



## Recommendation: General Amendments to the Constitutions of the ELCA

*Recommended [CC21.11.25j] by the Church Council on Nov. 13, 2021.*

### Recommended for assembly action:

To adopt, *en bloc*, with the exception of such amendments as may be considered separately, the amendments to the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*; and

To authorize the Office of the Secretary to make appropriate changes in the *Constitution for Synods* and the *Model Constitution for Congregations* congruent with the ELCA Constitution as amended.

### Chapter 5: Principles of Organization

5.01. The Evangelical Lutheran Church in America shall be one church. This church recognizes that all power and authority in the Church belongs to the Lord Jesus Christ, its head. Therefore, all actions of this church by congregations, synods, and the churchwide organization shall be carried out under his rule and authority in accordance with the following principles:

- e. Except as otherwise provided in this constitution and bylaws, the appropriate office or unit of the churchwide organization, through the Church Council, shall establish processes that will ensure that at least 60 percent of the members of its assemblies, councils, committees, boards, and other organizational units shall be laypersons; that, as nearly as possible, at least 45 percent of the lay members of these assemblies, councils, committees, boards, or other organizational units shall be women and, as nearly as possible, at least 45 percent shall be men, and that, ~~where possible~~, the representation of rostered ministers of Word and Sacrament shall include both men and women. At least 10 percent of the members of these assemblies, councils, committees, boards, or other organizational units shall be persons of color and/or persons whose primary language is other than English. Processes shall be developed that will assure that in selecting staff there will be a balance of women and men, persons of color and persons whose primary language is other than English, laypersons, and persons on the rosters of this church. This balance is to be evident in the selection of staff consistent with the inclusive policy of this church.
- f. Except as otherwise provided in this constitution and bylaws, synods, through synod councils, shall establish processes that will ensure that at least 60 percent of the members of their assemblies, councils, committees, boards, and other organizational units shall be laypersons; that, as nearly as possible, at least 45 percent of the lay members of their assemblies, councils, committees, boards, or other organizational units shall be women and, as nearly as possible, at least 45 percent shall be men, and that, ~~where possible~~, the representation of rostered ministers of Word and Sacrament shall include both women and men. Each synod shall establish processes that will enable it to reach a minimum goal that 10 percent of the membership of its assemblies, councils, committees, boards, or other organizational units be persons of color and/or persons whose primary language is other than English.

### Chapter 7: Ministry

7.31.03. **Preparation and Approval.** Except as provided in 7.31.04., a candidate for the ministry of Word and Sacrament shall have:

- b. been granted entrance to candidacy by and under the guidance and supervision of the appropriate committee ~~for at least a year~~ before being approved for call;
- c. satisfactorily completed the requirements for the Master of Divinity degree from an accredited theological school in North America or completed a program of study for those accepted into the TEEM program (Theological Education for Emerging Ministries), including practical preparation, as defined by the appropriate churchwide unit, such as internship and supervised clinical work;

- d. completed ~~at least one year of residency~~ the expectations and outcomes established for Lutheran learning and formation in a seminary of this church or of the Evangelical Lutheran Church in Canada, except when waived by the appropriate committee in consultation with the faculty of a seminary of this church or of the Evangelical Lutheran Church in Canada;
- ...
- g. been recommended to a congregation ~~or other entity~~ by the bishop of the synod to which the candidate has been assigned for first call ~~in accordance with the procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council~~; and
- 7.31.10. Synod-authorized Ministry.** When need exists to render Word and Sacrament ministry for a congregation or ministry of this church where it is not ~~possible-feasible~~ to provide ~~appropriate pastoral leadership~~ rostered ministers of Word and Sacrament, the synod bishop—acting with the consent of the congregation or ministry, in consultation with the Synod Council, and in accord with standards and qualifications developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and approved by the Church Council—may authorize a person who is a member of a congregation of the Evangelical Lutheran Church in America to offer this ministry. Such an individual shall be supervised by a minister of Word and Sacrament appointed by the synod bishop; such service shall be rendered during its duration under the sacramental authority of the bishop as the synod’s pastor. Such an individual will be trained to fulfill this ministry for a specified period of time and in a given location only. Authorization, remuneration, direct supervision, and accountability are to be determined by the appropriate synod leadership according to churchwide standards and qualifications for this type of ministry. Authorization for such service shall be reviewed annually and renewed only when a demonstrated need remains for its continuation.
- 7.41.07. Retirement.** Ministers of Word and Sacrament may retire upon ~~attainment~~ attaining the earlier of age 60; or ~~after~~ 30 years on the roster of Ministers of Word and Sacrament of this church or one of its predecessor bodies, and continue to be listed on the roster of Ministers of Word and Sacrament of this church, upon endorsement by the synod bishop, by action of the Synod Council in the synod in which the minister of Word and Sacrament is listed on the roster.
- 7.46. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and a congregation shall be as follows:**
- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the pastor’s death or, following consultation with the synod bishop, for any of the following reasons:
- 4) inability to conduct the pastoral office effectively in view of physical ~~disability or mental~~ incapacity of the pastor;
- b. When allegations of physical ~~disability or mental~~ incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) the bishop, in his or her who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
- c. In case of alleged physical ~~disability or mental~~ incapacity under paragraph a.4) above, the bishop’s committee shall obtain and document competent medical opinion concerning the pastor’s condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon ~~removal~~ resumption of the ability to conduct the office effectively ~~disability and restoration of the pastor to health~~, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- 7.61.03. Preparation and Approval.** Except as provided in 7.61.04., a candidate who is to be called and received onto the roster as a minister of Word and Service shall have:
- b. been granted entrance to candidacy by and under the guidance and supervision of the appropriate committee ~~for at least a year~~ before being approved for call;
- ...

- e. been recommended to a congregation or other entity by the bishop of the synod ~~to-in~~ which the candidate ~~has been assigned is being considered~~ for first call in accordance with the procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council; and
- 7.71.04. **Retirement.** Ministers of Word and Service may retire upon ~~attainment~~ attaining the earlier of age 60; or ~~after~~ 30 years on a roster of this church or one of its predecessor bodies, and continue to be listed on the roster of Ministers of Word and Service of this church, upon endorsement by the synod bishop, by action of the Synod Council in the synod in which the minister of Word and Service is listed on the roster.
- 7.75. **The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:**
- a. The call of a congregation, when accepted by a minister of Word and Service, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the deacon's death or following consultation with the synod bishop for any of the following reasons:
    - 4) inability to conduct the office effectively in view of ~~physical~~-disability or ~~mental~~-incapacity of the minister of Word and Service;
  - b. When allegations of ~~physical~~-disability or ~~mental~~-incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office under paragraph a.3) above, have come to the attention of the bishop of this synod,
    - 1) the bishop, ~~in his or her~~ who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one non-rostered person, or
  - c. In case of alleged ~~physical~~-disability or ~~mental~~-incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the minister of Word and Service's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon ~~removal~~ resumption of the ability to conduct the office effectively ~~disability and restoration of the minister of Word and Service to health~~, the bishop shall take steps to enable the minister of Word and Service to resume the ministry, either in the congregation last served or in another appropriate call.

*Chapter 8: Relationships*

- 8.14. The churchwide organization shall implement the extended mission of the Church, developing churchwide policies in consultation with the synods and congregations, entering into relationship with institutions of higher education and with governmental, ecumenical, and societal agencies in accordance with accepted resolutions and/or in response to specific agreed-upon areas of responsibility.
- 8.21.04. Each unincorporated seminary shall have an advisory council or ~~governing~~-board distinct from the board of directors of the college or university of which the seminary is a school, department, or unit. The seminary advisory council or ~~governing~~-board shall relate to the Church Council through the appropriate churchwide unit. The members of the unincorporated seminary's advisory council or ~~governing~~-board shall be elected as specified in the governing documents of the related college or university, and shall consist of 12 to 30 members, as follows:
- a. at least one-fifth nominated by the Church Council upon recommendation of the appropriate churchwide unit after consultation with the seminary's advisory council or ~~governing~~-board;
  - b. two members nominated by the bishops of the supporting synods from among their number;
  - c. one member, who shall serve as chair of the advisory council or ~~governing~~-board and as a voting member of the board of directors of the college or university, nominated by the Church Council, upon recommendation of the appropriate churchwide unit after consultation with the seminary's advisory council or ~~governing~~-board; and
  - d. the remaining members to be from the supporting synods, nominated by the seminary's advisory council or ~~governing~~-board in consultation with the supporting synods.
- 8.21.06. Each unincorporated seminary shall have a chief administrative officer, such as an academic dean, seminary provost, or vice president, who is on the roster of Ministers of Word and Sacrament of this church. In the appointment or election of the chief administrative officer of the seminary, the college or university shall consult with the seminary advisory council or ~~governing~~-board, the presiding bishop of this church, and the appropriate

churchwide unit. The college or university board shall exercise all other normal governance functions, including the appointment of tenured faculty, in consultation with the seminary's advisory council or governing board, and shall have authority to recruit students throughout this church.

**8.22.** ~~Colleges and Universities. This church shall express its responsibility for higher education through~~relate to its colleges and universities in their mission to educate students for vocations in the Church and the world. The churchwide organization, through the appropriate churchwide unit, shall support an association of this church's colleges and universities, the appropriate churchwide unit as determined by the Church Council, and its synods. While variation is possible in college or university relationships across this church, this church recognizes the desirability of some degree of uniformity of relationship for colleges and universities within the same region.

