



# Evangelical Lutheran Church in America

God's work. Our hands.

## **MEMORANDUM**

**To:** 2019 Churchwide Assembly Voting Members

**From:** Wm Chris Boerger

**Date:** January 19, 2019

**Subject:** Proposed Amendments to the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*

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### **INTRODUCTION**

One of the responsibilities of the Churchwide Assembly is to adopt amendments to the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The process for amending the governing documents is specified in Chapter 22 of the ELCA constitution. The principal way that constitutional amendments are adopted is in accordance with provision **22.11.a.** which states: “The Church Council may propose an amendment with an official notice to be sent to the synods at least six months prior to the next regular meeting of the Churchwide Assembly.” This is the only provision that authorizes adopting of constitutional amendments at a single meeting of the Churchwide Assembly. It means that proposed constitutional amendments for consideration at the Churchwide Assembly in 2019 were acted upon by the Church Council at its November 2018 meeting and are now presented for final action at the assembly.

Although the processes for adopting bylaw amendments and continuing resolutions at a Churchwide Assembly do not require similar notice, the historic practice of the Office of the Secretary has been to seek to provide a complete set of proposed governing document amendments at the fall Church Council meeting in the year before the Churchwide Assembly. Because many proposed constitutional amendments are accompanied by related bylaw and continuing resolution amendments, it is desirable to consider them at the same time. It is possible that there may be proposals for amending bylaws at the April 2019 meeting of the Church Council, but the majority of these are in this proposal.

Many of these amendments can be seen as housekeeping amendments. We continue to try to place similar issues together in the same chapter. We also have tried to move toward uniformity when referring to synods. Synodical or synodically are words that we have created in this document. It is our view that we do not need to use these words, so we have replaced them with synod in the constitution. The following rationale will not identify all the places where this change is being proposed.

We are also removing the term ELCA as a modifier. We will refer to congregations rather than ELCA congregations. In other places we have replace ELCA with this church or this congregation. Where used, we say *Constitution, Bylaws and Continuing Resolutions of the Evangelical Lutheran Church in America* not ELCA constitution. We have also replaced “the congregation” in the Model Constitution for Congregations with “this congregation” in keeping with C1.02.

The move of the Foundation of the ELCA into the corporate structure of the Endowment Fund of the ELCA was proposed with the expectation that the Endowment Fund, doing business

as the Foundation of the Evangelical Lutheran Church in America, would be a separately incorporated ministry as described in Chapter 17 of this constitution.

We have replaced the word “partner” or “partnership” with words we hope give a better description of the relationships. The use of these words created the need to explain that these are not legal partnerships, but descriptions of the interdependent relationships or the ecclesial relationship. These changes seek to describe the relationships in ways that do not imply legal agreements.

The entrance rite for ministers of Word and Service and their status in the “representational principle” of this church has been studied by the “Entrance Rite Discernment Working Group.” Their recommendations are incorporated in the establishment of ordination as the entrance rite for this roster. They also recommended that ministers of Word and Service would not be counted as laypersons when implementing the “representational principle” of this church.

The renumbering or re-lettering of provisions, bylaws and continuing resolutions has also been made. This is an editing function and while in the proposal is not identified in these rationales.

This summary is provided to facilitate your review and analysis and is not intended to substitute for a thoughtful consideration of all the proposed amendments.

**4.02.c.** The Churchwide Assembly action **CA.16.05.17** instructed the Office of the Secretary with appropriated churchwide organization units to review the current governing documents in light of concerns for how this church “has and continues to contribute to racial harassment and discrimination against people of African descent through corporate action, policy, and practices ...” This amendment seeks to address these issues as part of the Statement of Purpose of this church.

**5.01.d** Changes for clarity

~~**5.01.e.**~~ Removed because this occurs through normal functioning of the Church Council, and the presiding bishop and the secretary of this church are charged to prepare potential amendments to this constitution. This is unnecessary in this chapter.

**5.01.e.** Two actions of the 2016 Churchwide Assembly instructed the Church Council to address issues of Gender Identity in our governing documents. This section, often called the “Representational Principle,” currently limits gender identity to male or female. This would change those words to man or woman. The change of 50% to 45% allows for inclusion of those who previously felt excluded. It also recognizes that assemblies, councils, boards, and committees are not always constituted according to this 50/50 split. While 5.01.j. recognizes this, this change will help these meetings that have felt their work might be in question over their composition. The use of gender language is in transition in our society and culture.

