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Dept
bylaws

June 17, 2021

Mr. David Alderete, Adjutant
Department of New Mexico
Disabled American Veterans
2511 Utah Street, NE
Albuquerque, NM 87110

EIN: 35-0269110

Dear Adjutant Alderete:

The Constitution and Bylaws for the Department of New Mexico, is hereby approved as of this date, with the following change.

Article 7, Section 7.2 of the Department Bylaws regarding "Reserve Funds" must be amended to include the current language outlined in *Article 18, Section 18.2 of the National Bylaws* which restricts DAV subordinate entities from accumulating funds in excess of three times the expenses of the last fiscal year.

A copy of this document is being returned to the Department of New Mexico, and a copy is being retained in our permanent files here at National Headquarters for future reference.

Sincerely,

A handwritten signature in black ink that reads "Michael E. Dobmeier".

MICHAEL E. DOBMEIER
National Judge Advocate

MED:kb
Enclosure

**DISABLED AMERICAN VETERANS
DEPARTMENT OF
NEW MEXICO CONSTITUTION**

ARTICLE I – NAME

Under the authority of Article 1 of the National Constitution of the Disabled American Veterans, a Federal Corporation, has been and is established the Disabled American Veterans Department of New Mexico, located within the legally established boundary of the State of New Mexico.

ARTICLE II – PURPOSE

To uphold and maintain the Constitution and the laws of the United States; to realize the true American ideals and aims for which those eligible to membership fought; to advance the interests and work for the betterment of all wounded, gassed, injured and disabled veterans; to cooperate with the United States Department of Veterans Affairs and other public and private agencies devoted to the cause of improving and advancing the condition, health and interests of all wounded, gassed, injured and disabled veterans; to stimulate a feeling of mutual devotion, helpfulness and comradeship among all wounded, gassed, injured and disabled veterans; to serve our comrades, our communities and our country; and to encourage in all people that spirit of understanding which will guard against future wars.

ARTICLE III – MEMBERSHIP

The membership of this Department shall be all Chapters of the Disabled American Veterans in the State of New Mexico, which have been or are hereafter, chartered by the National Organization, so long as such Chapters remain in good standing as determined by the National Organization.

ARTICLE IV – POWERS

To have perpetual succession, with power to sue and be sued in courts of law and equity; to receive, 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, bylaws and regulations to carry on its purposes, not inconsistent with the laws of the United States or any state; 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 state and territorial organizations and local chapter or post organizations; to publish a newspaper or other publication devoted to the purposes of the corporation and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

ARTICLE V – ADMINISTRATION AND GOVERNING BODY

SECTION 1: State Executive Committee Composed of:

The administrative affairs of this Department shall be vested in a State Executive Committee, to be composed of the Department Commander, the immediate Past Department Commander, Department Sr. Vice Commander, Department 1st Jr. Vice Commander, Department 2nd Jr. Vice Commander, Department Adjutant, Department Treasurer, Department Chaplain, Department Judge Advocate, Department Inspector and one State Executive Committee person selected by each district within the Department

SECTION 2: Election of Officers

Each State Convention shall elect a Department Commander, Department Sr. Vice Commander, Department 1st Jr. Vice Commander, Department 2nd Jr. Vice Commander, Department Chaplain and a Department Judge Advocate.

SECTION 3: Term

The DAV State Commander may run for only ONE term of office. He/She must be elected at the State Convention by majority vote of Members in attendance. A newly elected Commander may run for a second or third term but not consecutive terms.

SECTION 4: Appointed Positions

Appointed Officers of this Department, with the approval of the State Executive Committee, shall be; Department Adjutant, Department Treasurer (with the option of combining the position of Adjutant and Treasurer), Department Historian, Department Legislative Chairperson, Department Inspector, DAV/VA Winter Clinic Chairperson, Department Hospital Representative, Department Officer of the Day, and Department Sergeant-At-Arms. The appointed officers are NON-VOTING participants The Commander may also appoint a Department Chief of Staff and Assistants as he/she may deem appropriate and will notify the Chapters of his/her appointments.

ARTICLE VI – LEGISLATION

The Legislative powers of the Department shall be vested in an Annual Department Convention, which will be composed of the Department Officers and accredited delegates of the member Chapters, which are now, or may be included at a later date in the Department.

ARTICLE VII – EXECUTIVE

The executive power of this organization shall be vested in the Department Commander, subject to approval of the Department Convention or the Department/State Executive Committee (SEC).

ARTICLE VIII – AUXILIARIES

SECTION 1: Department Recognition

This Department recognizes an Auxiliary as a Unit of the Disabled American Veterans.

SECTION 2: Auxiliaries

Auxiliaries assigned to Chapters must recognize their purpose is to assist the Chapter in the performance of its function and are not an entity in themselves, even though they may govern their Organization administratively. They must govern themselves In Accordance With (IAW) the DAV National Auxiliary Constitution and Bylaws.

ARTICLE IX – AMENDMENTS

SECTION 1: Constitution Ratification

This Constitution shall not become effective until ratified by two-third (2/3) vote of the delegates present at the Department Convention, within the jurisdiction of the Department of New Mexico Disabled American Veterans, and approved by the National Judge Advocate

SECTION 2: Constitution Voting

This Constitution may be amended at any State Convention by majority vote of regularly elected or appointed qualified delegates there at, if and when three-fourths (3/4) of the Chapters in good standing have ratified the proposed amendment, which ratification must take place thirty (30) days prior to the next State Convention.

SECTION 3: Inconsistent with National

To the extent to which the provisions of this Constitution may at any time be or become inconsistent with provisions of the National Organization as now enforced or as hereafter amended, this Constitution shall be amended so as to conform thereto.

IV

ARTICLE X – ALLEGIANCE

The Department of New Mexico Disabled American Veterans, organized and existing under the provision of Article IV of the National Constitution of the National Veterans Service Organization known as "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 Bylaws as now in force or hereafter amended.