~~8.22.01.~~ ~~The relationship of this church to its colleges and universities shall be guided by policies fostering educational institutions dedicated to the Lutheran tradition wherein such institutions are an essential part of God's mission in the world; faithful to the will of God as institutions providing quality instruction in religion and a lively ministry of worship, outreach, and service; diligent in their preparation of leaders committed to truth, excellence, and ethical values; and pledged to the well being of students in the development of mind, body, and spirit.~~

~~8.22.0201.~~ ~~Colleges~~Each college and universities~~university of the Evangelical Lutheran Church in America~~this church shall establish a~~may relate to this church in various ways, including relationship with: the Churchwide Assembly, the Church Council,~~

~~a. a synod assembly~~or synods;~~or~~

~~b. a corporation whose voting members are, or have been elected or appointed by; a synod or synods assemblies, other organizational units (conferences, clusters, etc.), or congregations; or, . Subject to approval by the appropriate synods, a college or university may be owned by a not-for-profit~~

~~c. a corporation~~

~~(1) that has voting members, at least a majority of whom shall consist of members of the Churchwide Assembly or the Church Council, and~~

~~(2) that shall hold the meeting of such a corporation in conjunction with the Churchwide Assembly or the Church Council for the purpose of approving amendments to the articles of incorporation, and approving amendments to other governing documents which affect the relationship between the college or university and this church. A majority of the members of the governing board of a corporation that meets in conjunction with the Churchwide Assembly or Church Council shall be members of this church or of a church body with which this church is in a relationship of full communion, but under no circumstances shall fewer than forty (40) percent of the members of such board be members of this church.~~

~~8.22.0302.~~ ~~Primary~~Responsibility for the size and composition of a college or university's board of directors, including recruiting and electing board members, for its board~~belongs to each college or university of this church. This responsibility is best~~shall be exercised congruent with the form of relationship, as provided in 8.22.01, established by the college or university with this church. when appropriate structures of this church are substantially involved. The college or university and the appropriate synods shall determine how many of the college or university board members are to be elected or ratified by the approved form of relationship as provided in 8.22.02.

~~8.22.0403.~~ ~~The~~Responsibility for initiating changes in constitutional governance and governance documents rests with each college or university of this church. This responsibility shall be exercised congruent with the form of relationship as provided in 8.22.01., established by the college or university with this church. Each college or university will reach agreement with the appropriate structures of this church as identified in 8.22.02. regarding changes in constitutional documents. This church's participation may range from prior consultation to final approval.

~~8.22.05.~~ ~~Representation of members of this church on college or university boards, limitation of terms for board members, whether or not college or university presidents shall be members of this church, and representation of bishops of synods on college or university boards shall be determined by each institution and the appropriate synods.~~

~~8.22.0604.~~ ~~In addition to and consistent with the above provision 8.22 and bylaws 8.22.01 through 8.22.035, colleges and universities of this church where a school, department, or unit of that institution is a seminary of this church~~

must comply with all requirements, policies, procedures, and standards specified in provision 8.21 and bylaws 8.21.01 through 8.21.08.

- 8.63.01.** A minister of Word and Sacrament of this church or a minister of Word and Service, serving temporarily in a church body with which a relationship of full communion has been declared and established by a Churchwide Assembly of the Evangelical Lutheran Church in America, may be retained on the roster—upon endorsement by the synod bishop and by action of the Synod Council in the synod in which the minister is listed on the roster—under policies developed at the direction of the presiding bishop and secretary, reviewed by the Conference of Bishops, and adopted by the Church Council.
- b. A letter of call may be issued to a minister of Word and Service of this church, serving temporarily in such a church body, by the Church Council of the Evangelical Lutheran Church in America or a Synod Council, in accord with the Table of Sources of Calls (7.74.A19A21.b.).
- 8.63.05.** The availability of a minister of Word and Sacrament from a church body with which a relationship of full communion has been declared and established by a Churchwide Assembly of the Evangelical Lutheran Church in America shall be understood normally in three categories: availability to serve in an occasional situation; availability to meet an extended need, including service in “yoked parish” settings; and availability for a transfer of roster status.
- b. *Extended service:* A minister of Word and Sacrament of a church body with which a relationship of full communion exists may be invited to serve as the pastor of a congregation of this church for an extended period of time, yet remain a minister of Word and Sacrament of ~~his or her~~ the minister’s present church body. Such a person would be expected to preach, teach, and administer the sacraments in a congregation of this church in a manner that is consistent with the Confession of Faith of the Evangelical Lutheran Church in America and to live in a manner consistent with the ministerial policy of this church. Such service shall be rendered only as authorized by the synod bishop in order to serve the ministry and mission needs of this church in a given situation.

### **Chapter 9: Congregations**

- 9.21.02.** Under special circumstances, subject to the approval of the synod bishop and the concurrence of the congregation, a minister of Word and Sacrament of a church body with which ~~this church the Evangelical Lutheran Church in America~~ officially has established a relationship of full communion by action of a Churchwide Assembly may serve temporarily under contract as pastor of a congregation of this church.
- 9.23.** In accord with constitutional provision 9.21.d. and **its accompanying** bylaws **9.21.01.** and without invoking the provisions of Chapter 20, a congregation that **calls or otherwise** maintains as its pastor a **person who is neither:**
- a. minister of Word and Sacrament who has resigned or been removed from** this church’s roster of Ministers of Word and Sacrament; **nor**
- b. or that calls as its pastor one who has not been** approved for the roster of Ministers of Word and Sacrament **and called pursuant to bylaw 9.21.01; nor**
- c. authorized as a minister pursuant to bylaw 7.31.10; nor**
- d. a minister of Word and Sacrament of a church body with which this church has established a relationship of full communion and contracted with pursuant to bylaw 9.21.02;**
- may be removed from the roster of congregations of this church by the Synod Council upon recommendation of the synod bishop.
- 9.24.** A recognized and received congregation that is part of this church shall, when legally possible, be incorporated and may, **in its sole discretion:**
- a. own property and be responsible for its care; and
- b. call or employ staff.
- 9.27.** Each congregation, except those which are in ~~partner~~**relationship** with the Slovak Zion Synod, shall establish a relationship with the synod in whose territory it is located.
- 9.62.** A congregation may terminate its relationship with this church by the following procedure:
- a. A resolution indicating the intent to terminate its relationship must be adopted at two legally called and conducted special meetings of the congregation by a two-thirds vote of the voting members present at each meeting. The first such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time the congregation

shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless ~~he or she is a~~ the bishop and/or the bishop's designees are voting members of the congregation, ~~the bishop and the bishop's designees, if any,~~ they shall have voice but not vote at the meeting.

...

- d. If the congregation, after such consultation, is still considering termination of its relationship with this church, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the meeting shall be sent to all voting members and to the bishop at least 10 days in advance of the meeting. Unless ~~he or she is a~~ the bishop and/or the bishop's designees are voting members of the congregation, ~~the bishop and the bishop's designees, if any,~~ they shall have voice but not vote at the meeting.

- 9.81.02. A federated congregation may be formed by two or more separate congregations that shall continue to exist as separate but cooperating entities. The separate congregations in a federated congregation shall be related to their respective church bodies that have established a relationship of full communion in accord with 8.61. and 9.81. A federated congregation shall conduct its life and work under a plan of agreement approved by the two or more separate congregations upon recommendation of the synod in which the congregation is located, with the synod acting in concert with the comparable ecclesiastical entity of a church body with which a relationship of full communion exists.

### Chapter 10: Synods

- 10.01.01. **Names and Boundaries.** The names and boundaries of the synods shall be:

Synod 2.C—Pacifica. The counties of Imperial, Orange, Riverside, San Bernardino, San Diego in the state of CALIFORNIA; the congregations St. Andrew, Salem Evangelical, Shepherd of the Hills, Good Shepherd Evangelical, and Prince of Peace, Los Angeles County, in the state of CALIFORNIA; the state of HAWAII; the territories of the U.S. in the Pacific Ocean.

...

Synod 5.L—La Crosse Area. The counties of Adams, Buffalo (south), Crawford, Jackson (south), Juneau, La Crosse, Monroe, Trempealeau (south), Vernon in the state of WISCONSIN; and parishes/congregations in or near the towns of La Crescent, Caledonia, and Spring Grove in the state of MINNESOTA.

...

Synod 6.C—Indiana-Kentucky. The states of INDIANA and the commonwealth of KENTUCKY.

...

Synod 6.F—Southern Ohio. The counties of Adams, Athens, Belmont, Brown, Butler, Champaign, Clark, Clermont, Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Highland, Hocking, Jackson, Knox, Lawrence, Licking, Logan, Madison, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Vinton, Warren, Washington in the state of OHIO; the congregation St. Mark, Auglaize County, in the state of OHIO, and the congregation Bethel, Greenup County, in the state-commonwealth of KENTUCKY.

...

Synod 7.B—New England. The states of CONNECTICUT; MAINE; ~~MASSACHUSETTS;~~ NEW HAMPSHIRE; RHODE ISLAND; and VERMONT; the commonwealth of MASSACHUSETTS; and the counties of Clinton, Essex, and Franklin in the state of NEW YORK.

...

Synod 7.E—Northeastern Pennsylvania. The counties of Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Wayne, Wyoming in the state commonwealth of PENNSYLVANIA.

Synod 7.F—Southeastern Pennsylvania. The counties of Bucks, Chester, Delaware, Montgomery, Philadelphia in the state-commonwealth of PENNSYLVANIA.

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Synod 8.A—Northwestern Pennsylvania. The counties of Armstrong (part), Cameron, Clarion, Crawford, Elk, Erie, Forest, Indiana (part), Jefferson, McKean, Mercer, Potter, Venango, Warren in the state-commonwealth of PENNSYLVANIA.