**5.01.f.** This is applying the principle in **5.01.e.** to synods.

**5.01.g.** The Entrance Rite Discernment Working Group has recommended that ministers of Word and Service should not be counted among the laity in the Representational Principle. This bylaw makes that clear.

- 5.01.B19.** This amendment is for clarity. It is assumed that synods will have more than one goal in accomplishing this commitment. The unit or office of this church that received the goals and strategies should be where the reports from synods are received. The Church Council will receive this information through the reports of the churchwide staff.
- 5.01.E19.** The ethnic communities expressed concern that while the demographic data for communities is greater than the 10% goal of the previous continuing resolution, the lack of a specific target felt like a retreat from this commitment. This continuing resolution would have the Church Council establish interim goals for this church as we move toward fulfilling the commitment made in **5.01.A16.**
- 5.01.F19.** This is currently **6.02.A09.** Moving it to Chapter 5 puts all of these continuing resolutions related to the “representational principle” in the same chapter.
- 6.02.** This addition clarifies that Chapter 8 of the Model Constitution for Congregations is where we describe the rights and obligations of members.
- 6.03.** This is to clarify that membership of the churchwide organization and synods are those voting members elected to serve at the assemblies.
- 6.04.** We are adding clarity that persons elected to serve at synod assemblies and the Churchwide Assembly are congregation members and that not all congregation members have the right to vote in these corporate meetings.
- 6.02.A09.** Is moved to **5.01.F19.**
- 7.25.** The is currently **7.47.** This is a more appropriate placement of this provision.
- 7.31.02.a.6)** This church is communicating through more than just periodicals and other publications. Ministers of Word and Sacrament are to use the various means of communication to share this knowledge.
- 7.31.02.a.8)** The language has been changed to match the language of **4.02.c.**
- 7.31.02.b.6)** Each pastor is expected to work in the spirit of interdependence among the three expressions of this church. They are to help their congregations understand and live into this relationship.
- 7.31.05.** This is currently **8.62.15.d.** It is more appropriately placed in this chapter.
- 7.31.06.** Clarifying that the vote to approve is for reinstatement to the roster.
- 7.31.07.c.** There is no reason for requiring three years of service prior to considering family leave. This status is based on need, not on years of service.
- 7.31.10.** Synods authorize such ministry but do not issue licenses. The current wording creates confusion and puts forth expectations that do not exist.
- 7.31.11.** Currently this is **7.47.01.** Adding “such as a lodge or fraternal order” to the text gives greater clarity to what this bylaw is addressing.

- 7.41.03.** These changes reflect current practice regarding non-congregational service. Calls should always be issued for the sake of the ministry of this church and not for the convenience or personal preference of the person being called. Review and responsibility for potential termination of these calls should be specified in this bylaw.
- 7.41.04.** Clarifying the language of the bylaw.
- 7.41.05.** Adding language about review and responsibility for potential termination of these calls.
- 7.41.06.** Clarifying the language of the bylaw.
- 7.41.08.** Disability status is the appropriate term for this bylaw.
- 7.42.g.** This recognizes the more frequent practice of ministers of Word and Sacrament requesting that they be on the roster of the synod in which they reside rather than the synod in which the on-leave-from-call status was granted. The approval of both synod bishops and the secretary of this church are still required. This incorporates the provisions of **7.42.02.** which would be deleted.
- 7.42.02.** This bylaw was previously **7.43.03.** with the addition of the words “of roster status.” This is added to clarify what is being transferred.
- 7.44.** This notes the need for reporting to the Office of the Secretary of any changes made to synod rosters.
- 7.44.A19.** Edits to this continuing resolution either bring language into conformity with other changes being made to the constitution or add categories previously not included. Such as calls to;
1. full communion congregations
  2. Inter-religious ministries
  3. Independent Lutheran Organizations
  4. Separately Incorporated Ministry
- 7.46.** Amended for clarity.
- 7.46.c.** Amended to use standard description for disability status.
- 7.46.e.** Robert’s Rules of Order does not use two-thirds majority, rather two-thirds vote. Simple has also been dropped in favor of just identifying a majority vote. Most of these references were changed in 2016. This bylaw is being changed for consistency.
- 7.47.** Moved to **7.25.**
- 7.47.01.** Moved to **7.31.11.**
- 7.52.** This implements the recommendation of the Entrance Rite Discernment Group that ordination be the rite of entrance for the roster of ministers of Word and Service.
- 7.54.A16.** Continuing resolution has fulfilled its purpose. Those who were on these rosters at the forming of this church are now on the roster of ministers of Word and Service. Those who did not come onto the roster by this time would need to apply for candidacy.