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**DISABLED AMERICAN VETERANS
DEPARTMENT OF NEW MEXICO (DAVNM)
BYLAWS
ARTICLE I – ORGANIZATION**

SECTION 1.1: Governing Body

Para.1: The governing bodies of the Department of New Mexico shall be the Annual Department Convention, the State Executive Committee (SEC) and the Chapters.

Para 2: The SEC shall be the governing body of the Department between Conventions and shall be empowered, as a Committee to transact such business as may be duly necessary for the welfare of the Department during that period. Only Current Elected officers of the SEC have a vote in the Department meetings. Any current DAV member can attend Department Meetings, but only as an observer.

SECTION 1.2: Records Inspection

Each body shall keep records of their proceedings, which shall be open for Inspection to any recognized member of this Department. All Records, including computer and paper files shall be maintained for two (2) years, except for any files having to do with Financial matters which shall be maintained for seven (7) years.

SECTION 1.3: One Class

There shall be no form of class membership.

SECTION 1.4: Membership

Membership shall be as directed by Article 11 of the National Bylaws.

SECTION 1.5: Chapter

There must be no less than twenty-five (25) new members who are eligible under the National Constitution and Bylaws to form a Chapter and make application for a Charter.

SECTION 1.6: Gender

All references in this Constitution and Bylaws denoting masculine gender may be construed as applying to the male and female as required.

ARTICLE 2: POLICY

SECTION 2.1: Nonpartisanship

This Organization shall be non-political and non-sectarian and the name of this Organization or name of the Unit thereof shall not be used in representing the desires and wishes of its membership in any political, sectarian, or labor dispute except as hereinafter provided. The forgoing does not prevent this Organization or any Unit thereof from participating in political issues, which have a direct bearing upon the welfare of the Disabled American Veterans.

SECTION 2.2: National Organization

This Department recognizes the National Organization known as Disabled American Veterans (DAV) incorporated by act of Congress and affirms its allegiance, and subordination, to the National Organization, its Constitution, Bylaws and all Rules, Mandates and Regulations

promulgated pursuant thereto. Upon dissolution of the Department of New Mexico, the assets remaining after payment of its debts shall be distributed as provided in Article 6, Section 6.4 Para. 5 of the National Bylaws.

ARTICLE 3 – DUTIES OF ELECTED OFFICERS

SECTION 3.1: Department Commander

Para. 1: The Commander shall normally be the presiding officer of the Department of New Mexico Convention, Conferences and SEC meetings. He/She shall, with the approval of the SEC be the public spokesman for the Department and fulfill the duties as prescribed by the National and Department Bylaws.

Para. 2: The Commander, with the approval of the SEC shall appoint such officers, chairmen, committee members, and other individuals as prescribed by these Bylaws or as he/she in his judgement deems necessary.

Para. 3: The Commander shall be an ex-officio member of any committee which he appoints and shall be informed of the meeting time and place of all meetings held within the Department.

Para. 4: The Commander shall attend all Department Finance Committee meetings. He/she shall countersign all orders drawn on the Treasury for sums necessary for the fiscal year, to defray expenses and for other appropriations, but in no instance, shall he/she have the power to expend any monies from Department funds in excess of such sums allowed for in the Annual Budget or past fiscal year. The Commander may delegate his/her countersigning authority to other Department Officers, in his/her absence, provided they are authorized.

Para. 5: The Department Commander will render an annual report of his/her activities to the

Department Convention.

Para. 6: In case of the removal of the Department Commander from office or his/her death, resignation or inability to discharge the duties of his/her office, the same shall be devolved upon the Senior Vice Commander. In the case of the removal, death, resignation or inability of both the Commander and Senior Vice Commander, the duties of the office shall devolve upon the office of the successive numbered Vice Commanders. The inability of any such officer to discharge such duties or following such inability, whether he/she is sufficiently recovered to resume duties, shall be determined by two-thirds (2/3) vote of the SEC. In the event a line officer assumes the duties of Commander during the membership year and is in the position of Commander for a period of six (6) months more, will be considered as a term of office completed.

SECTION 3.2: Department Senior Vice Commander

Para. 1: The Senior Vice Commander shall perform duties as may be reasonably assigned him/her by the Commander, the SEC and these Bylaws. In the absence of the Department Commander for any reason, he/she shall perform the duties of the Department Commander.

Para. 2: The Senior Vice Commander shall be Chairman of the Department Finance Committee, and give a report to the main body of the Annual Convention.

Para. 3: The Senior Vice Commander will keep the Commander and Adjutant advised of his/her activities.

Para. 4: The Senior Vice Commander will guide the Junior Vice Commander (s) on the duties of membership.

Para. 5: In the event of the death, resignation, or removal from office, of the Commander, Senior Vice Commander, and the 1st Jr. Vice Commander, the 2nd Jr. Vice Commander shall be advanced to the next higher elected office and the SEC shall appoint a new 2nd Jr. Vice Commander.

SECTION 3.3: Department First (1st) Jr. Vice Commander

Para. 1: The First (1st) Junior Vice Commander shall be responsible for coordination and chairing the Department Membership Program and make a Department Membership report at the annual Convention.

Para. 2: In the event of the death, resignation, or removal from office, of the Commander, Sr. Vice Commander, and the 1st Jr. Vice Commander, the 2nd Jr. Vice Commander shall be advanced to the next higher elected office and the DR shall appoint a new 2nd Jr. Vice Commander.

SECTION 3.4: Department Second (2nd) Jr. Vice Commander

Para. 1: The Second (2nd) Junior Vice Commander will perform such duties as may be reasonably assigned to him/her by the Commander, the SEC, and these Bylaws.

Para. 2: The Second (2nd) Junior Vice Commander will be the chairman of the Constitution and Bylaws Committee. He/She will give a report at the annual convention.

