



**Evangelical Lutheran
Church in America**

God's work. Our hands.

**CONSTITUTIONS,
BYLAWS, AND
CONTINUING RESOLUTIONS
of the
Evangelical Lutheran Church
in America®**

as adopted by the Constituting Convention
of the Evangelical Lutheran Church in America
(April 30, 1987)

and

as amended by the

First (1989), Second (1991), Third (1993), Fourth (1995),
Fifth (1997), Sixth (1999), Seventh (2001), Eighth (2003),
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Assemblies of the Evangelical Lutheran Church in America

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INTRODUCTION

The *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* reflect both the underlying theology of this church as well as its organizational principles and governance structures. They are both ecclesial and legal documents. Thus, they commit this church in each of its expressions—congregations, synods, and the churchwide organization—to the centrality of proclaiming the Gospel of Jesus Christ, carrying out Christ’s Great Commission, serving the neighbor in response to God’s love, worshiping God, nurturing members in the Word of God, and manifesting the unity given to God’s people in living together in Christ. At the same time, these governing documents also provide necessary organizational principles, structures, and policies for good order and to meet legal requirements. Taken together, these governing documents reflect the organic whole of this church in its interdependent relationships and as part of the one holy, catholic, and apostolic Church.

Although the Evangelical Lutheran Church in America began operation in 1988, its governing documents are rooted in Scripture, the Lutheran Confessions, and in the experiences of predecessor church bodies. They incorporate important provisions that unite us as this church, yet provide organizational flexibility to congregations and synods. As such, they should facilitate ministry, not inhibit it.

We, as members of this church, find ourselves consulting these documents frequently to guide, direct, and assist us in mission and ministry together. They remind us again and again that this is not our church, but God’s church. As God’s people in the Evangelical Lutheran Church in America, we are claimed, gathered, and sent for the sake of the world. We are doing God’s work. “God’s work. Our hands.”

Secretary David D. Swartling
September 4, 2009

RESTATED
ARTICLES OF INCORPORATION
OF
EVANGELICAL LUTHERAN CHURCH IN
AMERICA®

ARTICLE I

The name of this corporation shall be:

EVANGELICAL LUTHERAN CHURCH IN AMERICA

ARTICLE II

This corporation (sometimes referred to herein as the “Church”) is organized and shall be operated exclusively for religious purposes and, specifically, this corporation shall constitute a Lutheran church the purpose and functions of which shall be as specified from time to time in the Constitution of this corporation.

Within the framework and limitations of these purposes, the Church is organized and shall be operated exclusively for religious purposes and shall have such powers as are consistent with the foregoing purposes, including the power to acquire and receive funds and property of every kind and nature whatsoever, whether by purchase, conveyance, lease, gift, grant, bequest, legacy, devise, or otherwise, and to own, hold, expend, make gifts, grants, and contributions of, and to convey, transfer, and dispose of any funds and property and the income therefrom for the furtherance of the purposes of the Church hereinabove set forth, or any of them, and to lease, mortgage, encumber, and use the same, and such other powers which are consistent with the foregoing purposes and which are afforded to the Church by the Minnesota Nonprofit Corporation Act, and by any future laws amendatory thereof and supplementary thereto.

ARTICLE III

This corporation shall not afford pecuniary gain, incidentally or otherwise, to its members, and no part of the net income or net earnings of this corporation shall inure to the benefit of any member, private shareholder, or individual, and no substantial part of its activities shall consist of carrying on propaganda, or otherwise attempting to influence legislation. This corporation shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

This corporation shall not lend any of its assets to any officer, director, or member of this corporation or guarantee to any other person the payment of a loan made to an officer, director, or member of this corporation.

All references in these Articles of Incorporation to sections of the Internal Revenue Code of 1954 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future Internal Revenue codes to the extent such provisions are applicable to this corporation.

ARTICLE IV

The period of duration of corporate existence of this corporation shall be perpetual.

ARTICLE V

The registered office of this corporation shall be located at 405 Second Avenue South, Minneapolis, Minnesota 55401.

ARTICLE VI

The management and direction of the business of the Church shall be vested in a board of directors which shall be known and designated as the Church Council. The terms of office, method of election, powers, authorities, and duties of the members of the Church Council, the time and place of their meetings, and such other regulations with respect to them as are not inconsistent with the express provisions of these Articles of Incorporation shall be as specified from time to time in the bylaws of the Church, which shall be known to the Church as its Constitution.

ARTICLE VII

The Church Council shall consist of thirty-seven (37) persons. The names and addresses of the members of the Church Council and the expiration date of their respective terms of office, are as follows:

		Expiration Date of Term— Close of the Church’s
<u>Name</u>	<u>Post Office Address</u>	<u>Convention in the Year:</u>

Names of the members of the Church Council elected at the Constituting Convention of the Evangelical Lutheran Church in America and, in the case of the treasurer, at the first meeting of the Church Council, were filed in the Restated Articles of Incorporation and appear in the minutes of the convention and council meeting.

ARTICLE VIII

Except as otherwise provided in the Church's Constitution, the Church shall have no members with voting rights.

Whenever, and to the extent that, the Church's Constitution provides that voting rights shall be exercised by individuals elected, appointed, or otherwise designated to serve as voting members of an assembly of the Church, then the voting members of this Church for purposes of the laws of the State of Minnesota shall be the persons who were most recently seated as the voting members of an assembly of the Church.

Members of congregations of the Church shall not, as such, have any voting rights with respect to this corporation.

ARTICLE IX

For purposes of the laws of the State of Minnesota, only the Church's Constitution shall be treated as the bylaws of this corporation, and none of this corporation's governing documents other than these Articles of Incorporation and the Church's Constitution need be subject to the procedures specified by law or otherwise for the amendment of articles of incorporation or bylaws.

ARTICLE X

Members of this corporation shall not be personally liable for the payment of any debts or obligations of this corporation of any nature whatsoever, nor shall any of the property of the members be subject to the payments of the debts or obligations of this corporation to any extent whatsoever.

ARTICLE XI

This corporation shall have no capital stock.

ARTICLE XII

These Articles of Incorporation may be amended from time to time in the manner prescribed by law.

ARTICLE XIII

In the event of the dissolution of this corporation any surplus property remaining after the payment of its debts shall be disposed of by transfer to one or more corporations, associations, institutions, trusts, community chests, or foundations organized and operated exclusively for one or more of the purposes of this corporation, and described in section 501(c)(3) of the Internal Revenue Code of 1954, in such proportions as the Church Council of this corporation shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this corporation upon trust or other condition, or subject to any executory or special limitation, and such property, upon dissolution of this corporation, shall be transferred in accordance with the trust, condition, or limitation imposed with respect to it.