- 7.55.** Moved from **7.76.** This is the more appropriate place for this provision.
- 7.61.02.** This adds same language that is in **4.02.c.**
- 7.61.05.** Adds the lodge/fraternal order restriction to ministers of Word and Service. Language is that same as used for ministers of Word and Sacrament, **7.31.11.**
- 7.61.06** Adds the same bylaw for ministers of Word and Service that is in **7.31.05.** for ministers of Word and Sacrament.
- 7.61.08.c.** Removes the three-year service requirement for eligibility for family leave.
- 7.71.01.** Amended according to style guidelines and accuracy.
- 7.71.02.** Adds the provision on Non-Congregational Service to the roster of ministers of Word and Service. Ministers of Word and Service do serve in non-congregational settings. Care should still be taken to ensure that these are not replacing a qualified layperson. These calls should be reviewed annually.
- 7.71.03.** Amended for clarity.
- 7.71.04.** Amended for clarity.
- 7.71.06.** Amended for clarity. Using the term disability status throughout the constitution.
- 7.72.f.** This recognizes the more frequent practice of ministers of Word and Service requesting that they be on the roster of the synod in which they reside rather than the synod in which the on-leave-from-call status was granted. The approval of both synod bishops and the secretary of this church are still required. This incorporates **7.72.02.** which is deleted.
- 7.72.g.** Uses disability status for consistency
- 7.72.02.** Renumbered and clarified that roster status is transferred.
- 7.74.** Makes this provision consistent with **7.44.** This emphasizes the importance of reporting changes in roster status to the Office of the Secretary.
- 7.74.A19.** Edits to this continuing resolution either bring language into conformity with other changes being made to the constitution or add categories previously not included. Such as calls to;
1. full communion congregations
  2. Deacon in a synod-authorized ministry
  3. Inter-religious ministries
  4. Independent Lutheran Organizations
  5. Separately Incorporated Ministry
- 7.75.a.** Amended for clarity.
- 7.75.c.** Use disability status consistently.

- 7.75.e.** Robert's Rules of Order does not use two-thirds majority, rather two-thirds vote. Simple has also been dropped in favor of just identifying a majority vote. Most of these references were changed in 2016. This bylaw is being changed for consistency.
- 7.76.** Moved to **7.55.**
- 7.76.01.** Moved to **7.61.05.**
- 8.18.** Moved from **8.42.** and broadened for clarity.
- 8.19.02.** This would allow an invitation to service to ministers of Word and Sacrament of churches that have established full communion relationships with a member church of the Lutheran World Federation, provided that the other church is a member of a World Christian Communion with a church with whom the ELCA has a relationship of full communion.
- 8.21.08.** While important to the life of this church, this type of approval is not part of the governance role of the Church Council. These guidelines will be developed by the appropriate churchwide unit and the presidents of the seminaries.
- 8.23.01.** Amended for clarity.
- 8.42.** Moved to **8.18.**
- 8.62.10.** Deleted. We avoid using bylaws for titles.
- 8.63.** A provision on which the following bylaws are attached.
- 8.63.05.d.** Moved to **7.31.05.**
- 9.21.g.** Amended for clarity.
- 9.22.** Amended for clarity. This does not require uniformity in congregation constitutions. It does bring clarity where there is need for standard processes in this church.
- 9.25.** Amended for clarity and moved the last section to **9.26.a.**
- 9.26.a.** This belongs under provision **9.26.** The whole provision addresses issues of recognition and reception. This subsection addresses congregations from another church body.
- 9.26.b.** This requires synod bishop or staff specifically confer with congregation about the meaning of affiliation with this church.
- 9.27.** **10.02.** is moved here as it has to do with congregations.
- 9.52.** Additions are for clarity on when a congregation should bring their constitution into conformity with the Model Constitution for Congregations.
- 9.52.A93.** While a good idea when adopted, this continuing resolution is not feasible. Variation among congregations and synods make this ineffective.
- 9.53.** The last sentence has been moved from the **9.22.** for clarity.

