



# 2003 AMENDMENTS TO THE MODEL CONSTITUTION FOR CONGREGATIONS *as approved by the 2003 Churchwide Assembly of the Evangelical Lutheran Church in America Milwaukee, Wisconsin • August 11-17, 2003*

Prepared by the Office of the Secretary  
of the Evangelical Lutheran Church in America  
Corrected text October 7, 2003

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Additions are underlined. Deletions are ~~struck through~~ in the text.

*To adopt a new provision, \*C5.03.d. in the Model Constitution for Congregations to make reference to amendments and to re-letter the subsequent items:*

- \*C5.03.** Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:
- ...
- d. adopt amendments to the constitution, as provided in Chapter 17, and amendments to the bylaws, as specified in Chapter 16;
- .....

*To adopt a new provision, C5.05. in the Model Constitution for Congregations to provide for endowment funds:*

- C5.05.** This congregation shall have a mission endowment fund that will operate as specified in this congregation's [bylaws] [continuing resolutions]. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

*To adopt a new provision C7.05. for the Model Constitution for Congregations related to †S13.23. concerning property of the synod entrusted to a congregation for the mission and ministry on the territory of the synod:*

- C7.05.** Notwithstanding the provisions of \*C7.02. and \*C.7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America, this congregation accepts such restrictions and:
- a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
- b. Shall—upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the (insert name of synod)—reconvey and transfer all right, title, and interest in the property to the synod.

To amend \*C9.08. in the Model Constitution for Congregation to reflect more completely the requirements of S14.16. in the Constitution for Synods:

- \*C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.

To amend C9.21. in the Model Constitution for Congregation to make the language of the provision consistent with churchwide bylaw 8.72.12.:

- C9.21.** Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily ~~under contract~~ as pastor of this congregation under a contract between the congregation and the ordained minister in a form proposed by the synodical bishop and approved by the congregation.

To amend C10.06. in the Model Constitution for Congregations to clarify its meaning:

- C10.06.** All actions approved by the congregation shall be by majority vote of those voting members present and voting. except as otherwise provided in this constitution or by state law.

To amend \*C15.02. in the Model Constitution for Congregations to reflect revised churchwide bylaw 20.41.02. and new bylaw 20.41.03.:

- \*C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.* If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused. A member charged with the offense shall appear before the Congregation Council after having received a written notice citation, at least ten days prior to the meeting; ~~specifying the exact charges that have been made against the member.~~ If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member's absence.

To amend \*C15.06. in the Model Constitution for Congregations to change the citation from 20.41.03. to 20.41.04.:

- \*C15.06.** For disciplinary actions in this congregation, "due process" shall be observed as specified in ~~20.41.03.~~ 20.41.04. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.*

To amend \*C16.03. in the Model Constitution for Congregations to clarify its meaning:

- \*C16.03.** Changes to the bylaws may be proposed by any voting member provided, however, that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose and that the Congregation Council notify the congregation's members by mail of the proposal with ~~its~~ the council's recommendations at least 30 days in advance of the Congregation Meeting.

To amend \*C17.01., \*C17.02., \*C17.03., and \*C17.04. in the Model Constitution for Congregations to clarify the meaning and implications of those provisions:

- \*C17.01.** Those sections of this constitution that are not required, in accord with the Model Constitution for Congregations of the Evangelical Lutheran Church in America, may be amended in the following manner. Amendments ~~to this constitution~~ may be proposed by at least \_\_\_\_\_ voting members

or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at ~~its~~ a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members by mail of the proposal together with the council's recommendations at least 30 days in advance of the meeting.

- \*C17.02.** An ~~proposed~~ amendment to this constitution, proposed under \*C17.01., shall:
- a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;... *[with the remainder unchanged]*.
- \*C17.03.** Any amendments to this constitution that result from the processes provided in \*C17.01. and \*C17.02. shall be sent by the secretary of this congregation to the synod. The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America or the constitution of the \_\_\_\_\_ Synod of the ELCA.
- \*C17.04.** Whenever the *Model Constitution for Congregations* is amended by the Churchwide Assembly, this constitution may be amended to ~~reflect~~ incorporate any such amendment by a simple majority vote of those voting members present and voting at any subsequent meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod, ~~consistent with \*C17.03.~~ Such provisions shall become effective immediately following a vote of approval.