**CONSTITUTION, BYLAWS,
AND CONTINUING RESOLUTIONS
of the
EVANGELICAL LUTHERAN CHURCH
IN AMERICA®**

CONSTITUTION, BYLAWS, AND CONTINUING RESOLUTIONS of the EVANGELICAL LUTHERAN CHURCH IN AMERICA®

CODIFICATION EXPLANATION

The provisions of the Constitution, the Bylaws, and the Continuing Resolutions that pertain to the same matter have been placed together. This arrangement requires that the three types of material be identified by means other than physical separation.

The three types of provisions are identified by the following devices:

- a. All constitutional provisions are printed in **bold** face type.
- b. All bylaw provisions are printed in light face type.
- c. All continuing resolutions are printed in *italic* type.
- d. A numerical codification indicates general subject, constitutional provisions, bylaw provisions, and continuing resolutions.

Major sections are designated as chapters. The chapters are numbered 1 through 22. The chapter designation becomes the first number in the codification sequence and is followed by a period. Thus provisions in “Chapter 14. Church Council” are preceded by “14.”

General subjects normally are titled and designated by a number ending in zero. Thus, a subdivision of Chapter 12 that contains provisions regarding the Churchwide Assembly is codified and titled “12.20. Duties of the Churchwide Assembly.” When subjects that are bylaw provisions only are titled, the same principles would apply within the third number sequence, *e.g.*, 12.41.10. Voting Members.

Constitutional provisions are codified with two sets of numbers, the chapter number and a two-digit number preceding the second period in the codification. Thus, one constitutional provision related to the presiding bishop of this church is 13.21.

Bylaw provisions are codified with three sets of numbers: the chapter number; the related constitutional provision number; and a two-digit bylaw number. Thus, one bylaw provision related to the secretary of this church is codified as 13.41.01.

Continuing resolutions also are codified with three sets of numbers except that the third set is preceded by a capital letter. Thus, a continuing resolution might be numbered 16. to designate the chapter; 16.11. to designate the subject matter within the chapter; and the third set might be numbered A07. in the codification 16.11.A07. to indicate by the “A” that it is the first continuing resolution regarding that subject and by the “07” that it was adopted in 2007.

When many related provisions are parts of a unit that are considered inseparable, they normally are lettered “a,” “b,” “c,” etc. When related provisions are part of a unit but considered separable, such as a list of duties, they are normally numbered in sequence. If the related provisions cannot be clearly judged to be separable or inseparable, preference will be given to a number sequence.

If chapter numbers are considered the major sequence number, constitution numbers as a fraction of the chapter number, and bylaw numbers as a fraction of the constitution number, then the codification follows a progressive sequence. Thus, 8.31. will precede 8.33.01., and 9.21.01. will precede 9.22.

Provisions in the *Constitution for Synods* are prefaced with “S,” and those in the *Model Constitution for Congregations* with “C.”

In these governing documents, with the exception of the “Restated Articles of Incorporation,” “Church” with a capital letter is used in references to the one, holy, catholic, and apostolic Church. In references to the Evangelical Lutheran Church in America, the words “church” and “this church” in lower case letters are employed.

PREAMBLE

Convinced that the Holy Spirit is leading us toward unity in the household of God, we of The American Lutheran Church, The Association of Evangelical Lutheran Churches, and the Lutheran Church in America give thanks to God for the faith we share together in Christ and, by adopting this constitution, form a new church, in the name of the Father, the Son, and the Holy Spirit.

Chapter 1.

NAME, INCORPORATION, SEAL, AND LOCATION

1.01. The name of this church shall be Evangelical Lutheran Church in America.

1.01.01. The name, Evangelical Lutheran Church in America, as used herein, refers, in general references, to this whole church, including its three primary expressions—congregations, synods, and the churchwide organization. The name, Evangelical Lutheran Church in America, is also the name of the corporation of the churchwide organization to which specific references are made herein.

1.02. For the purposes of this constitution and the accompanying bylaws, the Evangelical Lutheran Church in America is hereafter designated as “this church.”

1.11. This church shall be incorporated.

1.21.01. The seal of this church is a cross with three united flames emanating from the base of the cross and three entwined circles beside the cross. The year of the constituting convention of this church is included at the base of the cross. The name of this church forms the circular outer edge of the seal.



1.31.01. The principal office of this church shall be located in Chicago, Illinois.

1.31.02. This church may maintain offices in such other locations as the Churchwide Assembly or the Church Council shall determine.

Chapter 2.

CONFESSION OF FAITH

- 2.01. This church confesses the Triune God, Father, Son, and Holy Spirit.**
- 2.02. This church confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.**
- a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.**
 - b. The proclamation of God’s message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.**
 - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God’s Spirit speaking through their authors, they record and announce God’s revelation centering in Jesus Christ. Through them God’s Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.**
- 2.03. This church accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.**
- 2.04. This church accepts the Apostles’, Nicene, and Athanasian Creeds as true declarations of the faith of this church.**
- 2.05. This church accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.**
- 2.06. This church accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.**
- 2.07. This church confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God’s mission in the world.**

Chapter 3.

NATURE OF THE CHURCH

- 3.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this church are to be carried out under his rule and authority.**
- 3.02. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. This church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.**

Chapter 4.

STATEMENT OF PURPOSE

- 4.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God’s creative, redeeming, and sanctifying activity in the world.**
- 4.02. To participate in God’s mission, this church shall:**
- a. Proclaim God’s saving Gospel of justification by grace for Christ’s sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.**
 - b. Carry out Christ’s Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.**
 - c. Serve in response to God’s love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless and committing itself to their needs.**
 - d. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.**
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.**
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.**
- 4.03. To fulfill these purposes, this church shall:**
- a. Receive, establish, and support those congregations, ministries, organizations, institutions, and agencies necessary to carry out God’s mission through this church.**
 - b. Encourage and equip all members to worship, learn, serve, and witness; to fulfill their calling to serve God in the world; and to be stewards of the earth, their lives, and the Gospel.**
 - c. Call forth, equip, certify, set apart, and oversee an ordained ministry of Word and Sacrament and such other forms of ministry that will enable this church to fulfill its mission.**
 - d. Seek unity in faith and life with all Lutherans within its boundaries and be ready to enter union negotiations whenever such unity is manifest.**

- e. Foster Christian unity by participating in ecumenical activities, contributing its witness and work and cooperating with other churches which confess God the Father, Son, and Holy Spirit.
- f. Develop relationships with communities of other faiths for dialogue and common action.
- g. Lift its voice in concord and work in concert with forces for good, to serve humanity, cooperating with church and other groups participating in activities that promote justice, relieve misery, and reconcile the estranged.
- h. Produce and publish worship materials for corporate, family, and personal use and resources for education, witness, service, and stewardship.
- i. Establish and maintain theological seminaries, schools, colleges, universities, and other educational institutions to equip people for leadership and service in church and society.
- j. Assure faithfulness to this church's confessional position and purpose and provide for resolution of disputes.
- k. Publish a periodical and make use of the arts and public communication media to proclaim the Gospel and to inform, interpret, and edify.
- l. Study social issues and trends, work to discover the causes of oppression and injustice, and develop programs of ministry and advocacy to further human dignity, freedom, justice, and peace in the world.
- m. Establish, support, and recognize institutions and agencies that minister to people in spiritual and temporal needs.
- n. Work with civil authorities in areas of mutual endeavor, maintaining institutional separation of church and state in a relation of functional interaction.
- o. Provide structures and decision-making processes for this church that foster mutuality and interdependence and that involve people in making decisions that affect them.
- p. Support the mission of this church by arranging for and encouraging financial contributions for its work, management of its resources, and processes of planning and evaluation.
- q. Provide fair personnel practices and adequate compensation, benefits, and pensions for those employed by this church.