Para. 3: In the event of the death, resignation, or removal from office, of the Commander, Sr. Vice Commander, and the 1st Jr. Vice Commander, the 2nd Jr. Vice Commander shall be advanced to the next higher office and the SEC shall appoint new 2nd Jr. Vice Commander.

SECTION 3.5: Chaplain

Para. 1: The duty of the Department Chaplain is to be responsible for any religious functions of the Department. Most functions/duties are to be as described in the Official Ritual of the National Organization.

Para. 2: The Chaplain is responsible to ensure that all deaths are properly recorded and that DAV National is notified in a timely manner so that the National/Department membership rosters can be adjusted properly.

SECTION 3.6: Judge Advocate

Para. 1: The duty of the Department Judge Advocate is to be the legal advisor of the Department. He/She shall upon request of the Department Commander, the SEC and/or the Department Convention, render his/her opinion on all questions directly concerning the Department. He/She shall also act as parliamentarian, using guidance from DAV National & Robert's Rules of Order, Newly Revised, of the Department Convention and act for the Department in the approval of all Chapters Constitution and Bylaws and amendments hereto.

Para. 2: Upon receiving the opinion of the Department Judge Advocate regarding any questions, the Department Commander will render a decision, which shall be subject to an appeal at the SEC and to the Department Convention, provided that a notice of intention of appeal is given in writing to Department Headquarters within thirty (30) days after the decision of the SEC is made known.

ARTICLE 4 – DUTIES OF APPOINTED OFFICERS

SECTION 4.1: Treasurer/Chief Financial Officer (CFO)

Para. 1: The duties of the Department Treasurer generally correspond to those of a Treasurer/Chief Financial Officer (CFO) of a Corporation. He/She shall attend all Department Finance Committee (DFC) meetings but shall not be Chairman of the Committee.

Para. 2: The Treasurer/CFO shall keep the financial record of all receipts and disbursements of the Department, dispensing Department funds only upon approval from the Department Adjutant.

Para. 3: The Treasurer/CFO shall receive for and properly safeguard all Department monies, and make all deposits of same in the appropriate bank accounts.

Para 4: The Treasurer/CFO shall maintain his accounts and records in condition for audit at all times. He/She shall render a report of the financial status of the Department at all Department Finance Committee (DFC) meetings, SEC meetings and the Department Convention.

Para 5: He/She shall have his books and accounts audited at the close of the accounting year in accordance with the policies prescribe by the Bylaws of the National Organization, Section 8.4. The DAV National Annual Financial Report (AFR) shall suffice as the Annual Financial Report for the State Department.

Para 6: He/She shall produce his records for inspection at any time during office hours by any elected Department Officer and/or the Department Finance Committee; to any other Department member in good standing, subject to prior approval of the DFC, and by prior appointment by the Department CFO and the Department Adjutant. The Department Adjutant will be a party to any of these requested meetings.

Para 7: He/She shall preserve all receipts, canceled checks, and other records, maintaining them in a manner that will permit a thorough audit. Financial records shall be kept for seven (7) years.

Para 8: He/She will send out to all Chapters a copy of the Annual Financial Report (AFR) no later than ninety (90) days following the close of the fiscal year.

Para. 9: The Treasurer/ (CFO) will countersign all checks with the Department Commander, Senior Vice Commander, Adjutant, or another appointed signatory.

Para. 10: The Department Treasurer-/CFO CANNOT BE THE Chairman/Voting member of any financial oriented committee, whose function deals with finances either receipt of, or distribution of funds.

SECTION 4.2: ADJUTANT

Para 1: The Department Adjutant, subject to the instructions of the Department Commander, SEC and State Convention, shall supervise and direct the Activities of the Department Organization. The wages or salary of the Adjutant shall be set by the SEC for which an IRS Form W-2 will be issued. Department is not responsible for lodging or commuting expense in the Department Headquarters metropolitan area. The expenses for Department approved trips from the Department Headquarters metropolitan area shall be paid for by the Department.

Para. 2:

In addition to the other duties and authority set forth in these Bylaws, the Department Adjutant shall be the Chief Executive Officer (CEO) of this Organization, and shall be the Secretary of and attend the meetings of the DR and DFC, and shall have a voice, but no vote. In addition, the Adjutant shall keep a thorough and complete record of all business conducted

by the Department and SEC. The Adjutant will serve as Secretary at the State Convention and take minutes of the meeting.

Para. 3: Complete records, except financial records may be surveyed every two (2) years and destroyed on approval of the SEC. However, in no case shall any records be destroyed that are less than two (2) years old. He/She shall conduct all necessary correspondence, carry into effect all motions, orders and resolutions adopted by the State Convention. He/She will officially notify all members of the SEC in writing of the time and place of regular and special Committee meetings via electronic means, telephone and/or USPS mail notifications.

Para. 4: The Adjutant may be removed for cause upon notice, consisting of a majority of the SEC or at any meeting of the SEC representing a majority of the Chapters in the Department.

SECTION 4.3: All Line Officers (Elected & Appointed) will keep the Department of New Mexico apprised of any trips where they will be out of contact with the Headquarters with their normal contact information. They shall provide the Department Headquarters with telephone numbers where they may be contacted. This is to ensure that should they be needed for votes and/or consultation by the Department Headquarters that they can be contacted.

SECTION 4.4: Close of State Convention

Para. 1: The Department Adjutant/CEO and Department Treasurer/CFO shall have ninety (90) days following the Close of the State Convention to prepare the year-end report. State Convention minutes, and such other Department business pertinent to close the State Convention year shall be made in such a manner so as to secure an economic and business-like Administration of Department affairs. The DAV National AFR shall suffice for the Department Annual Financial Report to the DR and the Chapters.

Para. 2: The Department Adjutant shall send a copy of the State Convention minutes, the year-end report and a copy of all approved amendments, deletions, changes and additions to the Department Constitution and Bylaws to all Chapters no later than ninety (90) days following the close of the State Convention.