- 9.53.01.** The congregation constitution should include processes for pastors and deacons. Using the term rostered minister, both rosters are included. We have stopped using the term structural and replaced it with organizational for clarity.
- 9.53.02.** This emphasizes the expectation that congregations would move toward having their constitutions conform to the model. If there are conflicts the responsibility for resolving them rests with the congregation.
- 9.53.03.** The synod is to exercise the responsibility of approving changes to congregation constitutions while recognizing that congregations are free to organize themselves in a manner of their choosing within the limits of Chapter 9 of this constitution.
- 9.53.04.** The minimum steps for protection from liability are identified.
- 9.53.07.** This is moved from **9.53.08.** It belongs here as it relates directly to the potential work of a congregation.
- 9.53.08.** This is moved from **9.53.07.** How a congregation petitions this church is described. Memorials or requests for resolutions are routed through the Synod Assembly or the Synod Council respectively.
- 9.61.** The relationship is terminated. The previous version leaves room for confusion.
- 9.61.e.** The constitution gives the Synod Council the authority to remove a congregation from the roster of congregations. This addition recognizes that authority.
- 9.61.f.** Amended for clarity. †S13.24. established the process for the Synod Council to take this action to preserve and protect the property.
- 9.62.a. – 9.62.e.** Amended for clarity.
- 9.62.f.** Establishing the vote required to affiliate with another Lutheran denomination is not the responsibility of this church. Each denomination has its own standard for the vote required for affiliation. The two-thirds vote required for disaffiliation establishes that at least two-thirds of the voting members of the congregation at the meetings desire to disaffiliate. Votes required after that decision are the responsibility of the denomination being joined.
- 9.62.k.** Moved from **9.62.f.** This reporting takes place after the process has been completed. It follows that this provision would be the last item required.
- 9.71.e.** Two-thirds vote requirement removed in **9.62.f.** Synods deal with these congregations in a specific context. Most synods have not established a process for something that happens so seldom. This allows Synod Council to respond to the specific situation without delaying to establish a process. The synod is not the recipient of the property however the council votes.
- 9.80. – 9.81.02.** The current usage of the terms union and federated congregations has a history in this church and its predecessors. The issue is that at least two of our full

communion partners use these terms in the opposite way. Webster's Dictionary<sup>1</sup> defines "union church" as "a local church uniting members of diverse denominational backgrounds in an interdenominational congregation." It defines "federated church" as "a local church uniting two or more congregations that maintain different denominational ties." We currently use these terms backwards. The amendments to these provisions would bring us into agreement with the dictionary and with our full communion partners. It is recognized that in some regions of this church this could be a problem for implementation, but for a greater portion of this church it will provide clarity as these union and federated congregations become more common.

**10.01.** Amended for clarity.

**10.01.01.** These changes come from synod constitutions and actions of synods in accordance with current bylaw **10.02.02.**

**10.11.01.** This bylaw was continuing resolution **10.11.A13.**

**10.21.01.** Amended for clarity.

**10.21.01.a.4)** Incorporates the recommendation of the Entrance Rite Discernment Group.

**10.31.a.9)** Based on the recommendation of the Entrance Rite Discernment Group recommendation.

**10.31.A19.** This continuing resolution is added to allow the possibility that a synod bishop might be employed or under contract to a congregation or another entity of this church. It does not assume such service but allows for it.

**10.41.** The description of the Synod Assembly belongs in †S7.01. It is not necessary in this provision.

**10.41.b.** Ministers of Word and Service would no longer be counted as lay members of the assembly. Consistent with the amendment to **5.01.g.**

**10.41.01.c.** This amendment is consistent with the amendment to **5.01.f.**

**10.41.02.** This is consistent with the change from disabled to disability status.

**10.41.04.** The term "congregations under development" is being eliminated in practice. All potential new ministries and congregations are called "synod authorized worshipping communities."

**10.71.02.** Results of consultations are reported to the Church Council and do not require approval.

**11.32.** Provides clarity on the governance role of the Church Council.

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<sup>1</sup> Merriam Webster's collegiate dictionary, 10<sup>th</sup> ed., Merriam Webster, Inc., Springfield, Mass., 1993, pg. 426 & 1292.