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:**
- a. The congregations, synods, and churchwide organization shall act in accordance with the Confession of Faith set forth in Chapter 2 of this constitution and with the Statement of Purpose set forth in Chapter 4.**
 - b. This church, in faithfulness to the Gospel, is committed to be an inclusive church in the midst of division in society. Therefore, in their organization and outreach, the congregations, synods, and churchwide units of this church shall seek to exhibit the inclusive unity that is God’s will for the Church.**
 - c. The congregations, synods, and churchwide organization of this church are interdependent partners sharing responsibly in God’s mission. In an interdependent relationship primary responsibility for particular functions will vary between the partners. Whenever possible, the entity most directly affected by a decision shall be the principal party responsible for decision and implementation, with the other entities facilitating and assisting. Each congregation, synod, and separately incorporated unit of the churchwide organization, as well as the churchwide organization itself, is a separate legal entity and is responsible for exercising its powers and authorities.**
 - d. Each congregation and synod in its governing documents shall include the Confession of Faith and Statement of Purpose and such structural components as are required in this constitution. Beyond these common elements, congregations and synods shall be free to organize in such manner as each deems appropriate for its jurisdiction.**
 - e. The Church Council shall establish an ongoing process to review the function of the structural organization of this church and to develop recommendations for changes.**
 - f. Except as otherwise provided in this constitution and bylaws, 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, 50 percent of the lay members of these assemblies,**

councils, committees, boards, or other organizational units shall be female and 50 percent shall be male, and that, where possible, the representation of ordained ministers shall be both female and male. 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 roster of ordained ministers. This balance is to be evident in terms of both executive staff and support staff consistent with the inclusive policy of this church.

- g. Except as otherwise provided in this constitution and bylaws, synods, through synodical 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, 50 percent of the lay members of their assemblies, councils, committees, boards, or other organizational units shall be female and 50 percent shall be male, and that, where possible, the representation of ordained ministers shall be both female and male. 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.**
- h. Leaders in this church should demonstrate that they are servants by their words, life-style, and manner of leadership. Leaders in this church will recognize their accountability to the Triune God, to the whole Church, to each other, and to the organization of this church in which they have been asked to serve.**
- i. As a steward of the resources that God has provided, this church shall organize itself to make the most effective use of its resources to accomplish its mission.**
- j. Each assembly, council, committee, board, task force, or other body of the churchwide organization or any churchwide units shall be conclusively presumed to have been properly constituted, and neither the method of selection nor the composition of any such assembly, council, committee, board, task force, or other body may be challenged in a court of law by any person or be used as the basis of a challenge in a court of law to the validity or effect of any action taken or authorized by any such assembly, council, committee, board, task force, or other body.**

- 5.01.A87.** *It shall be a goal of this church that within 10 years of its establishment its membership shall include at least 10 percent people of color and/or primary language other than English.*
- 5.01.B87.** *With regard to the minimum goal 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, it is understood that initially there may be exceptions to the attainment of this goal based on the makeup of the membership within a particular synod. By the time of its second assembly, each synod shall establish a plan to attain this goal within 10 years.*
- 5.01.C00.** *The term, “persons of color and/or persons whose primary language is other than English,” shall be understood to mean African American, Black, Arab and Middle Eastern, Asian and Pacific Islander, Latino, American Indian, and Alaska Native people. This definition, however, shall not be understood as limiting this church’s commitment to inclusive participation in its life and work.*

Chapter 6.
MEMBERSHIP

- 6.01.** **The members of this church shall be the baptized members of its congregations.**
- 6.02.** **The voting members of this church shall be those persons elected to serve as members of the Churchwide Assembly. Membership in a congregation does not, in itself, confer voting rights in this corporation.**
- 6.02.A09.** *It is the goal of this church that at least 10 percent of the voting members of the Churchwide Assembly, Church Council, and churchwide boards and committees be youth and young adults. The Church Council shall establish a plan for implementing this goal. For purposes of the Constitution, Bylaws, and Continuing Resolutions of the ELCA, 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.

MINISTRY

7.10. MINISTRY OF THE BAPTIZED PEOPLE OF GOD

7.11. This church affirms the universal priesthood of all its baptized members. In its function and its structure this church commits itself to the equipping and supporting of all its members for their ministries in the world and in this church. It is within this context of ministry that this church calls some of its baptized members for specific ministries in this church.

7.20. ORDAINED MINISTRY

7.21. Within the people of God and for the sake of the Gospel ministry entrusted to all believers, God has instituted the office of ministry of Word and Sacrament. To carry out this ministry, this church calls and ordains qualified persons.

7.22. An ordained minister of this church shall be a person whose commitment to Christ, soundness in the faith, aptness to preach, teach, and witness, and educational qualifications have been examined and approved in the manner prescribed in the documents of this church; who has been properly called and ordained; who accepts and adheres to the Confession of Faith of this church; who is diligent and faithful in the exercise of the ministry; and whose life and conduct are above reproach. An ordained minister shall comply with the constitution of this church.

7.23. The standards for acceptance and continuance of pastors in the ordained ministry of this church shall be set forth in the bylaws.

7.24. The secretary of this church shall maintain a roster containing the names of ordained ministers who qualify on the basis of constitutional provisions 7.22., 7.23., 7.30., and 7.31., and related bylaws.

7.30. STANDARDS FOR ORDAINED MINISTERS

7.31. In accordance with the description of an ordained minister stated in 7.22., pastors as ordained ministers shall be governed by the following standards, policies, and procedures.