Synod 8.B—Southwestern Pennsylvania. The counties of Allegheny, Armstrong (part), Beaver, Butler, Fayette, Greene, Indiana (part), Lawrence, Washington, Westmoreland in the state-commonwealth of PENNSYLVANIA.

Synod 8.C—Allegheny. The counties of Bedford, Blair, Cambria, Centre, Clearfield, Huntingdon, Somerset in the state-commonwealth of PENNSYLVANIA; the congregation Christ, Garrett County, in the state of MARYLAND.

Synod 8.D—Lower Susquehanna. The counties of Adams, Cumberland, Dauphin, Franklin, Fulton, Lancaster, Lebanon, Perry, York in the state-commonwealth of PENNSYLVANIA; the congregations St. Michael and Zion in Schuylkill County in the state-commonwealth of PENNSYLVANIA.

Synod 8.E—Upper Susquehanna. The counties of Clinton, Columbia, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Tioga, Union in the state-commonwealth of PENNSYLVANIA; the congregation Trinity, Luzerne County, and the congregation Zion, Pillow, Dauphin County, in the state commonwealth of PENNSYLVANIA.

Synod 8.F—Delaware-Maryland. The state of DELAWARE; the city of Baltimore and the counties of Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Frederick, Harford, Howard, Kent, Queen Anne's, Somerset, Talbot, Washington, Wicomico, Worcester in the state of MARYLAND; the congregation of Holy Trinity, Prince George's County, in the state of MARYLAND; the congregation of Mt. Joy, Adams County, in the state-commonwealth of PENNSYLVANIA; the counties of Accomack, Northampton in the state-commonwealth of VIRGINIA.

Synod 8.G—Metropolitan Washington, D.C. The District of Columbia; the counties of Calvert, Charles, Montgomery, Prince George's, St. Mary's in the state of MARYLAND; the counties of Arlington, Fairfax, Loudoun, Prince William, and the independent cities within the territory of these counties in the state commonwealth of VIRGINIA; BERMUDA.

Synod 8.H—West Virginia-Western Maryland. The county of Garrett in the state of MARYLAND; the state of WEST VIRGINIA; the congregation Mount Calvary, Allegany County, the congregations Holy Trinity Memorial and Salem, Washington County in the state of MARYLAND; the congregation Fairview, Frederick County, in the state-commonwealth of VIRGINIA.

Synod 9.A—Virginia. The counties of Albemarle, Alleghany, Amelia, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Giles, Gloucester, Goochland, Grayson, Greene, Greensville, Halifax, Hanover, Henrico, Henry, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Montgomery, Nelson, New Kent, Northumberland, Nottoway, Orange, Page, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Pulaski, Rappahannock, Richmond, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell, Warren, Washington, Westmoreland, Wise, Wythe, York, and the independent cities within the territory of these counties in the state-commonwealth of VIRGINIA; the congregation of Immanuel in Mercer County in the state of WEST VIRGINIA; the congregation Lakeside in Halifax County in the state of NORTH CAROLINA.

**10.01.03.** Any congregation in a border area desiring to change its synod relationship may do so upon approval of the synod assemblies of the synods concerned, which shall report any such change to the Churchwide Assembly through the Office of the Secretary.

**10.31. The officers of each synod shall be a bishop, a vice president, a secretary, and a treasurer.**  
**a. As the synod's pastor, the bishop shall:**

...

**6) ~~Exercise supervision over~~ Direct and guide the work of the other officers.**

**10.32.01.** Whenever a synod bishop determines that a matter of the kind described in 10.32.02. may require ~~his or her~~ the bishop's determination or action with respect to a related individual as defined in 10.32.03., the synod bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synod bishop from the same region to handle the matter to conclusion. In dealing with such matter, the appointed bishop shall exercise all of the functions and authority to the same extent as if the appointed bishop were the elected bishop of the withdrawing bishop's synod.

- 10.41.01. Membership of the Synod Assembly, of which at least 60 percent of the voting membership shall be composed of laypersons, shall be constituted as follows:
- c. A minimum of one lay member elected by each congregation with fewer than 175 baptized members and a minimum of two lay members elected by each congregation with 175 or more baptized members related to the synod, typically one of whom shall be a man and one of whom shall be a woman, shall be voting members. The Synod Council shall establish a formula to provide additional lay representation from congregations on the basis of the number of baptized members in the congregation. The Synod Council shall seek to ensure that, as nearly as possible, at least 45 percent of the lay members of the assembly shall be women and, as nearly as possible, at least 45 percent shall be men.

**Chapter 11: Churchwide Organization—Definition and Purposes**

- 11.41.01. A single treasury shall be maintained for the receipt and disbursement of unrestricted funds for the churchwide organization and its units receiving budgetary support, except as otherwise provided in the constitution and bylaws or as approved by the Church Council. Restricted and designated funds are maintained separately.

**Chapter 12: Churchwide Assembly**

- 12.31.03. At least 20 days prior to an assembly the secretary shall prepare and distribute to each congregation and to the voting members-elect a pre-assembly report bulletin of reports. Distribution to congregations may be accomplished by posting the report on the website of this church. Distribution to voting members-elect may be accomplished electronically to those who have provided email addresses. A written copy of the Pre-Assembly Report bulletin of reports will be mailed to any voting member-elect who does not provide an email address and to any congregation or voting member-elect who requests a written copy.

- 12.31.05. Physical-Logistical arrangements for churchwide assemblies shall be made by the secretary or by an assembly manager working under the secretary’s supervision. Such committees as may be necessary to facilitate the planning for and operation of the assembly may be established by the secretary in consultation with the presiding bishop.

- 12.41.15. Except as defined in 12.41.16., employees of the churchwide organization or of a separately incorporated ministry, including those serving under call, appointment, employment agreement, or contract, shall not be eligible for election and service as voting members of the Churchwide Assembly.

- 12.51. The Churchwide Assembly shall have a Reference and Counsel Committee, a Memorials Committee, ~~and~~ a Nominating Committee, and an Elections Committee. The description of these committees shall be in the bylaws. The Churchwide Assembly may authorize such other committees as it deems necessary.

- 12.51.04. Elections Committee. An Elections Committee, appointed by the Church Council, shall be responsible for the conduct and supervision of elections.

**Chapter 13: Officers**

- 13.21. The presiding bishop shall be a minister of Word and Sacrament of this church who, as its pastor, shall be a teacher of the faith of this church and shall provide leadership for the life and witness of this church. The presiding bishop shall:

- c. ~~In collaboration with the leadership of each group, provide for the preparation of the agenda for the Churchwide Assembly, Church Council, Executive Committee, and Conference of Bishops, and preside~~ Preside at the Churchwide Assembly.
- ...
- e. ~~Supervise~~ Oversee the work of the other officers.
- ...
- j. ~~Be responsible for~~ Relate, through the appropriate churchwide unit, to the chaplaincies of this church in federal agencies, institutions, and armed forces ~~and provide for the pastoral care of those called to these ministries.~~

- 13.41.01. The secretary, as the recording officer of this church, shall keep the minutes, have responsibility for rosters, records, and reporting of parochial-congregation statistics, oversee the archives, attest to all documents that

require such signature, be the custodian of the seal, and perform other duties as prescribed by the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

- 13.41.02.** The secretary shall:
- c. Provide for the publication of official documents and policies of this church, ~~pre-assembly reports;~~ assembly minutes; a directory of congregations, rostered ~~persons~~ ministers, and entities of this church; and other informational and statistical material.
  - ...
  - h. In collaboration with the presiding bishop and the leadership of each group, provide for the preparation of the agenda for the Churchwide Assembly, Church Council, Executive Committee, and Conference of Bishops.
  - i. Arrange for and manage churchwide meetings, including the Churchwide Assembly, Church Council, Conference of Bishops, and others.
  - j. Have custody of the seal, maintain a necrology, and attest documents.
- 13.41.04.** The secretary shall prepare interpretations, as necessary, of the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If a board (including a board of a separately incorporated ministry), committee, or synod disagrees with the interpretations, as rendered, the objecting entity may appeal the secretary's interpretation to the Church Council.
- 13.41.05.** The secretary may, upon two successive unexcused absences of a member of the Church Council, board, or committee of the churchwide organization, declare that member's position vacant.
- ~~13.41.0506.~~** The secretary shall provide staff services to the Nominating Committee of the Churchwide Assembly and the nomination process of the Church Council; shall be responsible for declaring an interim vacancy resulting from the resignation, death, removal, disqualification, or disability of a member of a board (including a board of a separately incorporated ministry), committee, or council; and shall arrange for an election by the Church Council to fill the vacancy consistent with Chapter 14.
- 13.51.01.** The treasurer shall propose policy for review and action by the Church Council and provide for the implementation, within such policies, of the financial, accounting, ~~insurance, property management~~, investment, and money management systems, and related services for the units of the churchwide organization.

