of accounts, approved by the Department Executive Committee, and shall preserve all receipts and vouchers for payments made. He/she shall render an annual report at the State Convention, which may, by order of the Department Executive Committee, have been legally audited, and which shall be submitted to the Convention Finance Committee for its analysis, criticism and recommendation for approval or disapproval. The Department Executive Committee may require an accounting at other intervals as are deemed necessary.

**Section 6.** The Department Adjutant/Treasurer shall keep a true and complete record of all business conducted by the Department, and its Department Executive Committee, not otherwise assigned; keep list of chapter members, and insofar as feasible, lists of all eligibles, together with addresses and occupational status; collect all per capita tax and other revenue due from chapters or other sources, officially notify in writing all members of the Department Executive Committee of the time and place of regular or special meetings thereof, if possible, at least five days in advance thereof, but in any event, in sufficient time in advance thereof to enable them to be in attendance at such meeting, shall render such services as may be incidental and necessary to help increase the membership activities and effectiveness of the Disabled American Veterans.

**Section 7.** The Department Judge Advocate/Inspector General shall be the legal advisor to the Department. This person shall, upon the request of the Department Commander, the Department Executive Committee, a member thereof, or a chapter in good standing, render his/her opinion upon all questions concerning the Department and as to disputes between Chapters. He/she shall act for the Department in the approval of all Chapter Constitutions and By-Laws, and amendments thereto. He/she shall be the parliamentarian for the State Convention. The Department Judge Advocate/Inspector General, under the supervision of the National/Department Adjutant, shall investigate any alleged violation of the

National/Department Constitution and By-Laws, including but not limited to, occurrence in any subordinate units, which may impugn the integrity or reputation of the organization. He/she shall report his/her findings and recommendations to the National/Department Adjutant of his/her designee.

**Section 8.** Any of the parties who may not be satisfied by the Department Judge Advocate/Inspector General's opinions, and /or the opinion of the Department Executive Committee, and/or two thirds vote decision by the Convention, may appeal to the National Judge Advocate, and/or National Executive Committee whose opinion shall be binding and final upon all concerned. Only the decisions resulting from the opinion can be appealed.

**Section 9.** The Department Judge Advocate/Inspector General shall file a copy of opinions with the Department Adjutant-Treasurer.

**Section 10.** The Department Chaplain shall perform such duties as are prescribed in the Official Ritual of the National Organization.

**Section 11.** The Department Commander shall not succeed himself/herself in office.

## **ARTICLE VI**

### **DEPARTMENT EXECUTIVE COMMITTEE**

**Section 1.** There shall be a Department Executive Committee, which shall consist of the retiring Past Department Commander, Department Commander, Department Senior Vice Commander, Department 1st Junior Vice Commander, Department 2nd Junior Vice Commander, Department 3rd junior Vice Commander, and Department Judge Advocate/Inspector General. The Department Adjutant shall act as secretary of the Executive Committee without the power of a vote. The Department Chaplain shall be an ex-officio member of the Executive Committee.

**Section 2.** The term of office of all Department Executive Committee members shall begin immediately upon the adjournment of the State Convention at which they were elected and shall end at the adjournment of the next succeeding State Convention. In the event of death, resignation, or indefinite absence from the State of a Department Executive Committee Member, he/she shall be replaced by the election of another Executive Committee Member by majority vote of the Department Executive Committee.

**Section 3.** Between State Conventions, all legislative, administrative, and executive matters not otherwise specifically covered by provision of this constitution, or by resolutions adopted at the preceding State Convention, shall be determined by majority vote of the Department Executive Committee.

**Section 4.** Within twenty-four (24) hours after the adjournment of the State Convention, the said Executive Committee shall meet in the city in which the State Convention was held, to

determine, insofar as possible, policies to be adhered to by the Executive Committee officers of this Department, until the time of the next annual State Convention, or until such policies may be modified by a subsequent meeting of the Department Executive Committee. The Department Executive Committee may, at its discretion, make provision for payment of a salary to the Department Adjutant/Treasurer, in which event he/she shall also act as Executive Secretary for this Department, and may make provisions for the employment of such other personnel as may be deemed necessary for the accomplishment of the purposes of this Department. If the Adjutant/Treasurer is designated as Executive Secretary and is provided with office facilities; a budget of expenditures shall be made for him/her by the Department Executive Committee, and he/she shall thereupon, be in charge of such office and of its personnel.

**Section 5.** The Department Commander, or any three (3) members of the Department Executive Committee shall have the authority to call for a meeting of the entire Department Executive Committee at any time between State Conventions, provided, however, that written notice of the time and place thereof shall have been given to all members of the Department Executive Committee sufficient time in advance thereof so as to enable them all to be present thereat. A special meeting of the Department Executive Committee shall be called only in the event there was a necessity, therefore.

**Section 6.** A majority of the members of the Department Executive Committee shall constitute a quorum to conduct such business as may come before any of its meetings.