7.31.10. Basic Standards

7.31.11. Persons admitted to and continued in the ordained ministry of this church shall satisfactorily meet and maintain the following, as defined by this church in its governing documents and in policies developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council:

- a. commitment to Christ;
- b. acceptance of and adherence to the Confession of Faith of this church;

- c. willingness and ability to serve in response to the needs of this church;
- d. academic and practical qualifications for ministry, including leadership abilities and competence in interpersonal relationships;
- e. commitment to lead a life worthy of the Gospel of Christ and in so doing to be an example in faithful service and holy living;
- f. receipt and acceptance of a letter of call; and
- g. membership in a congregation of this church.

7.31.12. Consistent with the faith and practice of the Evangelical Lutheran Church in America,

- a. Every ordained minister shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care;
 - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 6) witness to the Kingdom of God in the community, in the nation, and abroad; and
 - 7) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God’s love for the world.
- b. Each ordained minister with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) supervise all schools and organizations of the congregation;
 - 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications;
 - 4) endeavor to increase the support given by the congregation to the work of the churchwide organization and synod of the Evangelical Lutheran Church in America;
 - 5) install regularly elected members of the Congregation Council; and
 - 6) with the council, administer discipline.

7.31.13. Preparation and Approval. Except as provided below, a candidate for ordination as a pastor shall have:

- a. membership in a congregation of this church and registration, by its pastor and council, of the candidate with the candidacy committee;
- b. been endorsed by and under the guidance and supervision of the appropriate committee for at least a year before being approved for ordination;

- c. satisfactorily completed the requirements for the Master of Divinity degree from an accredited theological school in North America, 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 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;
- e. been recommended for approval by the faculty of a seminary of this church or of the Evangelical Lutheran Church in Canada;
- f. been examined and approved by the appropriate committee according to criteria, policies, and procedures established by the appropriate churchwide unit after consultation with the Conference of Bishops and adoption by the Church Council;
- 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
- h. received and accepted a properly issued and attested letter of call.

7.31.14. Admission under Other Circumstances. Candidates for ordination as pastors or for reception who by reason of (a) age and prior experience, (b) ordination in another Lutheran church body, or (c) ordination in another Christian church body, whether in North America or abroad, shall be approved by the candidacy committee for ordination or reception according to criteria, policies, and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council. In preparing such criteria, policies, and procedures, the appropriate churchwide unit shall consult with the seminaries of this church and, as appropriate, with other churchwide units.

7.31.15. Reinstatement. A person seeking reinstatement to the ordained ministry as a pastor, whether having served previously in this church or in one of its predecessor bodies, shall be registered by the pastor and council of the congregation of which such a person is a member with the candidacy committee of the synod in which the person was last rostered or, upon mutual agreement of the synodical bishops involved, after consultation with and approval by the secretary of this church, with the candidacy committee of the synod of current residence. The person then shall be interviewed, examined, and approved by the candidacy committee under criteria, policies, and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council. In this process, the committee shall review the circumstances related to the termination of earlier service together with sub-

sequent developments. The person is reinstated after receiving and accepting a letter of call to serve as a pastor in this church.

7.31.16. On Leave from Call. An ordained minister of this church, serving under a regularly issued letter of call, who leaves the work of that ministry without accepting another regularly issued letter of call, may be retained on the roster of ordained ministers of this church, upon endorsement by the synodical bishop, by action of the Synod Council in the synod of which the ordained minister is a member, under policy developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.

- a. Normative Pattern: By annual action of the Synod Council in the synod of which a member, upon endorsement by the synodical bishop, an ordained minister who is without a current letter of call may be retained on the roster of ordained ministers of this church for a maximum of three years, beginning at the completion of an active call.
- b. Study Leave: By annual action of the Synod Council in the synod of which a member, with the approval of the synodical bishop and in consultation with the appropriate churchwide unit, an ordained minister engaged in graduate study, in a field of study that will enhance service in the ordained ministry, may be retained on the roster of ordained ministers of this church for a maximum of six years.
- c. Family Leave: An ordained minister who has been in active service under call for at least three years may request leave for family responsibilities. By annual action of the Synod Council in the synod of which a member, upon endorsement by the synodical bishop, such an ordained minister who is without a current letter of call and who requests leave for the birth or care of a child or children of the ordained minister or the care of an immediate family member (child, spouse, or parent) with a serious health condition may be retained on the roster of ordained ministers of this church—under policy developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council—for a maximum of six years beginning at the completion of an active call.
- d. Exception to these limits for the purpose of serving the needs of this church may be granted in accordance with established policy of this church by the Synod Council in the synod of current roster after having received approval by the Conference of Bishops.

7.31.17. Ordination in Unusual Circumstances. For pastoral reasons in unusual circumstances, a synodical bishop may provide for the ordination by another pastor of the Evangelical Lutheran Church in America of an approved candidate who has received and accepted a properly issued, duly attested letter of call for the office of ordained ministry. Prior to authorization of such an ordination, the bishop of the synod of the

candidate's first call shall consult with the presiding bishop as this church's chief ecumenical officer and shall seek the advice of the Synod Council. The pastoral decision of the synodical bishop shall be in accordance with policy developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.

7.31.20. Invitation to Service

7.31.21. In accord with bylaw 8.72.11. and following, an ordained minister of a church body with which a relationship of full communion has been established by the Churchwide Assembly of the Evangelical Lutheran Church in America may serve contractually in a ministry setting of this church under a "Letter of Invitation to Service" upon the authorization of the bishop of the synod in which such service occurs.

7.40. CALLS FOR ORDAINED MINISTERS

7.41. Letters of Call. Letters of call to ordained ministers of this church or properly approved candidates for this church's roster of ordained ministers shall be issued in keeping with this church's constitutions, bylaws, and continuing resolutions as well as policies regarding such calls developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and approved by the Church Council.

7.41.10. General Categories

7.41.11. Service under Call. An ordained minister of this church shall serve under a letter of call properly extended by a congregation, a synodical council or assembly, the Church Council, or the Churchwide Assembly.

a. Calls may be extended for stated periods of time and for shared-time ministry by the appropriate calling body under criteria recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.

b. Ordained ministers serving as interim pastors appointed by the synodical bishop may serve under a letter of call, according to policies developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and approved by the Church Council. A call to interim ministry shall be a term call extended by the Synod Council upon recommendation of the synodical bishop.

7.41.12. Initial Call to Congregational Service. Because the responsibilities of the office of the ordained ministry are most clearly focused in the congregational pastorate, experience in which is deemed by this church to be invaluable for all other ordained service, initial service of at least three years shall be in the parish ministry in this church. Exceptions may be granted under criteria and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.

7.41.13. Calls to Non-Congregational Service. Calls to serve in institutions, agencies, and other entities inside and outside this church may be extended where there is an identifiable relationship of the work to the

purpose of the ordained ministry. Such calls involve, for example, the care of the Word, the administration of the sacraments, pastoral care, and activities closely associated with those tasks including oversight in the church and in inter-Lutheran and inter-church agencies and institutions. Care is to be exercised so that positions in the church and in the world that can be filled adequately and appropriately by the laity not be filled by ordained ministers for their convenience or status. Synodical councils and the Church Council may seek the advice of the Conference of Bishops in specific situations.