#### **Chapter 14: Church Council**

- 14.15.** The Church Council of the Evangelical Lutheran Church in America may remove for cause a voting member of the Church Council, other than an officer or the chair of the Conference of Bishops, at a duly held regular meeting by the affirmative vote of two-thirds of the voting members of the Church Council, provided that at least 30 days written notice shall be given to each voting member of the Church Council that removal of a specific member of the Church Council will be on the agenda for such a meeting. The Church Council may remove an advisory member for cause, provided notice has been given as specified in this provision, by a majority vote of the voting members of the council.
- 14.22.** The Church Council shall fulfill responsibilities for elections as provided in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and, in the event that a vacancy on the council or on a board (including the board of a separately incorporated ministry) or committee of the churchwide organization is declared by the secretary, the Church Council shall elect an individual to serve the balance of the term.
- 14.22.01.** Before electing an individual to fill a vacancy on a board (including the board of a separately incorporated ministry) or committee, the Church Council shall consult with the board or committee.
- 14.32.03.** Any Church Council members appointed to fill a vacancy of less than three years in a Church Council position not restricted to a specific synod shall not be deemed to have served a term and ~~is~~ are eligible for election to a full term if ~~she or he~~ they otherwise satisfy ~~ies~~ the criteria for election.
- 14.41.01.** **Executive Committee.** The Church Council shall have an Executive Committee composed of the churchwide officers, the chair of the Conference of Bishops, and seven-eight members of the Church Council elected by the council. The vice president of this church shall chair this committee. The Executive Committee shall:
- f. demonstrate concern for the spiritual, emotional, and physical well-being of the ~~full-time salaried~~ officers of this church; and

**Chapter 15: Churchwide ~~Offices and Administration~~ and Offices**

**15.10. OFFICES ~~AND ADMINISTRATION~~**

**15.11.02. Administrative Team.** The presiding bishop, secretary, treasurer, and executive for administration, along with the executive directors of the churchwide units, shall function as an administrative team, directed by the presiding bishop. The presiding bishop may appoint up to two additional members to the administrative team for terms of one year with the possibility of reappointment. This administrative team shall assist the presiding bishop in providing leadership, planning, oversight, management, supervision, and coordination in the operation of the churchwide organization.

~~15.21.03. In conformity with this church's commitment to inclusive practice, churchwide units and offices will ensure that staff include a balance of genders, persons of color and persons whose primary language is other than English, laypersons, and rostered ministers.~~

**Chapter 16: Units of the Churchwide Organization**

~~16.11.01. In conformity with this church's commitment to inclusive practice, churchwide units and offices will assure that staff include a balance of women and men, persons of color and persons whose primary language is other than English, laypersons, and rostered ministers.~~

**Chapter 17: Separately Incorporated Ministries**

~~17.10. SEPARATELY INCORPORATED MINISTRIES~~

~~17.11.01. This church may fulfill some of its purposes, as described in Chapter 4, through separately incorporated ministries.~~

~~17.11. Each member of the board of directors of a separately incorporated ministry described in this chapter shall be a voting member of a congregation of this church, unless otherwise specified in the constitution, bylaws, and continuing resolutions of this church.~~

~~17.11.01. A board of a separately incorporated ministry described in this chapter may remove a director or trustee from the board, if done in accordance with the governing documents of such corporation after at least 30 days' prior notice to the secretary of this church. The decision to remove a director or trustee shall be reported to the Church Council by the secretary, who shall then declare a vacancy.~~

~~17.11.02. The nominations and elections processes for separately incorporated ministries shall be more fully specified in Chapter 19.~~

~~17.11.03. When used in Chapters 17 and 19, the term "board" shall include the boards of separately incorporated ministries unless expressly excluded. When used other than in Chapters 17 and 19, the term "board" shall not include the boards of separately incorporated ministries unless expressly included.~~

**17.20.01.** The Churchwide Assembly shall:

- a. approve amendments to the documents governing the Pension and Other Benefits Program-ELCA Philosophy of Benefits that have been referred by the Church Council; and
- b. refer any amendments to the ~~Pension and Other Benefits Program~~ELCA Philosophy of Benefits initiated by the Churchwide Assembly to the Board of Pensions for recommendation before final action by the Church Council, assuring that no amendment shall abridge the rights of sponsored members in the ELCA Retirement Plan.

**17.20.02.** The Church Council shall:

- d. approve any changes to the ELCA Philosophy of Benefits.
- ~~ed.~~ refer, as it deems appropriate, proposed amendments to the ~~Pension and Other Benefits Program~~ ELCA Philosophy of Benefits to the Churchwide Assembly for final action. Provisions a., b., and c. of this bylaw do not apply to benefit programs offered by the Board of Pensions to entities other than the ELCA, its separately incorporated ministries, its synods, and its congregations.

**17.20.03.** The Board of Pensions shall have a board of trustees composed of 14–18 persons elected by the Churchwide Assembly for three-year terms with the possibility of two consecutive re-elections. The terms of members of the board of trustees elected by the Churchwide Assembly shall begin at the commencement of the first board meeting following the assembly.

- a. The composition of the board of trustees shall comply with the representational principles described in constitutional provision 5.01.e. The board of trustees of the Board of Pensions shall include persons

with expertise in investments, insurance, and retirement plans, and at least four persons who are members of the plan, at least one of whom shall be a lay plan member or lay recipient of plan benefits and at least one of whom shall be a rostered minister of Word and Sacrament who is a plan member. Up to two trustees may be members of congregations of church bodies with which this church is in a relationship of full communion, provided that both are not from the same church body.

- 17.20.05. Constitutional provision 16.12. and bylaws 11.34.01., 14.21.02., and ~~16.11.01~~ 15.21.03. shall apply to the operation of this organization.
- 17.20.07. The specific responsibilities of the Board of Pensions shall be enumerated in continuing resolutions. ~~Such continuing resolutions may be amended by a majority vote of the Churchwide Assembly or by a two-thirds vote of the Church Council. Should the board disagree with the action of the Church Council, it may appeal the decision to the Churchwide Assembly.~~
- 17.30. **This church shall have a separately incorporated ministry, known as the Mission Investment Fund of the Evangelical Lutheran Church in America, to provide investment opportunities to individuals, congregations, synods, institutions, agencies, and organizations, and administer loans to congregations, synods, the churchwide organization, and other organizations and institutions that are related to this church. ~~The Mission Investment Fund of the Evangelical Lutheran Church in America shall be incorporated. The president of the corporation shall serve as its chief executive officer.~~**
- 17.30.01. The Mission Investment Fund of the Evangelical Lutheran Church in America shall have a board of trustees composed of 9–12 persons elected by the Churchwide Assembly to one for three~~six~~-year terms ~~with and shall not the possibility of be eligible for two~~ consecutive re-elections. The terms of members of the board of trustees elected by the Churchwide Assembly shall begin at the commencement of the first board meeting following the assembly. The composition of the board of trustees shall comply with the representational principles described in constitutional provision 5.01.e. Up to two trustees may be members of congregations of church bodies with which this church is in a relationship of full communion, provided that both are not from the same church body.
- a. The presiding bishop shall serve as an advisory member of the board of trustees, with voice but not vote, or shall designate a person to serve as the presiding bishop’s representative as provided in constitutional provision 13.21.
- b. The Conference of Bishops shall elect one bishop to serve as an advisory member of the board of trustees with voice but not vote.
- 17.30.03. Constitutional provision 16.12. and bylaws 11.34.01., 14.21.02., 14.21.06., and ~~16.11.01~~ 15.21.03. shall apply to the operation of this organization.
- 17.30.04. The specific responsibilities of the Mission Investment Fund of the Evangelical Lutheran Church in America shall be enumerated in ~~a~~ continuing resolutions.
- 17.40.01. This publishing house shall have a board of trustees composed of 11–15 persons elected by the Churchwide Assembly for three-year terms with the possibility of two consecutive re-elections. The terms of members of the board of trustees elected by the Churchwide Assembly shall begin at the commencement of the first board meeting following the assembly.
- a. The composition of the board of trustees shall comply with the representational principles described in constitutional provision 5.01.e. Laypersons on the board of trustees shall include persons with expertise in publishing, education, business management, finance and investment. ~~Rostered M~~inisters of Word and Sacrament shall include persons with expertise in rural, urban, and suburban ~~parish~~ ministry in small and large congregations and in advanced theological study. Up to two trustees may be members of congregations of church bodies with which this church is in a relationship of full communion, provided that both are not from the same church body.
- 17.40.02. Constitutional provision 16.12. and bylaws 11.34.01., 14.21.02., and ~~16.11.01~~ 15.21.03. shall apply to the operation of this organization.
- 17.40.04. The specific responsibilities of this publishing house shall be enumerated in ~~a~~ continuing resolutions. ~~The continuing resolution may be amended by a majority vote of the Churchwide Assembly or a two-thirds vote~~

~~of the Church Council. Should the board disagree with the action of the Church Council, it may appeal the decision to the Churchwide Assembly.~~

- 17.50.03.** Constitutional provision 16.12. and bylaws 11.34.01., 14.21.02., and 14.21.06. shall apply to this organization. Bylaw ~~16.11.01~~ 15.21.03. shall apply to the women's organization with the exception of the balance provisions for women and men and for laypersons and rostered ministers.
- 17.50.04.** This organization shall have a board of ~~21~~ 15 members elected by the assembly of this organization for one three-year term with eligibility for one consecutive re-election. At least 10 percent of the members of this board shall be persons of color or persons whose primary language is other than English. No more than one elected board member shall be from any one synod. Board members are to serve with the perspective of the interdependence of all units of this church. In the event of a vacancy, the board shall elect a member to serve the balance of the term. The Conference of Bishops shall select one bishop to serve as an advisory member of the board of this organization with voice but not vote.
- 17.50.07.** The specific responsibilities of the women's organization shall be enumerated in ~~a~~ continuing resolutions. ~~The continuing resolution may be amended by a majority of the Churchwide Assembly or two-thirds of the Church Council. Should the board disagree with the action of the Church Council, it may appeal the decision to the Churchwide Assembly.~~
- 17.60.** **This church shall have a separately incorporated ministry, the Endowment Fund of the Evangelical Lutheran Church in America, to hold and manage endowment assets, to offer pooled investment services for endowment funds of this church and its related congregations, synods, agencies, and institutions, and to provide planned giving programs that support this church's mission and ministry. The Endowment Fund shall be incorporated. The president of the corporation shall serve as its chief executive officer.**
- 17.60.02.** The advisory members of the board of trustees of the Endowment Fund shall have voice but not vote and shall include: the treasurer of this church, a synod bishop elected by the Conference of Bishops of the Evangelical Lutheran Church in America, and such other persons as may be designated by the board of trustees.
- 17.60.05.** Constitutional provision 16.12. and bylaws 11.34.01., 14.21.02., 14.21.06., and ~~16.11.01~~ 15.21.03. shall apply to the operation of this organization.
- 17.60.06.** The specific responsibilities of the Endowment Fund shall be enumerated in ~~a~~ continuing resolutions.