SECTION 4.5: Department Inspector

Para. 1: The Department Inspector, shall under the supervision and direction of the Commander investigate any alleged violation of the Chapter, Department, or National Constitution, Bylaws or Regulations, including but not limited to, occurrences in the Departments, Chapters or any subordinate Units which may impugn the integrity or reputation of the Organization. Upon completion of an investigation, inspection or audit, the Department Inspector shall render a written report of his findings and recommendations to the Commander.

Para. 2: He/She will also prevent and/or cause the cessation of any abuse or misuse of the Disabled American Veterans (DAV) name, logo or insignia.

SECTION 4.6: Officer of the Day and Color Guard

The Officer of the Day and Color Guard shall perform such duties as are prescribed in the Official Ritual of the National Organization.

SECTION 4.7: Sergeant-at-Arms

The Sergeant-at-Arms shall be responsible that those present in meetings are eligible to participate therein and shall report to the Commander any visitors present. He/She shall obey and enforce the order of the Commander in preserving order at the meetings and shall allow no one to enter or leave the meeting during the Opening Ceremonies and elections of

officers.

SECTION 4.8: Chief of Staff

The Chief of Staff and deputies shall carry out such duties assigned to them by the Department Commander at the annual Convention, as well as during the fiscal year.

SECTION 4.9: Historian

The Department Historian shall be responsible for the safe keeping of the historical records of the Department.

SECTION 4.10: Ritual

Each Department Officer shall know and perform the duties of such office as prescribed by the Ritual of the National Organization.

SECTION 4.11: Contracts

Para. 1: Any Officer or member of the Disabled American Veterans (DAV) State Department of Chapters that signs a contract without the approval of the the DFC shall be liable for the contract.

Para. 2: The SEC shall approve 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.

Para. 3: The SEC shall not have power or authority to change what the Annual Convention mandated.

SECTION 4.12: Bingo/Gaming

Para. 1: Elected Officers of any Chapter **MAY** be appointed as Bingo or Gaming Manager. The Chapter Adjutant or Treasurer **CANNOT** be appointed to these positions.

Para. 2: Failure to turn in a Monthly Financial Report will result in denial of a Letter in Good Standing. (As prescribed by the New Mexico Gaming Control Board, NMGCB)

ARTICLE 5 – ADMINISTRATIVE

SECTION 5.1: Legislative, Administrative and Executive

All Legislative, Administrative and Executive matters not otherwise covered by these Bylaws or by action of the State Convention, shall be determined by a majority of the votes cast by the SEC provide that no less than two-thirds (2/3) of the total authorized members have actually voted. All Chapters will be notified in advance by one of the approved methods, of all called meetings. Chapters will be informed of all results of all vote counts. Only members in good standing will be allowed to attend the SEC meetings and **NO ONE** will be allowed to speak except the members of the SEC without prior approval of the SEC. The meeting will be closed to non-members of the Disabled American Veterans (DAV), or DAV Auxiliary units (DAVA).

SECTION 5.2: Between Conventions

The SEC may act between Convention and Department meetings through the Department Adjutant by means of a Phone or Email Poll. Records and notes of all Phone/Email Polls will be kept and presented at the next State convention.

SECTION 5.3: District Representatives

Para 1: The District Representative (DR) for each District is the District Official representative in the Department and may speak for the District, where feasible. At meetings held at the Annual State Convention and any special SEC meetings, it would be difficult for the District to express their desires, therefore, the DR would have to rely on his/her judgement on matters presented at these meetings. His/her vote therefore would be his/her own and for his/her District. He/She should at the next District meeting give a report on what was presented and how he/she voted.

Para. 2: District meetings may be scheduled by the District Representative as he/she deems necessary. These meetings may be in person by members of the Chapters, via telephone conference calls or email correspondence to all as required. The District Representative serves as a volunteer and reports directly to the Department Adjutant.

Para. 3: The DR shall meet not less frequently than once (1) each calendar quarter. Special meetings requested by the Commander, will be called for within fifteen (15) days of the request-signed by at least seven (7) members in good standing of the District. The expenses of said meeting is subject to the approval of the Commander, Adjutant & CFO, depending upon availability of funds. These meetings may also be held via telephone or internet. Other meetings may be held at the Chapters or DR request with any expenses to be borne by the affected Chapter upon agreement with the Chapter Commander and the DR.

SECTION 5.4: Term of Office

1. **Para. 1:** Each District Representative and Alternate will be elected for a term of two (2) years.

Para. 2: No one individual will serve more than two (2) successive terms as a DR.

Para. 3: In the event of death, resignation or removal of a District Representative, the District Representative Alternate shall perform the duties of the District Representative and the District shall elect a new Alternate. The Alternate District Representative will only serve the completion of the term of office he/she has assumed.

SECTION 5. 5: Meetings

Para. 1: Each District shall hold a District meeting for the purpose of electing a District-Representative and an Alternate; even numbered Districts on even Numbered years and odd numbered Districts on odd numbered years. These meetings shall be held via telephone, internet or in person. Should any expenses be incurred then the expenses shall be borne by the District Chapters:

Para. 2: Quorum for a District meeting shall be representation from a majority of the Chapters within the District.

Para. 3: The Alternate District Representative should be a delegate of his/her chapter at the State Convention.

SECTION 5. 6: OBLIGATIONS

Para. 1: The District Representatives, District Alternate SEC Representatives and newly elected Line Officers will receive the Oath of Office at each State Convention.

SECTION 7: Duties/Meetings

Para. 1: The purpose of the meeting (s) shall be to pass on information for the Department

Level to the Chapters, and to receive recommendations from the Chapters within the District for action by the DR.

Para. 2: Each District Representative may attend at least one meeting of each Chapter in their District each year. These meetings may be held via telephone, internet or in person. Any expenses incurred shall be borne by the Chapters involved. Travel expenses, where necessary will be restricted to 150 miles once annually.