- 7.41.14. Non-Stipendiary Service Under Call.** When it is deemed necessary for the mission needs of this church, a letter of call may be issued by the Synod Council—according to criteria, policies, and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council—to an ordained minister for non-stipendiary service after the Synod Council has sought and received approval by the Conference of Bishops. Care is to be exercised so that positions in the church and in the world that can be filled adequately and appropriately by the laity not be filled by ordained ministers for their convenience, status, or personal preference. A call to non-stipendiary service is to be reviewed at least annually by the Synod Council and continued only as warranted for the ministry needs of this church. Such a call may be terminated by the Synod Council when it is deemed to be fulfilling no longer the mission needs of this church.
- 7.41.15. Calls to Serve in Unusual Circumstances.** When it is deemed to be in the interests of this church in the care of the Gospel, ordained ministers may be called for a stated period of time, not to exceed three years, to minister on behalf of this church while employed in an occupation outside the traditional range of the ordained ministry. Such calls may be extended by a Synod Council or the Church Council upon recommendation by the Conference of Bishops according to criteria and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council. Such calls shall be reviewed annually.
- 7.41.16. Calls in Predecessor Church Bodies.** Accountability for specific calls to service extended in predecessor church bodies shall be exercised according to the policies and procedures of this church.
- 7.41.17. Retirement.** Ordained ministers may retire upon attainment of age 60, or after 30 years on the roster of ordained ministers of this church or one of its predecessor bodies, and continue to be listed on the roster of ordained ministers of this church, upon endorsement by the synodical bishop, by action of the Synod Council in the synod in which the ordained minister is listed on the roster.
- a. The policies and procedures for granting retired status on the roster of ordained ministers shall be developed by the appropriate

churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.

- b. If an ordained minister who has been granted retired status resides at too great a distance from any congregation of this church to be able to sustain an active relationship with that congregation, the bishop of the synod in which the ordained minister is listed on the roster may grant permission for the ordained minister to hold membership in a congregation or parish of a church body with which a relationship of full communion has been declared and established by the Evangelical Lutheran Church in America.

7.41.18. Disability. Ordained ministers may be designated as disabled and continue to be listed on the roster of ordained ministers of this church, upon endorsement by the synodical bishop, by action of the Synod Council in the synod in which the ordained minister is listed on the roster.

- a. The policies and procedures for designation of disability on the roster of ordained ministers shall be developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- b. If an ordained minister who has been granted disabled status resides at too great a distance from any congregation of this church to be able to sustain an active relationship with that congregation, the bishop of the synod in which the ordained minister is listed on the roster may grant permission for the ordained minister to hold membership in a congregation or parish of a church body with which a relationship of full communion has been declared and established by the Evangelical Lutheran Church in America.

7.41.19. Retention of Roster Records. When an ordained minister resigns or is removed from that roster of this church, the roster record shall be retained by the secretary of this church, and the synodical bishop shall invite the person at the time of resignation or removal to provide, annually, appropriate current information for the roster record.

7.42. Each pastor on the roster of ordained ministers of this church shall be related to that synod:

- a. to which the congregation issuing the call to the ordained minister is related;
- b. which issues a letter of call to the ordained minister;
- c. on whose roster the ordained minister was listed at the time of the issuance of a letter of call from the Church Council;
- d. on whose roster the ordained minister, if a seminary teacher or administrator, was assigned by the seminary board, subject to approval by the synodical bishop and Synod Council of each affected synod, to promote proportionate representation of faculty and administration in each synod of its region;

- e. on whose roster the ordained minister was listed at the time of the issuance of a call to federal chaplaincy or on the roster of the synod of current address, if approved by the synodical bishop and received by the Synod Council;
- f. in which the ordained minister, upon receiving a call from this church, serves as a deployed staff person or on the roster of one of the synods to which the ordained minister is deployed;
- g. on whose roster the ordained minister was listed when placed on leave from call;
- h. on whose roster the ordained minister, if designated as disabled, was listed when last called or the synod of current address, upon application by the ordained minister for transfer and the mutual agreement of the synodical bishops involved after consultation with and approval by the secretary of this church; or
- i. on whose roster the ordained minister, if granted retired status, was listed when last called or the synod of current address, upon application by the ordained minister for transfer and the mutual agreement of the synodical bishops involved after consultation with and approval by the secretary of this church.

7.42.01. If the service of an ordained minister who receives and accepts a letter of call from this church, under 7.42.c., would be enhanced through transfer of roster status from the previous synod of roster to the synod of current address, such a transfer may be authorized upon mutual agreement of the synodical bishops involved after consultation with and approval by the secretary of this church.

7.42.02. In unusual circumstances, the transfer of an ordained minister who is on leave from call may be authorized upon mutual agreement of the synodical bishops involved after consultation with and approval by the secretary of this church.

7.42.03. In certain circumstances for the sake of the ministry and mission needs of this church, the transfer of an ordained minister serving under call in the churchwide organization may be authorized, at the initiative of the presiding bishop of this church, upon mutual agreement of the synodical bishops involved in such a transfer after consultation with and approval by the secretary of this church.

7.43. **A letter of call issued by a Synod Council or the Church Council to an ordained minister of this church shall be either co-terminus with, or not longer than, the duration of the service or employment for which the call was issued. With the exception of persons designated as employees of a synod or the churchwide organization, such a call does not imply any employment relationship or contractual obligation in regard to employment on the part of the Synod Council or Church Council issuing the call. The recipient of such a call remains subject to this church's standards and discipline for ordained ministry, as**

contained in this church's constitution, bylaws, and continuing resolutions and in the policy and procedure documents of this church.

7.43.01. When the Synod Council or the Church Council, as the calling source, determines that the service or employment no longer fulfills the criteria under which a call was issued, the Synod Council or the Church Council shall vacate the call and direct that the individual be placed on leave from call or, if such leave status is not granted, the individual shall be removed from the roster of ordained ministers.