#### **Chapter 18: Regions**

- 18.01.03.** Additional programs or services may be ~~developed in~~ offered by each region upon the request of two or more synods, or upon the request of the churchwide organization and one or more synods, providing that each requesting synod and the churchwide organization supply the necessary financial support for the services requested.
- ~~**18.01.04.** The funding of the region shall be shared by the participating synods and the churchwide organization according to a cost allocation as decided jointly by the synods and the churchwide organization.~~

#### **Chapter 19: Nominations and Elections Process**

- 19.01.02.** The presiding bishop shall be elected by the Churchwide Assembly by ecclesiastical ballot. The election shall proceed without oral nominations. If the first ballot for presiding bishop does not result in an election, it shall be considered a nominating ballot. On the first ballot, three-fourths of the votes cast shall be necessary required for election on the first ballot. If no one is elected, the first ballot shall be considered the nominating ballot. Thereafter only such votes as are cast for persons who received votes on the first or nominating ballot shall be valid. On the second ballot, three-fourths of the votes cast on the second ballot shall be necessary required for election. On the third ballot, the voting shall be limited to the seven persons (plus ties) who received receiving the greatest number of votes on the second ballot, and two-thirds of the votes cast shall be necessary required for election. On the fourth ballot, voting shall be limited to the three persons (plus ties) who receive receiving the greatest number of votes on the third previous ballot, and 60 percent of the votes cast shall be necessary for election elect. On subsequent ballots, voting shall be limited to the two persons (plus ties) receiving the greatest number of votes on the previous ballot, and a majority of the votes cast shall be

~~necessary for election~~lect. These ballots shall be limited to the two persons (plus ties) who receive the greatest number of votes on the previous ballot.

- 19.01.03.** The vice president shall be elected by the Churchwide Assembly by ecclesiastical ballot. The election shall proceed without oral nominations. If the first ballot for vice president does not result in an election, it shall be considered a nominating ballot. On the first ballot, three-fourths of the votes cast shall be required for election. Thereafter only such votes as are cast for persons who received votes on the first or nominating ballot shall be valid. On the second ballot, three-fourths of the votes cast shall be required for election. On the third ballot, the voting shall be limited to the seven persons (plus ties) receiving the greatest number of votes on the second ballot, and two-thirds of the votes cast shall be ~~necessary~~required for election. On the fourth ballot, voting shall be limited to the three persons (plus ties) receiving the greatest number of votes on the previous ballot, and 60 percent of the votes cast shall elect. On subsequent ballots, voting shall be limited to the two persons (plus ties) receiving the greatest number of votes on the previous ballot, and a majority of ~~the~~ votes cast shall elect.
- 19.01.04.** The secretary shall be elected by the Churchwide Assembly by ecclesiastical ballot. The election shall proceed without oral nominations. If the first ballot for secretary does not result in an election, it shall be considered a nominating ballot. On the first ballot, three-fourths of the votes cast shall be required for election. Thereafter only such votes as are cast for persons who received votes on the first or nominating ballot shall be valid. On the second ballot, three-fourths of the votes cast shall be required for election. On the third ballot, the voting shall be limited to the seven persons (plus ties) receiving the greatest number of votes on the second ballot, and two-thirds of the votes cast shall be ~~necessary~~required for election. On the fourth ballot, voting shall be limited to the three persons (plus ties) receiving the greatest number of votes on the previous ballot, and 60 percent of the votes cast shall elect. On subsequent ballots, voting shall be limited to the two persons (plus ties) receiving the greatest number of votes on the previous ballot, and a majority of the votes cast shall elect.
- 19.02.** **The members of the Church Council, except the chair of the Conference of Bishops and the treasurer of this church, shall be elected by the Churchwide Assembly.**
- a.** In preparation for the Churchwide Assembly, the Church Council shall determine how this church’s commitment to inclusive representation will affect the next election to the Church Council. For 32 of the council members, the Nominating Committee shall invite each eligible synod to submit suggested nominees and shall then nominate persons who fulfill the categories assigned by the Church Council. With respect to the other nominees, the Church Council shall review its size and composition and take into consideration the experience and expertise of existing members and synod nominees as well as the needs of the council in seeking to fulfill its duties and responsibilities. Based upon this analysis, the Church Council shall instruct the Nominating Committee to provide nominations in specific categories for the remaining positions up to 13.
- b.** Excluding the churchwide officers and the chair of the Conference of Bishops, there shall not be more than two members of the Church Council from a synod. The Church Council shall have at least two members from each region.
- c.** No synod bishop, with the exception of the chair of the Conference of Bishops, shall serve as a voting member of the Church Council.
- d.** The terms of office of persons elected to regular terms on the Church Council by the Churchwide Assembly shall begin at the conclusion of the Churchwide Assembly at which such persons were elected.
- 19.04.01.** Each voting member of the Church Council, board, or committee of the churchwide organization shall cease to be a member of the Church Council, board, or committee if no longer a voting member of a congregation of this church. ~~Upon two successive absences that have not been excused by the Church Council, board, or committee, a member’s position may be declared vacant by the secretary of this church, who shall arrange for election by the Church Council to fill the unexpired term.~~
- 19.04.02.** For purposes of nomination to and service on the Church Council, a committee of the churchwide organization, or a board of a separately incorporated ministry, “synod membership” shall be defined as follows:
- a. A layperson shall be recorded in the synod that includes the congregation in which such a person holds voting membership, with the recognition that such a person shall reside within the territory of the synod or in an area immediately adjacent to the territory in the case of border areas.

- b. A ~~rostered~~ minister ~~of Word and Sacrament~~ shall be recorded in the synod on whose roster such a minister's name is maintained.
- e. ~~A minister of Word and Service shall be recorded in the synod on whose roster such a minister's name is maintained.~~
- ~~19.04.03. A board of directors or trustees of a separately incorporated ministry of the Evangelical Lutheran Church in America may remove a director or trustee from the board, if done in accordance with the governing documents of such corporation after at least 30 days' prior notice to the secretary of this church. The decision to remove a director or trustee shall be reported to the Church Council by the secretary.~~
- 19.05. Further procedures for elections and qualifications for office may be set forth in the bylaws and continuing resolutions, provided that such provisions do not conflict with any other provisions in this constitution.**
- ~~19.05.03. Each triennium the Conference of Bishops shall select a bishop to serve as an advisory member of each board of a separately incorporated ministry and advisory committee of the churchwide organization. No synod bishop, with the exception of the chair of the Conference of Bishops, shall serve as a voting member of the Church Council.~~
- ~~19.05.04. The Church Council shall from time to time, by continuing resolution, establish committees and procedures for the conduct of elections at the Churchwide Assembly.~~
- 19.05.0503.** No member of the Church Council, a committee of the Church Council, a board of a separately incorporated ministry, or committee of the churchwide organization shall receive emolument for such service. Nothing in this section shall be construed to prohibit the payment of salaries and benefits of the officers of this church, nor to prohibit the payment of the costs of insurance on behalf of a person who is or was a member of the Church Council, a committee of the Church Council, or committee against any liability asserted against and incurred by such person in or arising from that capacity, whether or not the churchwide organization would have been required to indemnify such person against the liability under provisions of law or otherwise.
- 19.05.0604.** No employee of the churchwide organization of this church or its regions, nor any individual under contract to any unit of the churchwide organization or a region shall be eligible for nomination to or membership on the Church Council, an advisory committee, a board of a separately incorporated ministry, the Committee on Appeals, the Committee on Discipline, or the churchwide Nominating Committee during the period of employment or service under contract, except the full-time salaried officers as specified in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. (The phrase "under contract" shall not mean short-term contracts for specific, limited purposes, usually not to exceed six months.)
- 19.05.0705.** No person related to a staff member of the churchwide organization shall be eligible for nomination to or membership on the Church Council or a committee that advises the unit in which the person's relative is employed. For this purpose, a related individual is one who, with respect to the churchwide employee, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, including corresponding members of blended families and in-laws (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).
- 19.11. ~~There shall be a Nominating Committee.~~ Further procedures relating to nominations may be set forth in the bylaws and continuing resolutions.**
- 19.11.01.** The Nominating Committee shall consist of 12–18 members elected by the Churchwide Assembly. Each member shall be elected to one six-year term and shall serve until a successor is elected. Members of the Nominating Committee shall not be eligible for consecutive re-election. The Church Council shall place in nomination the names of two persons for each position. The committee shall consist of at least one member but no more than three members from any region. Nominations from the floor shall also be permitted, but each floor nomination shall be presented ~~as an alternative to a~~ in the specific category named by the Church Council and shall therefore meet the same criteria as the persons against whom the nominee is nominated. In the materials provided in advance to each member of the assembly, the Church Council shall set forth the specific criteria applicable to each category that must be met by persons nominated from the floor.