- 11.33.** Allows for the possible compensation of the vice president and empowers the Church Council to establish appropriate duties for this office as needed.
- 12.41.13** A voting member of the Churchwide Assembly is a voting member of a congregation. If there are age restrictions, they have already been applied so this sentence is not needed.
- 12.41.16.** Church Council members would be voting members and no longer advisory members if the amendments to **12.41.16.** and **12.41.17.** are adopted
- 13.21.c.** The presiding bishop is still responsible to prepare these agendas. This amendment makes the practice of collaborating with the leadership of these groups part of this process.
- 13.21.h.** This adds the appointment of the executive of churchwide units to the responsibilities of the presiding bishop. Currently the presiding bishop nominates candidate for these positions to the Church Council for election by the council. This is a carry over from the earlier practice of unit boards electing the executive director of its unit. Good governance places this responsibility with the presiding bishop who is accountable to the Church Council.
- 13.21.k.** Advisory committees of churchwide units have been eliminated. This phrase is no longer needed.
- 13.32.02.** This allows for the possibility that the vice president could be compensated for specific duties assigned by the Church Council, in response to CA16.06.34..
- 13.32.03.** The staff support for a compensated vice president would come from the Office of the Presiding Bishop or the Office of the Secretary. There would not be an Office of the Vice President with staff.
- 14.11.** Amended for clarity
- 14.13.** Mirrors the language of **12.11.** which describes the responsibilities of the Churchwide Assembly.
- 14.13.a.** Amended for clarity.
- 14.13.b.** Adds the Articles of Incorporation to this restriction.
- 14.21.01.** As the Church Council has reviewed its governance role it is acting on policies when requested and moving toward an oversight role for the churchwide organization.
- 14.21.02.** The relationship between churchwide units is through the presiding bishop. Reports on the activities of units are to be given to the council through the presiding bishop.
- 14.21.02.a** Policies that specifically call for Church Council approval shall follow the practice of being developed by the appropriate churchwide unit, reviewed by the Conference of Bishops and be approved by the Church Council.

- 14.21.02.b.** Separately incorporated ministries of this church shall report to the Church Council. Where required by this constitution, the Church Council shall approve policies and programs of these ministries.
- 14.21.03.** Proposals for action that comes from churchwide units that require Churchwide Assembly action are reviewed by the Church Council and sent to the assembly from the council.
- 14.21.15.** This is seen as a management role for the Office of the Presiding Bishop and the Administrative Team.
- 14.21.21.** The responsibility for appointing the executive director of each unit is given to the presiding bishop.
- 14.22.** Moved from **14.15.** This belongs under the Elections by the Church Council section.
- 14.22.01.** Requires consultation with the board or committee for whom an election is taking place. This was **19.03.01.**
- 14.41.01.a.** Allows the Executive Committee to act on behalf of the council between meetings of the council.
- 14.41.02.** This makes official what is the current practice for Church Council committees.
- 15.11.03.** The Planning, Research, and Evaluation function is assigned to the Office of the Presiding Bishop in continuing resolution **15.12.E19.** The responsibility for planning is specifically added.
- 15.15. – 15.15.A18.** The Endowment Fund of the ELCA is moved to Chapter 17.
- 16.12.** The governance role of the council with regard to units is described in Chapter 14.
- 16.12.02.** The election of the executive director of units was moved to the Church Council from unit boards when those boards were eliminated. The presiding bishop nominates in the current process and the council elects. This would have the presiding bishop appoint to the four-year term. The process for evaluation and other personnel policies remain the same.
- 16.12.A19.a.** Amends this continuing resolution to provide clarity.
- 17.20.** Allows Portico Benefits Services to provide services beyond the plans related to this church.
- 17.20.01.** Amended for clarity. Specifically to address the rights of sponsored members in the ELCA Retirement Plan as distinct from other plans that Portico may provide beyond this church.
- 17.20.02.** Amended for clarity.
- 17.20.05.** Amended for clarity.

**17.20.A19.d.** Allows for Portico to provide complementary services to organizations beyond this church.

**17.30.03.** Amended for clarity.

**17.40.02.** Amended for clarity

**17.50.03.** The recommendation of the Entrance Rite Discernment group that ministers of Word and Service not be counted among the laity is the reason for this change.

**17.60. – 17.60.B19.** The intention of the moving the ELCA Foundation into the Endowment Fund of the Evangelical Lutheran Church in America was that this would create a separately incorporated ministry in Chapter 17. The Endowment Fund has been a separately incorporated ministry under the Office of the Treasurer. This move changes the way in which the board members are elected. If adopted the Churchwide Assembly will elect the directors. The other provisions of these sections are similar to the other separately incorporated ministries in this chapter. The legal name of this ministry will continue to be the Endowment Fund of the Evangelical Lutheran Church in America. It will be doing business as the ELCA Foundation.