7.44. **Each synod shall maintain a roster containing the names of those ordained ministers who are related to it on the basis of 7.42. of this constitution.**

7.44.A05. Sources of Calls for Ordained Ministers

a. Principles for Sources of Calls

- 1) *A "call" is an action by expressions of this church, as specified in the "Table of Sources of Calls for Ordained Ministers," through which a person is asked to serve in a specified ministry. Such an action is attested in a "letter of call."*
- 2) *Interdependence within the body of this church suggests that any action of one of its entities affects other entities. Therefore, interdependence is expressed in all calls extended within this church.*
- 3) *A call expresses a relationship between this church and the person called involving mutual service, support, accountability, supervision, and discipline.*
- 4) *A letter of call is issued by that expression of this church authorized to do so which is most directly involved in accountability for the specified ministry.*
- 5) *Decisions on calls for ministries in unusual circumstances not otherwise provided for but deemed to be in the interests of this church's care of the Gospel are referred to the Conference of Bishops for recommendation to the appropriate calling body.*

b. Table of Sources of Calls for Ordained Ministers

<i>Setting</i>	<i>Calling Body</i>
<i>1.0 Congregational ministry</i>	
<i>1.1 Single congregation</i>	<i>Congregation meeting</i>
<i>1.11 Pastor</i>	
<i>1.12 Senior Pastor</i>	
<i>1.13 Associate/assistant pastor</i>	
<i>1.14 Co-pastor</i>	
<i>1.15 Shared-time pastor</i>	

1.2	<i>Multiple-congregation parish</i>	<i>Congregation meetings, acting on a common proposal</i>
1.21	<i>Pastor</i>	
1.22	<i>Other pastoral arrangements</i>	
1.3	<i>Coalition and cluster ministry</i>	<i>Synod Council</i>
1.4	<i>Congregations beyond ELCA</i>	
1.41	<i>Independent Lutheran congregation</i>	<i>Synod Council</i>
1.42	<i>Overseas independent Lutheran congregation</i>	<i>Church Council upon request of appropriate churchwide unit</i>
1.43	<i>Other</i>	<i>Synod Council or Church Council</i>
1.5	<i>Interim pastor</i>	<i>Synod Council</i>
1.6	<i>Pastor in a congregation under development</i>	<i>Synod Council</i>
2.0	<i>Synodical ministry</i>	
2.1	<i>Bishop</i>	<i>Synod Assembly</i>
2.2	<i>Assistant to bishop</i>	<i>Synod Council</i>
2.3	<i>Shared staff by two or more synods</i>	<i>One of the participating synods</i>
2.4	<i>Synod staff partially supported by grants from churchwide units</i>	<i>Synod Council</i>
3.0	<i>Regional ministry</i>	
3.1	<i>Staff</i>	<i>Church Council</i>
3.2	<i>Shared synodical-churchwide staff</i>	<i>Church Council</i>
4.0	<i>Churchwide ministry</i>	
4.1	<i>Presiding bishop and secretary</i>	<i>Churchwide Assembly</i>
4.2	<i>Treasurer</i>	<i>Church Council</i>
4.3	<i>Presiding bishop's staff</i>	<i>Church Council</i>
4.4	<i>Office staff</i>	<i>Church Council</i>
4.5	<i>Unit executive director</i>	<i>Church Council</i>
4.6	<i>Section executive</i>	<i>Church Council</i>
4.7	<i>Other churchwide unit staff</i>	<i>Church Council</i>

5.0	<i>Chaplaincy and institutional ministry</i>	
5.1	<i>Institution/agency related or unrelated to a synod</i>	<i>Synod Council</i>
5.2	<i>Institution/agency related more than one synod</i>	<i>Synod Council of one of the synods</i>
5.3	<i>ELCA-related institution/agency</i>	<i>Church Council upon request of appropriate churchwide unit</i>
5.4	<i>Federal agency/institution</i>	<i>Church Council</i>
5.5	<i>Military</i>	<i>Church Council</i>
6.0	<i>Campus ministry</i>	
6.1	<i>Staff</i>	<i>Synod Council</i>
7.0	<i>Church camp ministry</i>	
7.1	<i>Staff</i>	<i>Synod Council</i>
8.0	<i>Ecumenical ministry</i>	
8.1	<i>Related to a synod</i>	<i>Synod Council</i>
8.2	<i>Related to more than one synod</i>	<i>Synod Council of one of the synods</i>
8.3	<i>National/international organization</i>	<i>Church Council</i>
9.0	<i>Inter-Lutheran ministry</i>	
9.1	<i>Related to a synod</i>	<i>Synod Council</i>
9.2	<i>Related to more than one synod</i>	<i>Synod Council of one of the synods</i>
9.3	<i>National/International</i>	<i>Church Council</i>
10.0	<i>Educational ministry</i>	
10.1	<i>ELCA-related seminary chaplain/faculty/administrator</i>	<i>Church Council upon request of appropriate churchwide unit</i>
10.2	<i>Chaplain/faculty/administrator of seminary unrelated to ELCA</i>	<i>Church Council upon request of appropriate churchwide unit</i>
10.3	<i>ELCA-related college chaplain/faculty/administrator</i>	<i>Synod Council of the synod in which college is located</i>
10.4	<i>Chaplain/faculty/administrator of a college unrelated to ELCA</i>	<i>Synod Council of the synod in which college is located</i>

10.5	<i>ELCA-related school chaplain/faculty/administrator</i>	<i>Congregation of which the school is a part or, if related to several congregations, Synod Council of the synod in which the school is located</i>
10.6	<i>Chaplain/faculty of a school unrelated to ELCA</i>	<i>Synod Council of the synod in which school is located</i>
10.7	<i>Director/staff of a continuing education center related to churchwide unit</i>	<i>Synod Council in which the main office of center is located upon the request of appropriate churchwide unit</i>
11.0	<i>Missionary ministry</i>	
11.1	<i>Outside United States</i>	<i>Church Council upon request of appropriate churchwide unit</i>
11.2	<i>Within United States</i>	<i>Church Council upon request of appropriate churchwide unit</i>
12.0	<i>Other</i>	
12.1	<i>Non-stipendiary service under call</i>	<i>Synod Council upon approval by the Conference of Bishops</i>
12.2	<i>Unusual ministries (as in conjunction with occupations and in approved situations not otherwise specified)</i>	<i>Synod Council or Church Council upon recommendation by the Conference of Bishops</i>

7.45. In keeping with the historic discipline and practice of the Lutheran church and to be true to a sacred trust inherent in the nature of the pastoral office, no ordained minister of this church shall divulge any confidential disclosure received in the course of the care of souls or otherwise in a professional capacity, nor testify concerning conduct observed by the ordained minister while working in a pastoral capacity, except with the express permission of the person who has given confidential information to the ordained minister or who was observed by the ordained minister, or if the person intends great harm to self or others.

7.46. The provisions for termination of the mutual relationship between an ordained minister 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, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:**

- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in that congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
 - 4) the physical or mental incapacity of the pastor;
 - 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
 - 6) the dissolution of the congregation or the termination of a parish arrangement; or
 - 7) suspension of the congregation as a result of discipline proceedings.
- b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of the synod, the bishop in his or her sole discretion may investigate—or when such allegations have been brought to the synod’s attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop shall investigate—such conditions personally in company with a committee of two ordained ministers and one layperson.
- c. In case of alleged physical or mental incapacity competent medical testimony shall be obtained. When such disability is evident, the synodical bishop with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the synodical bishop together with the committee described in 7.46.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the synodical bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the

voting members present and voting where the bishop and the committee recommended termination of the call.