- 19.11.02. Except as otherwise provided, the Nominating Committee shall nominate two persons for each council ~~board,~~ or committee position, according to the process described in continuing resolutions, for which an election will be held by the Churchwide Assembly. ~~In the case of re-election, if authorized, or for nominees from church bodies with which this church is in a relationship of full communion, only one person need be nominated.~~ Nominations from the floor, where permitted in the nomination process, shall be presented ~~as an alternative to a~~ in the specific category named by the Nominating Committee and shall therefore meet the same criteria as the persons against whom the nominee is nominated. In the materials provided in advance to each member of the assembly, the Nominating Committee shall set forth the specific criteria applicable to each category that must be met by persons nominated from the floor.
- 19.11.03. The Nominating Committee shall nominate at least one person for each position on the board of trustees of each of the separately incorporated ministries identified in Chapter 17 of this constitution, according to the process described in continuing resolutions, for which an election will be held by the Churchwide Assembly. ~~In the case of re-election, if authorized, or for nominees from church bodies with which this church is in a relationship of full communion, only one person need be nominated.~~ Nominations from the floor, where permitted in the nomination process, shall be presented ~~as an alternative to a~~ in the specific category named by the Nominating Committee and shall therefore meet the same criteria as the persons against whom the nominee is nominated. In the materials provided in advance to each member of the assembly, the Nominating Committee shall set forth the specific criteria applicable to each category that must be met by persons nominated from the floor.

*Chapter 20: Consultation, Discipline, Appeals, and Adjudication*

- 20.20. **There shall be a Committee on Appeals to which may be referred appeals from disciplinary proceedings and petitions for the recall of an officer as described in this chapter, as well as petitions for recall of synod officers as described in chapter 8 of the Constitution for Synods. The Committee on Appeals shall be comprised of six rostered ministers, at least one of whom shall be a minister of Word and Service, and six laypersons, elected by the Churchwide Assembly for a term of six years, without consecutive re-election. The Committee on Appeals shall elect its own officers.**
- 20.21.01. The churchwide Committee on Discipline shall consist of 24–36 members, half of whom shall ~~ould~~ be rostered ministers (including at least two ministers of Word and Service) and half of whom shall ~~ould~~ be laypersons, elected by the Churchwide Assembly for a term of six years. Each member will serve until a successor is elected, without consecutive re-election, and will serve as needed on a discipline hearing committee in any of the synods in this church.
- 20.22.02. The disciplinary actions which may be imposed are:  
c. removal from the roster of Ministersy of Word and Sacrament
- 20.22.03. Charges against a minister of Word and Sacrament which could lead to discipline must be specific and in writing, subscribed to by the accuser(s), and be made by one or more of the following:  
a. at least two-thirds of the members of the ~~e~~Congregation's eCouncil of a congregation the congregation in which served by the minister of Word and Sacrament is serving, submitted to the synod bishop;  
b. at least one-third of the voting members of ~~the a~~ congregation in which the served by the minister of Word and Sacrament is serving, submitted to the synod bishop;  
...  
d. at least 10 rostered ~~of Word and Sacrament or ministers of Word and Service~~ ministers of the synod on whose roster the accused minister of Word and Sacrament is listed, submitted to the synod bishop;
- 20.22.04. When there are indications that a cause for discipline may exist and before charges are made, efforts shall be made by the bishop of the synod to resolve the situation by consultation; for assistance in these efforts, the bishop may utilize either a consultation panel or an advisory panel as herein provided:  
a. When requested by the synod bishop, a consultation panel consisting of five persons (three rostered ministers ~~of Word and Sacrament~~ and two laypersons) appointed from the members of the Consultation Committee of the synod by the synod bishop, or, at the request of the synod bishop, by the Synod Council's Executive Committee or other committee authorized to do so by the Synod Council, shall assist the synod bishop in efforts to resolve a situation by consultation.

- b. When requested by the synod bishop, an advisory panel consisting of five persons (three rostered ministers-of Word and Sacrament and two laypersons) appointed by the synod bishop shall assist the synod bishop in efforts to resolve a situation by consultation.
- 20.23.02.** The disciplinary actions that may be imposed are:
- b. suspension from the role and functions of a minister of Word and Service in this church for a designated period or until there is satisfactory evidence of repentance and amendment; or
- 20.23.03.** Charges against a minister of Word and Service of this church that could lead to discipline must be specific and in writing, subscribed to by the accuser(s), and be made by one or more of the following:
- a. at least two-thirds of the members of the Congregation Council of ~~the-a~~ congregation ~~in which served by~~ the minister of Word and Service is serving, submitted to the synod bishop;
- b. at least one-third of the voting members of ~~the-a~~ congregation ~~in which the served by the~~ minister of Word and Service is serving, submitted to the synod bishop;
- ...
- d. at least 10 rostered ministers ~~of Word and Sacrament or ministers of Word and Service~~ on the rosters of the synod on whose roster the accused minister of Word and Service is listed, submitted to the synod bishop; or
- 20.24.01.** Where the written charges specify that the accuser(s) will not seek the rostered minister's removal from the ministry of this church or suspension from the office/role and functions of the ministry of this church for a period not exceeding three months, 20.24.01. through 20.24.09. shall apply to the exclusion of 20.22.08. through 20.22.24. and 20.23.05. through 20.23.07.
- 20.31.02.** The disciplinary actions which may be imposed are:
- b. suspension from this church for a designated period, the consequences of such suspension being the loss of voting rights of any member (including ministers of Word and Sacrament and ministers of Word and Service) of the congregation at synod or churchwide assemblies, the loss of the right to petition, and the forfeiture of eligibility by any member of the congregation to serve on any council, board (including the board of a separately incorporated ministry), committee, or other group of this church, any of its synods, or any other subdivision thereof;
- 20.72.** **When there is disagreement on a substantive issue between or among churchwide units and offices of the churchwide organization that cannot be resolved by the parties, the aggrieved party or parties may appeal to the presiding bishop, or ~~his or her~~ the presiding bishop's designee, for consultation. If this consultation fails to resolve the issue, a petition may be addressed by the parties to the Church Council requesting a resolution of the matter.**

*Chapter 22: Amendments, Bylaws, and Continuing Resolutions*

- 22.21.** Bylaws not in conflict with this constitution may be adopted or amended at any regular meeting of the Churchwide Assembly when presented in writing by the Church Council or by at least 15 members of the assembly. An amendment proposed by at least 15 members of the assembly shall immediately be submitted to the Committee of Reference and Counsel for its recommendation. ~~In no event shall a~~An amendment may not be placed before the assembly for action sooner than the day following its presentation to the assembly unless it has been presented in writing by the Church Council and sent with an official notice to the synods at least six months prior to the next regular meeting of the Churchwide Assembly. A two-thirds vote of the members present and voting shall be necessary for adoption.

## CONSTITUTION FOR SYNODS

### Chapter 6: Statement of Purpose

†S6.03.01. The responsibilities of the synod include the following:

- a. providing for pastoral care of congregations, ministers of Word and Sacrament, and ministers of Word and Service in the synod, including:
  - 1) approving candidates for rostered ministry ~~the ministry of Word and Sacrament~~ in cooperation with the appropriate seminaries of this church, which may be done through multi-synod committees;
  - 2) authorizing ordinations and ordaining rostered ministers ~~of Word and Sacrament~~ on behalf of this church;
  - ~~3) approving candidates for the ministry of Word and Service, which may be done through multi-synod committees;~~
  - ~~4) authorizing ordinations and ordaining ministers of Word and Service on behalf of this church;~~  
and
  - 5) consulting in the call process for rostered ministers.

†S6.04. Except as otherwise provided in this constitution and bylaws, the Synod Council shall establish processes that will ensure that at least 60 percent of the members of the synod assemblies, councils, committees, boards, and other organizational units shall be laypersons; and that, as nearly as possible, at least 45 percent of the lay members of assemblies, councils, committees, boards, or other organizational units shall be women and, as nearly as possible, at least 45 percent shall be men; and that, where possible, the representation of rostered ministers ~~of Word and Sacrament~~ shall include both men and women. This synod shall establish processes that will enable it to reach a minimum goal that 10 percent of its assemblies, councils, committees, boards, or other organizational units be persons of color and/or persons whose primary language is other than English.

~~†S6.04.01. It is the goal of this synod that 10 percent of the membership of synod assemblies, councils, committees, boards and/or other organizational units be persons of color and/or persons whose primary language is other than English.~~

†S6.04.0201. It is the goal of this synod that at least 10 percent of the voting members of the Synod Assembly, Synod Council, committees, and organizational units of this synod be youth and young adults. The Synod Council shall establish a plan for implementing this goal. For purposes of the constitution, bylaws, and continuing resolutions of this synod, the term “youth” means a voting member of a congregation who has not reached the age of 18 at the time of election or appointment for service. The term “young adult” means a voting member of a congregation between the ages of 18 and 30 at the time of election or appointment for service.

### Chapter 7: Synod Assembly

S7.14. ~~One-half~~One-third of the members of the Synod Assembly shall constitute a quorum.