ARTICLE 6: DEPARTMENT FINANCE COMMITTEE (DFC)

SECTION 6.1: Composition of the DFC

The Department Finance Committee shall consist of five (5) members in good standing. The Senior Vice Commander will act as the Chairman of the Department Finance Committee but without a vote. The committee shall consist of two (2) members appointed to a two (2) year term and three (3) members appointed to one (1) year terms. The two (2) year terms will be on a staggered basis. This Committee will act as an advisory Committee only.

SECTION 6.2: Tenure of the DFC

The tenure of office for the members of the DFC shall be two (2) positions and three (1) year positions on a staggered basis as confirmed. The incoming Commander shall appoint any new members to the Department Finance Committee to fill any vacancy. The Incoming Commander shall appoint members to any of the positions vacant with input and/or concurrence of the incoming Senior Vice Commander (Finance Committee Chairman).

SECTION 6.3: Missed Meetings of the DFC

In the event a member of the Committee misses three (3) consecutive meetings, resigns or dies while in office, the Department Commander will appoint a member of the Disabled American Veterans-Department of New Mexico (DAVNM) with the input and/or concurrence of the Senior Vice Commander (Finance Committee Chairman) to serve until the next State Convention, with the approval of the SEC. At the State Convention, any new member(s) will be confirmed to the Finance Committee as necessary.

SECTION 6.4: Quorum of the DFC

Three voting members of the (DFC) present at a Convened meeting shall constitute a quorum thereof.

SECTION 6. 5: Remuneration

The DFC and SEC may be authorized remuneration for travel to meetings, as prescribed in the budget approved by the State Convention. When Committee persons share transportation and a room, only one (1) Committee person will receive reimbursement. Per Diem at the current rate or meals maybe reimbursed with a copy of a receipt at the discretion of the Department Adjutant.

ARTICLE 7 – REVENUE

SECTION 7.1: Source and Disbursement

The revenue of this Department shall be derived from a per capita distribution on life members received from National Headquarters each year and such other fund-raising project approved by DAV National Headquarters.

SECTION 7.2: Assessments

Some revenue may be derived from a percentage assessment of Chapter fund-raisers upon approval of the DR.

SECTION 7.3: Reserve Funds

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Any funds of the Disabled American Veterans Department of New Mexico (DAVNM) shall consist of such funds as now or hereafter, may be invested in United States Saving Bonds and/or such funds that are now or hereafter, be Deposited in an institution or Federal Savings and Loan Association or Annuities, whose deposits are fully insured by the United States Government to the amount of the deposit.

SECTION 7.4: Funds in the Name of Disabled American Veterans

All monies shall be deposited, and investments made in the name of the Disabled American Veterans Department of New Mexico (DAVNM).

SECTION 7.5: Deposits

All monies shall be deposited in banking institutions whose deposits are fully insured by the United States Government to the deposit amount and all investments shall be made in the name of the Disabled American Veterans Department of New Mexico (DAVNM). A transitory Checking Account will be utilized for day-to-day operations.

SECTION 7.6: Maturity of Savings Accounts/Annuities

The DFC may recommend to the Department Treasurer/CFO to move accounts upon maturity to another bank which will have the higher rate of interest that will best benefit the Department.

SECTION 7.7: New Budget and Fiscal Year

Para. 1: The new Budget for the Fiscal Year, that has been vetted through the Department Commander, Adjutant and CFO and briefed to the DAVNM Annual Convention. The State Budget will commence July 1 after the budget has been approved by the State Convention.

Para. 2: The Department Fiscal Year will start July 1 and end June 30.

SECTION 7.8: Finance Committee Commitment

Para. 1: Once the new members of the DFC have been sworn in then the Commander will release the former members of the DFC from their Volunteer Commitment of Service.

SECTION 7.9: Transfer Line Items Funds

When it becomes necessary to transfer funds from one (1) line item to another line item in the budget, the Treasurer/CFO may transfer funds only after and approval from the DAVNM Commander or Adjutant. The transfer of funds will only be authorized in cases of emergency and/or when the Department must spend down because of excessive assets. The CFO will notify the Chairperson of the DFC at the next scheduled meeting when funds have been moved between line items.

SECTION 7.10: Approving the Budget

In the event the State Convention should adjourn without approving the Department Budget, the DAVNM Commander, Adjutant & CFO shall determine the Department Budget and the SEC and Department Line Officers shall approve the budget. Neither the SEC nor the State Convention shall adopt or approve any budget that provides for expenditures in excess of the estimated income for the fiscal year involved, as determined by the CFO & Adjutant.

ARTICLE 8 – STANDING COMMITTEES

SECTION 8.1: Designation

Para. 1: The Standing Committees of the Disabled American Veterans Department of New Mexico (DAVNM) shall be: Committee on Credentials, Committee on Benefits Protections, Committee on Constitution and Bylaws, and other Committees as may be required on an as needed basis.

Para. 2: The Department Commander shall appoint an Officer Nomination Committee Chairperson at the State Convention and three (3) members who are in good standing.

ARTICLE 9 – DEPARTMENT CONVENTION

SECTION 9.1: Powers of the Convention

The supreme Power of the Department shall be vested in a Department Convention.

SECTION 9.2: Time and Place, Change for Cause

If the Department Commander deems it necessary to change the State Convention time and place, he/she will call a meeting of his/her elected & appointed line officers and they will determine if the change is necessary.

SECTION 9. 3: Convention Site

The convention site will be any site in New Mexico, which has the appropriate facilities, which are acceptable to the Annual State Convention and are within the boundaries of the allocated budget for the convention.

SECTION 9. 4: Officers

The Department Officers shall serve as the Officers of the State Convention.

The Department Adjutant shall serve as Adjutant & Secretary of the State Convention.

SECTION 9. 5: State Convention Rules

The rules of the Convention, shall be governed by Roberts Rules of Order, Newly Revised and shall govern all matters of parliamentary procedures not specifically covered by such rules of these Bylaws.