- e. **If, in the course of proceedings described in 7.46.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America.**
- f. **If, following the appointment of the committee described in 7.46.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the synodical bishop may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).**

7.47. Ordained ministers shall be subject to discipline as set forth in Chapter 20 of this constitution and bylaws.

7.47.01. No person who belongs to any organization other than the Church which claims to possess in its teachings and ceremonies that which the Lord has given solely to the Church shall be ordained or otherwise received into the ministry of this church, nor shall any person so ordained or otherwise received by this church be retained in its ministry who subsequently joins such an organization. Violation of this rule shall make such minister subject to discipline.

7.50. OFFICIAL ROSTERS OF LAYPERSONS

7.51. This church may establish rosters of laypersons on which the names may be listed of those who qualify for such according to the bylaws and continuing resolutions of the Evangelical Lutheran Church in America.

7.51.01. The standards of acceptance and continuance on the lay rosters of this church as defined herein shall be included in the bylaws.

7.51.02. Under constitutional provision 7.51., those persons previously rostered as commissioned church staff (The American Lutheran Church), deaconesses (The Association of Evangelical Lutheran Churches), deaconesses (The American Lutheran Church), deacons (The Association of Evangelical Lutheran Churches), lay professional leaders (the Lutheran Church in America), and commissioned teachers (The Association of Evangelical Lutheran Churches) shall be retained as associates in ministry of this church (except for removals in accord with the governing documents, criteria, policies, and procedures of this church) in the recognized category of ministry of their previous church body for as long as they are in good standing according to the standards, criteria, policies, and procedures of this church. Accountability for specific calls shall be exercised according to the policies and procedures of this church. Such persons may resign from the roster or may elect to be rostered in another ELCA category by meeting the appropriate criteria established by the Evangelical Lutheran Church in America and by relinquishing their previous roster category.

7.51.03. Associates in Ministry. This church shall maintain a lay roster of associates in ministry of those commissioned—according to the standards, criteria, policies, and procedures of this church—for such service within the life of this church in positions of Word and service on behalf of all of God’s people. Associates in ministry are to be faithful to Jesus Christ, knowledgeable of the Word of God and the Confessions of this church, respectful of the people of God, and responsive to needs in a changing world as they serve in congregations and other ministry settings. The roster of associates in ministry, in addition to those listed in bylaw 7.51.02., shall be composed of:

- a. those certified during the period of January 1, 1988, through September 1, 1993, as associates in ministry of the Evangelical Lutheran Church in America; and
- b. those who are approved, subsequent to September 1, 1993, as associates in ministry in this church according to policies and procedures developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- c. Upon receipt and acceptance of a valid, regularly issued letter of call, a newly approved candidate shall be commissioned, according to the proper service orders of this church, as an associate in ministry.

Accountability for specific calls shall be exercised according to the policies and procedures of this church. Such persons may resign from the roster or may elect to be rostered in another ELCA category by meeting the appropriate criteria established by the Evangelical Lutheran Church in America and by relinquishing their previous roster category.

7.51.04. Deaconesses of the Evangelical Lutheran Church in America. This church shall maintain a lay roster of the deaconesses of the Evangelical Lutheran Church in America of those consecrated—according to the standards, criteria, policies, and procedures of this church—for such service within the life of this church in positions of Word and service on behalf of all of God’s people. Deaconesses are to be faithful to Jesus Christ, knowledgeable of the Word of God and the Confessions of this church, respectful of the people of God, and responsive to needs in a changing world. They are to be theologically trained to serve in congregations and other ministry settings.

- a. A newly approved candidate for this roster shall be consecrated, according to the proper service orders of this church, as a deaconess of the Evangelical Lutheran Church in America.
- b. As used herein, references to deaconesses of the Evangelical Lutheran Church in America mean members of the Deaconess Community of the Evangelical Lutheran Church in America listed on this church’s official rosters of laypersons as deaconesses of the Evangelical Lutheran Church in America.
- c. Unless otherwise specified, all constitutional provisions, bylaws, and continuing resolutions regarding associates in ministry of the Evangelical Lutheran Church in America, except for the service order of consecration as a deaconess of the Evangelical Lutheran Church in America, shall apply to those on the lay roster of this church as deaconesses of the Evangelical Lutheran Church in America.

7.51.05. Diaconal Ministers. This church shall establish and maintain a lay roster of diaconal ministers of those consecrated—according to the standards, criteria, policies, and procedures of this church—for service on behalf of this church in positions of Word and service that exemplify the servant life and that seek to equip and motivate others to live it. Diaconal ministers are to be faithful to Jesus Christ, knowledgeable of the Word of God and the Confessions of this church, respectful of the people of God, and responsive to needs in a changing world. Such diaconal ministers shall seek in a great variety of ways to empower, equip, and support all the baptized people of God in the ministry of Jesus Christ and the mission of God in the world.

- a. Upon approval as a candidate for the lay roster of diaconal ministers, and upon receipt and acceptance of a valid, regularly issued letter of call, the candidate shall be consecrated, according to the service orders of this church, as a lay diaconal minister.

- b. All constitutional provisions, bylaws, and continuing resolutions regarding associates in ministry of the Evangelical Lutheran Church in America shall apply to those on the lay roster of diaconal ministers of the Evangelical Lutheran Church in America.

7.52. The standards of acceptance and continuance as associates in ministry, deaconesses, and diaconal ministers of this church shall be included in the bylaws.

7.52.10. Standards for the Official Rosters of Laypersons

7.52.11. Associates in ministry, deaconesses, and diaconal ministers shall be governed by the following:

a. Basic Standards. Persons approved and continued as associates in ministry, deaconesses, and diaconal ministers of this church shall satisfactorily meet and maintain the following:

- 1) commitment to Christ;
- 2) acceptance of and adherence to the Confession of Faith of this church;
- 3) willingness and ability to serve in response to the needs of this church;
- 4) academic and practical qualifications for the position, including leadership abilities and competence in interpersonal relationships;
- 5) commitment to lead a life worthy of the Gospel of Christ and in so doing to be an example in faithful service and holy living;
- 6) receipt and acceptance of a letter of call; and
- 7) membership in a congregation of this church.

b. Preparation and Approval of an Associate in Ministry. A candidate for approval and commissioning as an associate in ministry of this church shall have:

- 1) membership in a congregation of this church and registration by its pastor and council of the candidate with the appropriate synodical candidacy committee;
- 2) been under the guidance and supervision of the appropriate synodical candidacy committee for at least a year before being approved by the committee;
- 3) completed the academic and practical preparation for the work for which approved according to criteria and procedures established by the appropriate churchwide unit;
- 4) been examined and approved by the appropriate synodical candidacy committee according to procedures established by the appropriate churchwide unit after consultation with the seminaries and colleges of this church that offer programs designed to prepare persons for rostered service as associates in ministry;