†S7.21. The membership of the Synod Assembly, of which at least 60 percent of the voting membership shall be composed of laypersons, shall be constituted as follows:

- a. All rostered ministers ~~of Word and Sacrament~~ under call on the roster of this synod ~~in attendance at the Synod Assembly~~ shall be voting members of the Synod Assembly.
- ~~b. All ministers of Word and Service, under call, on the roster of this synod shall be voting members in the Synod Assembly.~~
- eb. A minimum of one lay member elected by each congregation with fewer than 175 baptized members and a minimum of two lay members elected by each congregation with 175 or more baptized members related to this synod, typically one of whom shall be a man and one of whom shall be a woman, shall be voting members. The Synod Council shall establish a formula to provide additional lay representation from congregations on the basis of the number of baptized members in the congregation. The Synod Council shall seek to ensure that, as nearly as possible, at least 45 percent of the lay members of the assembly shall be women and, as nearly as possible, at least 45 percent shall be men.
- dc. Voting membership shall include the officers of this synod.

- †S7.21.01. Voting members shall begin serving with the opening of a regular Synod Assembly and shall continue serving until ~~voting members are seated at the opening of~~ the next regular Synod Assembly.
- †S7.21.02. If a special Synod Assembly is called and voting members at the previous assembly are unable to serve as voting members, where permitted by state law, the congregation through the Congregation Council may elect new members who shall continue to serve until the next regular Synod Assembly.
- S7.22. This synod may establish processes that permit retired rostered ministers, or those granted disability status, or on leave from call, on the roster of the synod to serve as voting members of the Synod Assembly, provided that such processes not result in fewer than 60% of the voting members of the Synod Assembly being laypersons in contravention of ~~consistent with~~ †S7.21.e. If the synod does not establish processes to permit the rostered ministers specified above to serve as voting members, they shall have voice but not vote in the meetings of the Synod Assembly.
- S7.24. Ministers under call on the rosters of this synod shall remain as members of the Synod Assembly so long as they remain under call and so long as their names appear on the rosters of this synod. Lay members of the Synod Assembly representing congregations shall continue as such until the opening of the next regular synod assembly, or unless replaced by the election of new members for a special synod assembly, or until they have been disqualified by termination of congregation membership. ~~Normally, congregations will hold elections prior to each regular meeting of the Synod Assembly.~~
- S7.26. This synod may establish processes through the Synod Council that permit lay representatives of authorized worshipping communities of the synod, which have been authorized under ELCA bylaw 10.01.04., to serve as voting members of the Synod Assembly, consistent with †S7.21.
- S7.27. This synod may establish processes through the Synod Council to grant a minister of Word and Sacrament from a church body with which a relationship of full communion has been declared and established by the Churchwide Assembly ~~of the Evangelical Lutheran Church in America~~ the privilege of both voice and vote in the Synod Assembly during the period of that minister's service in a congregation of this church.

#### Chapter 8: Officers

- †S8.12. As this synod's pastor, the bishop shall:
- i. Oversee and administer the work of this synod and in so doing:
    - 4) ~~exercise supervision over~~ direct and guide the work of the other officers;
    - 5) ~~coordinate~~ exercise supervision over the work of all synod staff members;
    - ...
    - 12) appoint a statistician of the synod, who shall secure the ~~parochial~~ reports of the congregations and make the reports available to the secretary of this church for collation, analysis, and distribution of the statistical summaries to this synod and the other synods of this church.
- †S8.16.01. The following procedures shall govern matters of potential conflicts of interest for synod bishops:
- a. Whenever a synod bishop determines that a matter of the kind described in †S8.16.01.b. may require ~~his or her~~ the bishop's determination or action with respect to a related individual as defined in †S8.16.01.c., the synod bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synod bishop from the same region to handle the matter to conclusion. In dealing with such matter, the appointed bishop shall exercise all of the functions and authority to the same extent as if the appointed bishop were the elected bishop of the withdrawing bishop's synod.
  - b. Matters include any proceedings under Chapter 20, proceedings under provisions 7.46. and 7.75. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (†S14.18. and †S14.43.), candidacy, reinstatement, and similar matters where determinations or actions by the synod bishop could change, limit, restrict, approve, authorize, or deny the related individual's ministry on one of the official rosters of this church.
- ~~†S8.23. In the event of the death, resignation, or disability of the bishop, the vice president, after consultation with the presiding bishop of the Evangelical Lutheran Church in America, shall convene the Synod Council to arrange for the conduct of the duties of the bishop until a new bishop shall be elected or, in the case of temporary disability, until the bishop resumes full performance of the duties of the office.~~

†S8.32. The secretary shall:  
a. Keep the minutes of all meetings of the Synod Assembly and Synod Council, be responsible for ~~the printing and~~ distribution of such minutes, and perform such other duties as this synod may from time to time direct.

S8.42. The treasurer shall provide and be accountable for:  
c. Receipt and acknowledgment of offerings, contributions, and bequests made to this synod, collecting interest and income from its invested funds, and paying regular appropriations and orders on the several accounts as approved and directed by the Synod Council. The treasurer shall transmit each month to the treasurer of the Evangelical Lutheran Church in America the funds received by this synod for the general work of this church as well as any funds to support restricted programs of this church.

...

~~f. Obtaining a fidelity bond in the amount determined by the Synod Council for persons handling synod funds, which bond shall be in the custody of the secretary. The premium for the bond shall be paid by this synod. Fidelity coverage provided by the Evangelical Lutheran Church in America shall be deemed a fulfillment of this requirement.~~

†S8.51. The terms of office of the officers of this synod shall be as follows:  
b. The vice president and secretary of this synod shall be elected to a term of \_\_\_\_\_ years and may be re-elected. The officer shall serve until ~~his or her~~ a successor takes office.  
c. The treasurer of this synod shall be [elected] [appointed] to a term of \_\_\_\_\_-years ~~term~~ and may be [re-elected] ~~or~~ [reappointed]. The treasurer shall serve until ~~his or her~~ a successor takes office.

[Becomes required]

†S8.52. The terms of the officers shall begin on the first day of the \_\_\_\_\_ month following election or, in special circumstances, at a time designated by the Synod Council.

†S8.57. The recall or dismissal of an officer and the vacating of office may be effected for willful disregard or violation of the constitutions, bylaws, and continuing resolutions of this church; for such physical or mental disability as renders the officer incapable of performing the duties of office; or for such conduct as would subject the officer to disciplinary action as a rostered minister or as a member of a congregation of this church.  
e. In the case of alleged physical or mental incapacity of an officer of the synod, the procedures outlined in †S8.56. shall be followed, and such officer shall comply with the decision of the Synod Council. If such officer fails or refuses to comply, the Synod Council may proceed to petition for recall or dismissal as follows:  
2) the Committee on Appeals, exclusive of any members other than those who are disqualified, shall review the findings and decision of the Synod Council and by an affirmative vote of at least two-thirds of those present and voting may adopt the findings and grant the petition.

†S8.58. If [the bishop is to be temporarily absent from the synod for an extended period not to exceed 90 days, the bishop, after consultation with the presiding bishop and with the consent of the Synod Council, may appoint as acting bishop for such period a minister of Word and Sacrament and half shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election. The functions of the Consultation Committee are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and in Chapter 17 of this constitution. The size of the Consultation Committee, in accord with this provision, shall be defined in this synod's bylaws.

#### **Chapter 11: Committees (names of other organizational units)**

†S11.02. The Consultation Committee of this synod shall consist of at least six persons and not more than 12 persons, of whom half shall be rostered ministers ~~of Word and Sacrament~~ and half shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election. The functions of the Consultation Committee are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and in Chapter 17 of this constitution. The size of the Consultation Committee, in accord with this provision, shall be defined in this synod's bylaws.

†S11.03. The Committee on Discipline of this synod shall consist of 12 persons, of whom six shall be rostered ministers ~~of Word and Sacrament~~ and six shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election.

## ~~S11.10.~~ — **General Provisions**

*[Becomes required]*

†~~S11.11.~~ This synod shall in its bylaws or by continuing resolution establish a process to ensure that the members of its committees and other organizational units will be persons possessing the necessary knowledge and competence to be effective members of such units, and to meet the requirements of †S6.04. With the exception of ministers on the rosters of this synod who reside outside the territory of this synod, each member of a committee of this synod, or any other organizational unit created by this synod, shall be a voting member of a congregation of this synod.

### **Chapter 13: Congregations**

†S13.02. It shall be the responsibility of each congregation of this synod to ~~elect~~choose from among its voting members laypersons to serve as members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. Normatively, congregations should hold elections prior to each regular meeting of the Synod Assembly. The number of persons to be elected by each congregation and other qualifications shall be as prescribed in guidelines established by this synod.

### **Chapter 14: Rostered Ministers**

S14.13. The pastor (a) shall keep accurate ~~parochial~~ records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation, (b) shall submit a summary of such statistics annually to this synod, and (c) shall become a member of the congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.

S14.15. Each minister of Word and Sacrament on the roster of this synod shall submit a report of ~~his or her~~ ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

†S14.18. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and a congregation shall be as follows:

- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the pastor's death or, following consultation with the synod bishop, for any of the following reasons:
  - 4) inability to conduct the pastoral office effectively in view of ~~physical~~ disability or ~~mental~~ incapacity of the pastor;
- b. When allegations of ~~physical~~ disability or ~~mental~~ incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
  - 1) the bishop, in his or her who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
- c. In case of alleged ~~physical~~ disability or ~~mental~~ incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon ~~removal-resumption~~ of the ability to conduct the office effectively~~disability and restoration of the pastor to health~~, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.