SECTION 9. 6: Delegates

Para. 1: At each State Conventions each Chapter in good standing shall be entitled to one (1) delegate for each ten (10) members or majority fraction thereof.

Each Chapter shall provide the names of the Delegates in writing thirty (30) days prior to the start of the DAVNM State Convention.

SECTION 9. 7: Computing Membership

Para. 1: In computing the membership of the Chapters, the sum total of all life members as reported by National DAV Headquarters to the Department Adjutant will be used.

SECTION 9. 8: Validations Certificate

Validation of the Chapter Certificate may be obtained upon request to department.

SECTION 9. 9: Current Officer's Report

Para. 1: Failure to have a current officer's report on file with the Department twenty (20) days prior to the State Convention will be sufficient grounds for withholding the Voting Privileges of that Chapter. A Chapter shall be deemed not in good standing if it does not have current Voting Privileges and shall not be permitted to vote at a State Convention.

SECTION 9.10: Registration Fees

Para. 1: In the event any delegation is entitled to cast more votes than the number of delegates present, the entire vote of the Chapters may be cast, providing such Chapters have paid the entire convention fee.

SECTION 9.11 Past Department Commanders

Para. 1: All Past Department Commanders are entitled to vote if they have so registered as and paid a registration fee.

SECTION 9.12 District Representatives Vote

Para. 1: Each DR person shall be entitled one (1) vote at the State Convention provided he/she has registered as such and his/her registration fees have been paid. No DR person shall vote both as a Chapter delegate and as a DR person.

ARTICLE 10 – NOMINATION AND ELECTIONS

SECTION 10.1: Election and Installation

Para. 1: The last order of business of the State Convention shall be the installation of Officers and DR persons.

Para. 2: No member can hold two (2) elected Department offices at the same time, therefore no Officer will have two (2) votes at the Department level.

SECTION 10.2: Eligible for Office

No person shall be nominated, elected or appointed to any office in this Department unless he/she holds membership at the time and is in good standing in this Department.

SECTION 10.3: Voting

All Chapters will vote in numerical order through the completion number of Chapters registered at the convention, followed by the DR from each District, then the Past Department Commanders and lastly the Department Officers. After the last registered vote is cast, the State Commander or Adjutant will read the results of the election.

SECTION 10.4: Absentee Voting

There will be no absentee voting.

SECTION 10.5: Voting by Proxy.

There will be no form of Unit Rule or Voting by Proxy.

SECTION 10.6 Robert's Rules of Order Newly Revised

Robert's Rules of Order Newly Revised shall govern all matters of procedure not otherwise provided for in the Bylaws of the National DAV Organization, these Bylaws, or in the rules of the State Convention.

SECTION 10.7: Motion to Interpretation

A motion of interpretation shall be improper, unless the matter to be interpreted is clearly ambiguous or uncertain of meaning.

SECTION 10.8: Nomination of Officers

The Committee on Nominations of Department Officers shall consider and present to the State Convention, a slate of candidates, which shall nominate for Department Offices.

SECTION 10.9: Attendance of Nominees

All members nominated must be in attendance at the State Convention to accept their nomination, be interviewed and take their oath of obligation if elected.

ARTICLE 11 – CHAPTERS

SECTION 11.1 Meeting Place

Each Chapter may select an appropriate meeting place and conduct meetings in accordance with the DAV National, State Department and Chapter Constitution and Bylaws.

SECTION 11.2 Constitution and Bylaws

Para. 1: A current copy of each Chapter's Charter, Constitution and Bylaws will be on file in the DAV Department of New Mexico (DAVNM) Office.

Para. 2: Chapter Constitution and Bylaws will be reviewed every year as needed to ensure no conflicts occur with the DAV National or Department (DAVNM) Bylaws. Each Chapter Constitution and Bylaws will be reviewed in depth every five years and sent to the DAVNM JAG for review and then on to the DAV National JAG for approval.

SECTION 11.3: Composition

Para. 1: Each Chapter will be governed by a Chapter Commander, Chapter Senior Vice Commander, Chapter Junior Vice Commander (s), Chapter Chaplain, Chapter Treasurer, and whatever other officers deemed necessary to conduct the Chapter's business.

Para. 2: Every Chapter will hold their nominations for office in the months of February and March, with the Election and Installation of Chapter Officers done no later than March 31st.

SECTION 11.4: Committees

Each Commander may appoint Committees as required by this Department (DAVNM) Constitution and Bylaws, National DAV Headquarters Constitution and Bylaws and the Chapter Constitution and bylaws by the close of the fiscal year.

SECTION 11.5 Reports

Para 1: Each Chapter will submit a new Officers Report to reach National DAV Headquarters' and the Department Headquarters Adjutant no later than 10 days after installation of Officers. If they don't submit the report, they may lose their right to vote at the next State Convention. If a Chapter needs to make changes to their Officers, at a later date, the Chapter must submit a new Officers Report as soon as the changes occur with a new Officers Report to National DAV and Department Headquarters. Those Chapters who file electronically may continue to do so, however a hard copy must be mailed to the State Department Headquarters for distribution to the appropriate offices.

Para. 2: Each Chapter will submit a current Annual Financial Report (AFR) to the Department Adjutant/Treasurer no later than 01 September following the close of the fiscal year.

SECTION 11.6: Chapter Insurance

Para. 1: All Chapters with a State of New Mexico Liquor license will list the Disabled American Veterans of New Mexico (DAVNM), and Disabled American Veterans National as an insured under the Chapters personal insurance policy, and their General Liability Insurance Policy. The Chapter will then send the DAV Department of New Mexico (DAVNM) a photocopy of the insurance policies with a cover letter stating that the Chapter has covered the Department (DAVNM) in said policies. Failure to do so will cause the Department (DAVNM) to suspend the Chapter and call for an investigation by the Department (DAVNM) Inspector.