**Section 7.** Either the Department Commander or the Department Adjutant shall have the power to submit in writing to the members of the Department Executive Committee, a referendum of any question which such officer may deem of sufficient importance to be so referred, and any such question as may be determined on the basis of a written ballot from the majority of the members of the Department Executive Committee shall be considered as having been adopted and approved by Department Executive Committee, and the Executive Officers of this department shall thereupon be guided accordingly. The result of the voters on any such referendum and ballot shall be conveyed in writing by the Department Adjutant to all members of the Department Executive Committee.

**Section 8.** Subject to the approval of the Department Executive Committee, the Department Commander shall have the power to appoint standing and Convention Committees as deemed necessary, and such committee not to give publicity, to any of its findings or recommendations without consent of the Department Commander, except to report directly to the Department Convention, nor shall any such committees incur any expense without prior authorization from the Department Executive Committee.

**Section 9.** The Department Executive Committee shall determine the basis and payment of expenses of the Executive Committee. No member of such Committee shall incur any expense without prior approval.



**ARTICLE VII**  
**CHAPTER ORGANIZATION**

**Section 1.** Charters for new local chapters of this organization shall be issued in accordance with the procedure of the National Constitution.

**Section 2.** Each local chapter, under the jurisdiction of this department, may adopt its own constitution, by-laws, rules, and regulations, providing that same shall not conflict with the provisions of this constitution, or of any action taken by a state convention, nor shall any of such provisions be inconsistent with the Constitution of the National Organization or of any action taken by its National Conventions. Each local chapter shall submit its constitution and bylaws to National Headquarters for its approval, and to the Headquarters of this State Department for its approval.

**Section 3.** The charter of any local chapter may be revoked by the National Commander or National Executive Committee upon its own initiative, or upon the recommendation of this Department Executive Committee.

**Section 4.** Any Department Officer may be recalled upon the written demand of four-fifths (4/5) of the local Chapters under the jurisdiction of the Department, Providing that the number of votes combined, to which such Chapters may have been entitled at the time of last preceding State Convention, was equal to more than one-half (1/2) of the total number of votes to which all chapters in this Department were entitled; in the event that any Department Officer shall have been recalled, such vacancy shall be filled by a majority vote of the members of the Department Executive Committee.

**ARTICLE VIII**  
**FINANCES**

**Section 1.** The revenue of this Department shall be derived from membership, forget-me-not drives, and such other sources as provided for by a State Convention, or by the Department Executive Committee, provided, however, that all fund-raising projects or proposals are conducted in accordance with the National Bylaws.

**Section 2.** This State Department may expend any of its funds for direct purposes (service to veterans), not to exceed the amount allocated in the budget of the Department Executive Committee and is precluded from making any loans or advances to any Department or Chapter officer or officers.

**Section 4.** The funds of this Department shall be deposited in a bank or trust company which shall have been agreed upon by a majority of the members of the Department Executive Committee, and such depository will be informed in writing in a letter addressed to it, signed by the Department Commander and Department Adjutant/ Treasurer, advising of ACH vouchers approved by the Department Commander and the Department Adjutant/Treasurer, whose signatures shall have been furnished to such depository.

**ARTICLE IX**

**POLICY**

The Disabled American Veterans has been organized for the primary purpose of service to the interest of the disabled, and therefore, none of its department officers or chapter officers shall in any official capacity take any part in any partisan political or sectarian question, nor in any industrial disputes.

**ARTICLE X**

**DAV AUXILIARY UNITS**

This Department recognizes an Auxiliary organization. National Constitution Article VIII allows for the recognition of these auxiliary units subject to DAV supervision and recommendations.

**ARTICLE XI**

**AMENDMENTS**

This constitution may be amended at any State Convention by a vote of two-thirds of the total authorized representation thereat, provided that the proposed amendment shall have been read to such Convention at least two hours before the final vote thereon.

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

The foregoing State Constitution was adopted by the Disabled American Veterans, Department of North Dakota, on vote of the Convention at Grand Forks, North Dakota, the 10th day of May, 1947.

Amended May 1, 1992  
Jamestown, North Dakota

Amended May 1, 1993 Grand  
Forks, North Dakota

Amended April 27, 1996 Minot,  
North Dakota

Amended April 27, 2002  
Williston, North Dakota

Amended May 1, 2005  
Fargo, North Dakota

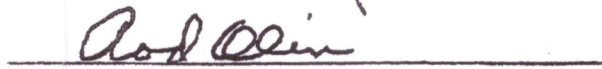
Amended May 5, 2024  
Minot, North Dakota

Section 4: All disciplinary actions shall be conducted in accordance with Article 16 of the National Bylaws and applicable Regulations of the National Executive Committee.

Adopted after this second and final reading on May 5, 2024



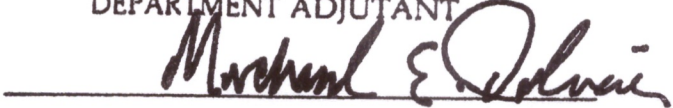
DEPARTMENT COMMANDER



DEPARTMENT JUDGE ADVOCATE



DEPARTMENT ADJUTANT



NATIONAL JUDGE ADVOCATE

I CERTIFY that the within constitution and/or by-laws does not conflict with those of the National Organization, and to that extent, is approved.

Date: 7-5-2024  
DAV National Judge Advocate