†S14.21. The ~~parochial~~ records of all baptisms, confirmations, marriages, burials, communicants, members received, members transferred or dismissed, members who have become inactive, or members excluded from the congregation shall be kept accurately and permanently. They shall remain the property of each congregation. At the time of the closure of a congregation, such records shall be sent to the regional archives. The secretary of the congregation shall attest to the bishop of this synod that such records have been placed in the secretary's his or her hands in good order by a departing pastor before:

- †S14.23. During service to a congregation, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor. The interim pastor may delegate the same in part to an interim supply pastor with the consent of the bishop of this synod. The interim pastor and any rostered minister who may assist shall refrain from exerting influence in the selection of a pastor. Upon completion of service, the interim pastor shall certify to the bishop of this synod that the ~~congregation parochial~~ records, for the period for which the interim pastor was responsible, are in order.
- S14.34. Each minister of Word and Service on the roster of this synod shall submit a report of ~~his or her~~ ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- †S14.43. The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:
- a. The call of a congregation, when accepted by a minister of Word and Service, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the deacon's death or, following consultation with the synod bishop, for any of the following reasons:
    - 4) ~~inability to conduct the office effectively in view of physical~~ disability or ~~mental~~ incapacity of the minister of Word and Service;
  - b. When allegations of ~~physical~~ disability or ~~mental~~ incapacity of the minister of Word and Service under paragraph a.4) above, or ineffective conduct of the ministry of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
    - 1) the bishop, in his or her who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
  - c. In case of alleged ~~physical~~ disability or ~~mental~~ incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the minister of Word and Service's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon ~~removal-resumption~~ of the ~~ability to conduct the office effectively~~ disability and restoration of the minister of Word and Service to health, the bishop shall take steps to enable the minister of Word and Service to resume the ministry, either in the congregation last served or in another appropriate call.

### **Chapter 15: Financial Matters**

- †S15.11. Since the congregations, synods, and churchwide organization are interdependent expressions that share in God's mission, all share in the responsibility to develop, implement, and strengthen the financial support of the whole church. The gifts and offerings of the members of the Evangelical Lutheran Church in America are given to support all parts of this church; thus the unity of this church should be evidenced in determining each part's share of the gifts and offerings. Therefore:...
- †S15.31. This synod shall arrange to have an annual audit of its financial records conducted by a certified public accountant firm recommended by the synod Audit Committee and approved by the Synod Council. The audited annual financial report shall be submitted by this synod to the churchwide Office of the Treasurer and to the congregations of this synod. ~~The financial reports shall be in the format approved from time to time by the churchwide Office of the Treasurer.~~

### **Chapter 16: Indemnification**

- †S16.01. Subject to the limitations and duties imposed by law, each person who is or was made or threatened to be made a party to any proceeding by reason of the present or former capacity of that person as a Synod Council member, officer, employee, or committee member of this synod shall be indemnified against all costs and expenses incurred by that person in connection with the proceeding. Indemnification of any person by reason of that person's capacity as a director, officer, employee, or committee member of any other organization, regardless of its form or relationship to this synod, is subject to the provisions of ~~section~~ †S16.02.
- †S16.03. This synod may purchase and maintain insurance on behalf of itself or any person entitled to indemnification pursuant to this chapter against any liability asserted against and incurred by this synod or by such other person in or arising from a capacity described in ~~section~~ †S16.01. or ~~section~~ †S16.02.

†S16.04. When written charges against a rostered minister of this church are made in disciplinary proceedings under Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* by the synod bishop or when written charges against a congregation are made in disciplinary proceedings by the Synod Council or the synod bishop, and the discipline hearing committee determines that no discipline shall be imposed, then if such determination is not reversed or set aside on appeal, indemnification shall be made by the synod to the accused for reasonable attorney-s fees and other reasonable expenses related to the defense of the charges. The determination of the reasonableness of such fees and expenses shall be ~~made~~decided by the Synod Council.

***Chapter 18: Amendments, Bylaws, and Continuing Resolutions***

†S18.31. This synod may adopt continuing resolutions not in conflict with this constitution or its bylaws or the constitution, bylaws, and continuing resolutions of the churchwide organization. Such continuing resolutions may be adopted or amended by a majority vote of the Synod Assembly or by a two-thirds vote of the Synod Council. Newly adopted continuing resolutions and amendments to existing continuing resolutions shall be reported to the secretary of this church.

## MODEL CONSTITUTION FOR CONGREGATIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA

### Chapter 6: Church Affiliation

- \*C6.05. This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:
- a. A resolution indicating the intent to terminate its relationship must be adopted at two legally called and conducted special meetings of this congregation by a two-thirds vote of the voting members present at each meeting. The first such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time this congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless ~~he or she~~the bishop and/or the bishop's designees is-are a voting members of this congregation, ~~the bishop and the bishop's designees, if any, they~~ shall have voice but not vote at the first meeting.
  - ...
  - d. If this congregation, after such consultation, is still considering termination of its relationship with this church, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the second meeting shall be sent to all voting members and to the bishop at least 10 days in advance of the meeting. Unless ~~he or she is the bishop and/or the bishop's designees are~~ a voting members of this congregation, ~~the bishop and the bishop's designees, if any, they~~ shall have voice but not vote at the second meeting.

### Chapter 9: Rostered Minister

- \*C9.05. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:
- a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the pastor's death or, following consultation with the synod bishop, for any of the following reasons:
    - 4) ~~inability to conduct the pastoral office effectively in view of~~ ~~physical~~ disability or ~~mental~~ incapacity of the pastor;
    - ...
  - b. When allegations of ~~physical~~ disability or ~~mental~~ incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
    - 1) the bishop, ~~in his or her who has~~ sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
    - ...
  - c. In case of alleged ~~physical~~ disability or ~~mental~~ incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon ~~removal-resumption~~ of the ~~disability and the restoration of the pastor to health,~~ ability to conduct the office effectively the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- \*C9.12. The pastor of this congregation:
- a. shall keep accurate ~~parochial~~ records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from this congregation;
- \*C9.13. The pastor(s) shall submit a report of ~~his or her~~ ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- \*C9.14. The ~~parochial~~ records of this congregation shall be maintained by the pastor and shall remain the property of this congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in ~~his or her~~ the secretary's hands in good order by a departing pastor before the installation of that pastor in another call or approval of a request for change in roster status.

- \*C9.25.** The provisions for termination of the mutual relationship between a minister of Word and Service and this congregation shall be as follows:
- a. The call of this congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the deacon's death or, following consultation with the synod bishop, for any of the following reasons:
    - 4) inability to conduct the office effectively in view of physical disability or ~~mental~~ incapacity of the deacon;
    - ...
  - b. When allegations of ~~physical~~ disability or ~~mental~~ incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
    - 1) the bishop, ~~in his or her~~ who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
    - ...
  - c. In case of alleged ~~physical~~ disability or ~~mental~~ incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon removal-resumption of the ~~disability and the restoration of the deacon to health~~ ability to conduct the office effectively, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.
- \*C9.31.** The deacon(s) shall submit a report of ~~his or her~~ ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

### **Chapter 10: Congregation Meeting**

*[New footnote]*

- C10.02.** A special Congregation Meeting may be called by the [senior] pastor, the Congregation Council, or the president<sup>1</sup> of this congregation, and shall be called by the president of this congregation upon the written request of \_\_\_[number][percent] of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synod bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.
- C10.08.** This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.
- C10.09.** "Ex officio" as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

### **Chapter 12: Congregation Council**

- C12.05.** The Congregation Council shall be responsible for the financial and property matters of this congregation.
- e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of mission support monies to the synod ~~treasurer~~.

*[New footnote]*

- C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president<sup>2</sup>, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.

<sup>1</sup> If the pastor is the president of the congregation, the congregation may consider giving the vice president the authority to call a special meeting.

<sup>2</sup> If the pastor is the president of the congregation, the congregation may consider giving the vice president the authority to call a special meeting.

- C12.13.** The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication or its equivalent. ~~and, †~~To the extent permitted by state law, notice of all meetings may be provided electronically.

### **Chapter 13: Congregation Committees**

[New footnote]

- C13.08.** The [senior] pastor of this congregation shall be *ex officio* a member of all committees and boards of this congregation. [The president<sup>4</sup> [vice president] of this congregation shall be *ex officio* a member of all committees and boards of this congregation, except the Nominating Committee.]

### **Chapter 15: Discipline of Members and Adjudication**

- \*C15.02.** The process for discipline of a member of this 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 the counseling, censure, and admonitions pursuant to \*C15.01. do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three laypersons and two rostered ministers of Word and Sacrament). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.

- \*C15.11.** When there is disagreement between or among factions within this congregation on a substantive issue which cannot be resolved by the parties, members of this congregation may petition the synod bishop for consultation after informing the president [vice president] of this congregation of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the Council deems necessary. The Synod Council's decision shall be final.

### **Chapter 16: Amendments**

- \*C16.02.** An amendment to this constitution, proposed under \*C16.01., shall:
- be approved at any legally called meeting of this congregation by a majority vote of those voting members present and voting; and
  - be ratified without change at the next regular meeting of this congregation held pursuant to C10.01. by a two-thirds vote of those voting members present and voting; and
  - ~~have the effective date included in the resolution<sup>5</sup> and noted in the constitution.~~
- \*C16.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at a prior meeting of this congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to this congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of this congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of this congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following the congregation's a vote of approval.

<sup>4</sup> If the pastor is the president of the congregation, the congregation may consider selecting the vice president.

<sup>5</sup> Such an effective date must be stated in relation to the requirements of \*C16.03. to allow time for the synod's review of the amendment.

***Chapter 20: Parish Authorization***

- \*C20.02.** One congregation of a parish shall issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate for the roster of Ministers of Word and Sacrament who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregation~~al~~ meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- \*C20.03.** One congregation of a parish may issue a call on behalf of the member congregations to a minister of Word and Service or a candidate for the roster of Ministers of Word and Service who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregation~~al~~ meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.