SECTION 11.7: Chapter Closings

Para. 1: Before a Chapter can turn in their Charter, they will have to contact the Department Commander for assistance in solving their problems.

Para. 2: A Chapter must send out, by mail a ballot to all Chapter members to vote on closing the Chapter and surrendering their Charter to the State Department. This ballot will be sent out sixty (60) days before the final vote on surrendering the Charter and closing the Chapter. As of the date that the ballot is sent no funds may be donated/expended for anything other than normal housekeeping chores by the Chapter.

Para. 3: Upon closing of a Chapter, all property, money and effects shall revert to the State Department to be held in trust for eighteen (18) months. If the Charter is not reissued within the eighteen-month period, the said property, money and effects shall become the absolute property of the State Department (DAVNM). Financial records will be stored at Department Headquarters for seven years.

SECTION 11.8: Fund Raising

Para. 1: All Chapters must send to the Department Adjutant, in writing, a request for approval of fund raising at least 30 days before the event.

Para. 2: If a Chapter, Auxiliary Unit, or subordinate unit wants to have a fund raiser in their Territory (Cities, Counties or Metropolitan Area) they must obtain the written notice of approval from the other Chapters in their areas not less than thirty (30) days prior to requesting approval from the Department Adjutant.

Para. 3: In this request the Chapter, Auxiliary Unit, or subordinate unit must include written notice of its intention to seek such approval with reasonably full information about the proposed drive or activity.

Para. 4: In order to obtain approval, write to the Department Adjutant setting forth complete details of the proposed drive or fund raiser activity; give the city and county to be solicited (including any Mail Solicitations if any). Enclose a copy of any National approved contracts or proposed contracts related to the drive and otherwise comply with any specific requirements of the Department.

Para. 5: If the fund raiser is to be held in another city or county other than the Chapter, Auxiliary Unit, or their home of record, they must get approval from the other Chapter, Auxiliary Unit, in the area thirty (30) days prior to requesting the Department Adjutant's approval. Once notification is completed and no reply is received, consent will be automatically assumed.

Para. 6: Once the Chapter or Auxiliary Unit, gets the approvals, the approvals must accompany the request for approval from the State Department (DAVNM).

Para. 7: If this outline isn't followed the Fund Raiser will be denied.

Para. 8: Violations, Penalty for any Chapter or Auxiliary Unit, then conducts a fund-raising project without these prior approvals and/or notice, as required herein, shall subject its Chapter or Auxiliary Unit, to suspension or revocation.

SECTION 11.9: Investigations

Para. 1: When a Chapter or Chapters must be investigated, the Chapter or chapters

may be responsible to the Department for all expense of the investigation.

ARTICLE 12 – AUXILIARY

SECTION 12.1: Chartering

No organization shall issue a charter within the DAVNM unless the Charter first received the approval of the DR.

SECTION 12.2: Eligibility for Membership

Para. 1:

Any Membership Eligibility for membership shall be in accordance with (IAW) Article 11, Membership of the DAV National Bylaws.

SECTION 12.3: Fund Raising

The Disabled American Veterans Department of New Mexico Auxiliary and their local units are required to secure prior approval of fund-raising projects as provided in the DAV National Bylaws, Article 15.

SECTION 12.4 Reports

The Disabled American Veterans Auxiliary shall make annual reports to each State Convention, including a Financial Report and shall be subject to its mandates and the DAV National Constitution and Bylaws.

SECTION 12.5 Suspension and Revocation of Charters

No Chapter shall have the authority to place on probation, suspend or revoke the

Charter of any DAV Auxilliary unit, as per Section 6.4, Paragraph 7 of the National Constitution and Bylaws.

ARTICLE 13 – AMMENDMENTS

SECTION 13.1: Effective Date

These bylaws shall be in full force effective after adoption by the State Convention and approved by the National Judge Advocate.

SECTION 13.2: Recession

All previous bylaws of the Disabled American Veterans Department of New Mexico (DAVNM) incorporated are hereby repealed.

SECTION 13.3: Amendments

These Bylaws may be amended by any State Convention with a two-thirds (2/3) majority vote of the total authorized representation thereof, if the proposed amendments shall have been read to such Convention at least one (1) business session before the vote thereon.

SECTION 13.4: Amendments in Triplicate

All proposed amendments shall be in triplicate, double spaced, and shall specifically refer to the Article, Section and/or Paragraph to be amended and submitted to the Chairperson of the Constitution and Bylaws Committee no later than the opening of the

business portion of the State Convention. If proposed amendments are not double spaced, they will not be considered.

SECTION 13.5: Items in Conflict with the National Bylaws

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

ARTICLE 14 – DEPARTMENT EMPLOYEE

SECTION 14.1: Employment Preference

In order to avoid a conflict of interest of any department Officer, real or implied, no immediate family member, defined as Mother, Father, Sister, Brother, Son or Daughter of either husband or wife or significant other of an employee shall be considered for employment by the Disabled American Veterans Department of New Mexico (DAVNM). This includes all areas of service where employees may be engaged in support thereof, as defined by the SEC.

SECTION 14.2: Active Employee

A Department of New Mexico (DAVNM) employee who is a member of the DAV or DAVA must be one in good standing who also participates in the Activities of their Chapter, Department and the Disabled American Veterans.

SECTION 14.3: Salaries

The salary of the employee shall be determined by the DAVNM CFO in conjunction with the Adjutant and approved by the SEC.