**19.01.C19.** Clarifies that persons not present at the assembly may be nominated. This also asks that those nominating someone have some knowledge of their willingness to serve. Synod bishops will be asked to communicate with nominees from their synods to determine their willingness to continue in the process. It also allows persons to withdraw their name after the first ballot and before the second.

**19.01.D19.** Amended for clarity related to methods for casting ballots and for information provided to determine the identity of those being nominated.

**19.02.A13.** Now part of **5.01.F09.**

**19.03.** Moved to **14.22.**

**19.04.01.** Remove advisory as we no longer have advisory committees. Two unexcused absences of a member could result in the declaration of the position vacant but does not require it.

**19.05.05.** Amended for clarity.

**19.06.A02.-19.06.B98** moved to **19.11.F19. – 19.11.G98.**

**19.11.03.** Amended for clarity.

**19.11.05.** Excluding the officers from counting as being from a synod reflects their responsibility to the whole church. Other members also are accountable for the whole church but in a different way.

**19.11.B19.** Boards or committee for churchwide units are no longer elected by the Churchwide Assembly.

- 19.11.F19.** Amended to address the potential use of electronic voting systems, The vice president is assign the task of distributing ballots to the members of the Church Council.
- 20.20.** Establishes that there shall be a Committee on Appeals.
- 20.21. 20.20. and 20.23.04.** are combined in this provision.
- 20.21.01.** This was **20.21.11.**
- 20.21.02.** This was **20.21.13.**
- 20.22.11.** This recognizes that minsters of Word and Sacrament and ministers of Word and Service are on the Committee on Discipline. The use of “rostered minister” allows that a person from either roster could be chosen.
- 20.70. & 20.71.** Allows that the dispute might be resolved through consultation.
- 20.72.** Allows the presiding bishop to designate a person to act in this capacity. It also moves disputes between and among synods to **20.73.**
- 20.73.** Edited to align with previous provision.
- 20.75.** Addresses process for addressing disagreements between or among congregations.
- 27.76.** Adds the possibility of referring dispute to †**S14.18.d.** process if it relates directly to the pastor.

### **Constitution for Synods**

- †**S6.02.c.** This provision matches **4.02.c.**
- †**S6.03.01.** Amended for clarity and to reflect ordination as the entrance rite for minsters of Word and Service.
- †**S6.04.** This provision matches **5.01.f.**
- †**S7.21.c.** This provision matches **10.41.01.c**
- †**S7.21.02.** Allows congregations to replace voting members to special assembly if those originally elected are unable to serve. (If adopted some synods will need to amend their Articles of Incorporation to allow this.)
- †**S7.22.** Edited for consistency.
- †**S7.23.** Makes this a required provision and has the presiding bishop rather than the Church Council designate churchwide representative to Synod Assemblies.
- †**S7.31.** Amended for clarity.
- †**S8.11.** Establishes the expectation that the synod bishop is a full-time salaried officer.

**S8.11.01.** Allows that the Synod Council could establish a shared time arrangement for the synod bishop.

†**S8.12.d** Replaces consecration with ordination.

†**S8.12.h.4)** Amended for clarity.

†**S8.12.i.8)** Amended for consistency.

†**S8.12.i.10)** There is not a register of congregations. There is a roster of congregations. Additions and subtractions from the rosters would include congregations.

†**S8.12.i.11.** It is the roster of congregations not register.

†**S8.23.** This would become a required provision.

†**S8.31.** As ministers of Word and Service are no longer seen as laypersons this change would allow a ministers of Word and Service, minister or Word and Sacrament or a layperson to be elected synod secretary.

†**S8.41.** As ministers of Word and Service are no longer seen as laypersons this change would allow a minister of Word and Service, minister or Word and Sacrament or a layperson to be elected synod treasurer.

†**S8.51.b. & .c.** Adding this sentence allows that the office is filled until the successor is elected. The implementation of the possibility of triennial synod assemblies could have the newly elected officer elected after the term of their predecessor would have expired. This would allow for a smoother transition, if needed.

**S10.08.** Robert's Rules of Order govern parliamentary procedure for the Synod Assembly in **S7.32.** This extends this to the Synod Council.

†**S11.05.** Amended for grammar.

†**S13.01.b.** The goal is for a transparent process. The change to leadership is to indicate that the congregation is making this decision and it is not just a few members who are leaders. This also requires that the bishop or synod staff have worked with the congregation in order to understand the polity of this church and the responsibilities of congregations of this church.