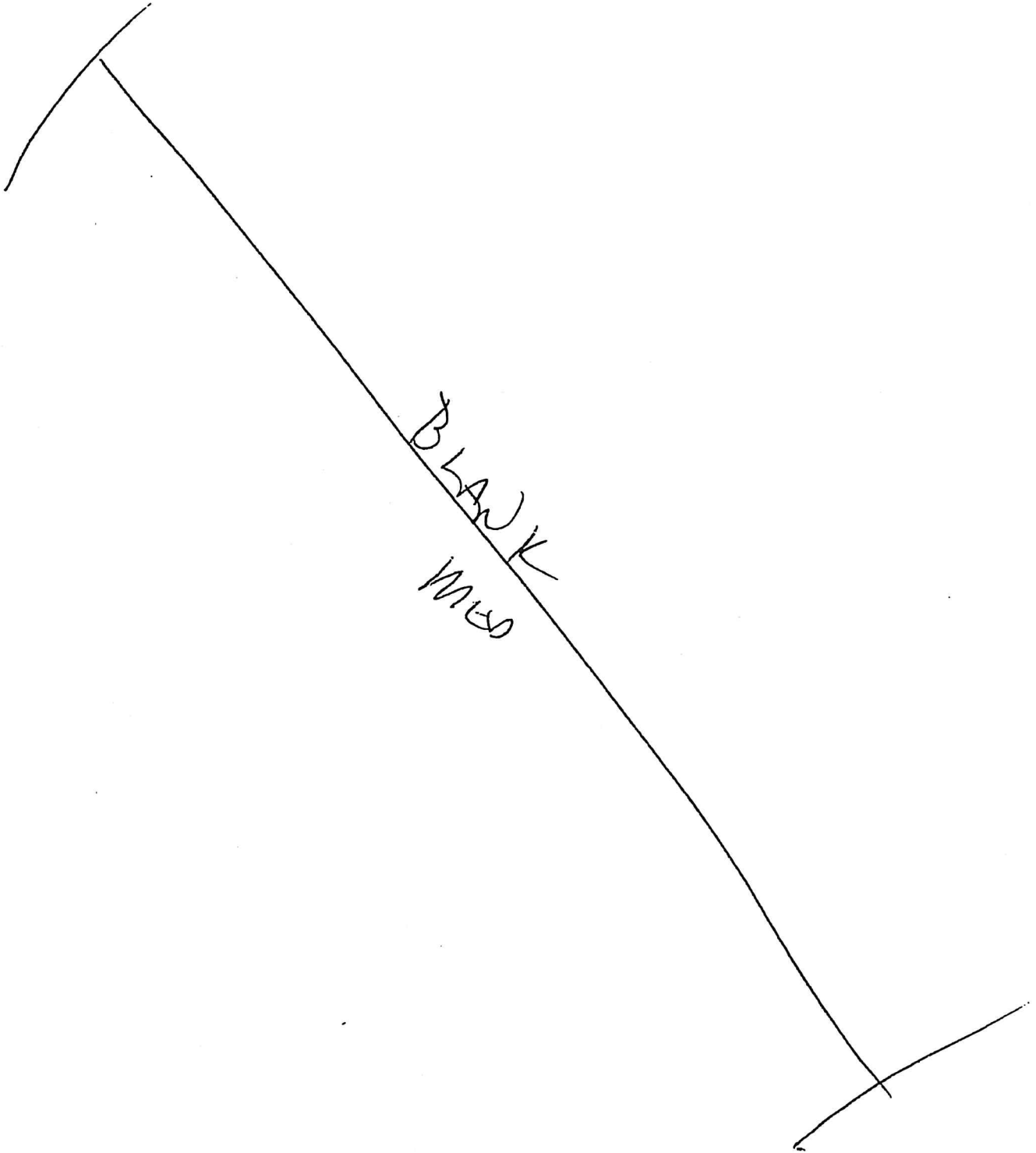
SECTION 14.4: Employment Policies

Para. 1: The Commander will form a Committee to formulate, effectuate and amend manuals, regulations, policies, procedures for employment and operations of the Department Hospital Standards Committee and their Office.

Para. 2: No paid employee of the Department of New Mexico (DAVNM) hereafter referred to as "the Employed", who is a member of the DAV or the DAVA and who has been so employed continuously for a period of five (5) years, shall not be discharged except for just cause.

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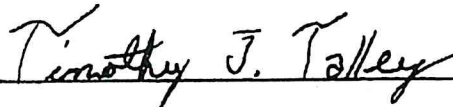
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CERTIFICATE OF APPROVAL

The approval of the above Constitution and Bylaws presented at the Annual Convention held

In Albuquerque, NM, June 2019.



Timothy J. Talley

Department Commandeer



Frederick E. Madera

Department Judge Advocate



David Alderete

Department Adjutant



Michael E. Dobmeier

National Judge Advocate

Date: 6-17-21

I CERTIFY that the written constitution and/or by-laws
Does not conflict with those of the National Organization,
And to that extent is approved. Subject to my letter of

Date: 6-17-21
DAV National Judge Advocate

**DISABLED AMERICAN VETERANS
DEPARTMENT OF
NEW MEXICO CONSTITUTION**

Approved 2/18

ARTICLE 1 – NAME

Under the authority of Article 1 of the National Constitution of the Disabled American Veterans, a Federal Corporation, has been and is established the Disabled American Veterans Department of New Mexico, located within the legally established boundary of the State of New Mexico.

ARTICLE II – PURPOSE

To uphold and maintain the Constitution and the laws of the United States; to realize the true American ideals and aims for which those eligible to membership fought; to advance the interests and work for the betterment of all wounded, gassed, injured and disabled veterans; to cooperate with the United States Department of Veterans Affairs and other public and private agencies devoted to the cause of improving and advancing the condition, health and interests of all wounded, gassed, injured and disabled veterans; to stimulate a feeling of mutual devotion, helpfulness and comradeship among all wounded, gassed, injured and disabled veterans; to serve our comrades, our communities and our country; and to encourage in all people that spirit of understanding which will guard against future wars.

ARTICLE III – MEMBERSHIP

The membership of this Department shall be all Chapters of the Disabled American Veterans in the State of New Mexico, which have been or are hereafter, chartered by the National Organization, so long as such Chapters remain in good standing as determined by the National Organization.