†**S13.02.** As synods move from annual synod assemblies, the election of members to the assembly will may not be an annual requirement.

†**S13.21.** This provision is moved from †**S13.20.** Previous provision **S13.21.** is removed because it was unclear as to its meaning.

†**S13.24.** This becomes a required provision. It is restructured for clarity.

**S13.25.** Amended to establish how synod administration ends.

†**S31.31.** Amended for clarity.

†**S14.11.** Amended for clarity.

†**S14.12.** Amended to match **7.31.02.**

**S14.14.** This commendation to the pastoral care of another congregation may be to a congregation that is not Lutheran.

**S14.17.** The Model Constitution for Congregations identifies the officers as president, vice president, secretary and treasurer. The term chair is not used.

†**S14.18.** Matches **7.46.**

†**S14.31.** Follows the recommendation for ordination as the entrance rite for ministers of Word and Service.

†**S14.32.c.** Matches **7.61.02.c.**

†**S14.43.** Matches **7.75.**

## **Chapter 17** Adds Consultation

†**S17.02.** Designates the vice president to lead the Executive Committee if the bishop is the subject of the concern.

†**S17.03.** Adds a process for consulting or adjudicating a disagreement between and among congregations.

†**S17.04.** Adds a process for consulting or adjudicating a disagreement between and among conferences, clusters, coalitions or area subdivisions.

†**S17.11.** Adds the possibility of referring a dispute to the †**S14.18.d.** process if it relates directly to the pastor.

†**S18.13.** This clarifies the current process in a more chronological order.

## **Model Constitution for Congregations**

\***C4.02.d.** This provision matches **4.02.c.**

\***C4.05.** Amended for clarity.

\***C5.04.** Process of selecting voting members to a Synod Assembly is to be an election process.

\***C6.04.** This is a definite process, not a permissive process.

\***C6.04.c.** **9.23.** is not discipline but does result in terminating affiliation with the Evangelical Lutheran Church in America.

\***C6.04.d.** If the synod acts to protect or preserve the property of a congregation, the congregation ceases to exist.

\***C6.05.** Amended for clarity.

- \*C6.06.** Amended for clarity.
- \*C7.02.** **9.23.** is not discipline but does result in terminating affiliation with the Evangelical Lutheran Church in America.
- \*C7.03.** Establishing the vote required to affiliate with another Lutheran denomination is not the responsibility of this church. Each denomination has its own standard for the vote required for affiliation. The two-thirds vote required for disaffiliation establishes that at least two-thirds of the voting members of the congregation at the meetings desire to disaffiliate. Votes required after that decision are the responsibility of denomination of the denomination being joined.
- \*C7.04.** Amended for clarity.
- \*C7.05.** This becomes a required provision.
- \*C8.02.c.** This reflects the limitation of voting for seasonal members in the congregation where they maintain their voting membership.
- \*C9.03.** Amendments match the amendments in **7.31.02.**
- \*C.9.05.** Amendments match the amendments in **7.46.**
- \*C9.08.** Amended for clarity.
- \*C9.14.** Change in roster status includes on leave from call, disability, or retired. Parochial records should be in the hands of the congregation's secretary before the request for such status is approved.
- \*C.9.21.** **\*C9.01** speaks of the authority to call a pastor not a minister of Word and Sacrament. This provision is amended for consistency.
- \*C9.23.c.** This provision matches **10.41.01.c**
- \*C9.26.** Amended for clarity and is consistent with **\*C9.08.**
- C10.01.** Amended for clarity.
- C10.08.** This provision would authorized, where permitted by state law, electronic or telephonic meetings. It also recognizes the definition of a meeting in Robert's Rules of Order.
- C12.01.** Gives the congregation the choice of adding deacons who have been called by the congregation to have voting membership on the Congregation Council.
- C12.02.** Adds language that allows deacons to serve during their tenure as members of the Congregation Council.
- C12.05.e.** Changes "benevolence" to the current term "mission support."

**C13.05.** Expands the use of a Call Committee to all positions where a congregational call is issued.

\***C15.11.** Adds the possibility of referring a dispute to the †**S14.18.d.** process if it relates directly to the pastor.

\***C16.02.** Clarifies the amendment process building on the clarification of C10.01.

\***C17.04.** Amended for clarity.

\***C18.03.** This is added so that the synod has a current copy of the congregation's constitution on file.