- 5) received and accepted a properly issued and attested letter of call; and
- 6) been commissioned, according to the rite of this church, as an associate in ministry.

c. Preparation and Approval of a Deaconess of the Evangelical Lutheran Church in America. A candidate for approval and consecration as a deaconess of this church shall have:

- 1) membership in a congregation of this church and registration by its pastor and council of the candidate with the appropriate synodical candidacy committee;
- 2) been under the guidance and supervision of the synodical candidacy committee for at least a year before being approved by the synodical candidacy committee for call and consecration;
- 3) completed the academic and practical preparation for the work for which approved according to criteria and procedures established by the appropriate churchwide unit;
- 4) been examined and approved by the synodical candidacy committee according to procedures established by the appropriate churchwide unit after consultation with the Deaconess Community of the ELCA and the seminaries and colleges of this church that offer programs designed to prepare persons for rostered service as deaconesses of the Evangelical Lutheran Church in America;
- 5) completed the required formation component, as defined by the appropriate churchwide unit, in the preparation program for service as a deaconess of this church;
- 6) been recommended for call by the bishop of the synod to which the candidate has been assigned in accordance with procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council;
- 7) received and accepted a properly issued and attested letter of call; and
- 8) been consecrated, according to the rite of this church, as a deaconess.

d. Preparation and Approval of a Diaconal Minister. A candidate for approval and consecration as a diaconal minister of this church shall have:

- 1) membership in a congregation of this church and registration by its pastor and council of the candidate with the appropriate synodical candidacy committee;
- 2) been granted entrance to candidacy by and under the guidance and supervision of the synodical candidacy committee for at least

- a year before being approved by the synodical candidacy committee for consecration;
- 3) demonstrated competence in at least one area of specialization or expertise according to guidelines established by the appropriate churchwide unit;
 - 4) completed a first theological degree from an accredited theological school in North America;
 - 5) completed approved work in Lutheran studies as defined by the appropriate churchwide unit;
 - 6) completed the required formation component in the preparation program for Lutheran diaconal ministry as defined by the appropriate churchwide unit;
 - 7) completed an approved internship or practical preparation as defined by the appropriate churchwide unit;
 - 8) been examined and approved by the appropriate synodical candidacy committee according to criteria, policies, and procedures established by the appropriate churchwide unit for such candidacy;
 - 9) been recommended for call by the bishop of the synod to which the candidate has been assigned in accordance with procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council;
 - 10) received and accepted a properly issued and attested letter of call; and
 - 11) been consecrated, according to the rite of this church, as a diaconal minister.

7.52.12. Approval under Other Circumstances. A candidate may, for reasons of age or prior experience, be granted approval under criteria and procedures which permit certain equivalencies as defined by the appropriate churchwide unit.

7.52.13. Reinstatement. A person seeking reinstatement as an associate in ministry, whether having previously served in this church or in one of its predecessor bodies, a deaconess of the Evangelical Lutheran Church in America, or a diaconal minister of the Evangelical Lutheran Church in America shall be endorsed by the pastor and council of the congregation of this church of which such a person is a member, and interviewed, examined, and approved for reinstatement by the synodical candidacy committee under criteria and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council. In this process, the committee shall review the circumstances related to the termination of earlier service together with subsequent developments. The person is reinstated after receiving and accepting a letter of call in this church.

- a. Any person removed from a lay roster that existed on December 31, 1987, as cited herein, who seeks to return to active lay roster status must apply for acceptance to a roster of this church under the standards, criteria, policies, and procedures that apply to the official rosters of laypersons, as identified in 7.51.03.b. This same requirement shall apply to those certified during the period of January 1, 1988, through September 1, 1993, as associates in ministry of this church.
- b. A person on the roster of a previous church body or a person on the roster of associates in ministry of this church, who was so certified during the period between January 1, 1988, and September 1, 1993, shall relinquish such a roster category upon being received and accepted on another roster of this church.

7.52.14. Maintenance of Lay Rosters. Each synod shall maintain a lay roster or rosters containing the names of those related to the synod as members of its congregations who have been approved as associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers—according to the bylaws and continuing resolutions of this church—for inclusion on such a roster or rosters.

- a. To promote proportionate representation of the rostered faculty and administration in each synod related directly to a seminary of this church, an associate in ministry, a deaconess, or a diaconal minister, if a seminary teacher or administrator, shall be assigned to the roster of a synod by the seminary board, subject to approval by the synodical bishop and Synod Council of the affected synod.
- b. For the sake of the ministry and mission needs of this church, an associate in ministry, a deaconess, or a diaconal minister, serving under call in the churchwide organization, may be assigned to a synod, at the initiative of the presiding bishop of this church, upon mutual agreement of the synodical bishops involved after consultation with and approval by the secretary of this church.

7.52.15. The secretary of this church shall maintain the lay rosters of associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers on which shall be listed the names of those who qualify according to the constitution, bylaws, and continuing resolutions of this church.

7.52.20. Service as Rostered Laypersons

7.52.21. Service under Call. An associate in ministry, deaconess, or diaconal minister of this church shall serve under a letter of call properly extended by a congregation, synod, or the churchwide organization.

- a. A call may be extended either for indefinite or stated periods of time by the appropriate calling body for service in a congregation, synod, or churchwide unit, in an institution or agency of this church, or in another setting in a category of work as provided by continuing resolution 7.52.A05.

- b. Regular, valid calls in this church shall be in accord with criteria, policies, and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- c. An associate in ministry, deaconess, or diaconal minister serving under call to a congregation shall be a member of that congregation. In a parish of multiple congregations, an associate in ministry, deaconess, or diaconal minister shall be a member of one of the congregations being served.

7.52.22. On Leave from Call. An associate in ministry, deaconess, or diaconal minister of this church, serving under a regularly issued letter of call, who leaves the work of that call without accepting another regularly issued letter of call, may be retained on the roster of associates in ministry, deaconesses, or diaconal ministers of this church, upon endorsement by the synodical bishop, by action of the Synod Council in the synod of which a member, under policy developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.

- a. **Normative Pattern:** By annual action of the Synod Council in the synod of which a member, upon endorsement by the synodical bishop, an associate in ministry, deaconess, or diaconal minister who is without a current letter of call may be retained on the roster of associates in ministry, deaconesses, or diaconal ministers of this church for a maximum of three years, beginning at the completion of an active call.
- b. **Study Leave:** By annual action of the Synod Council in the synod of which a member, with the approval of the synodical bishop and in consultation with the appropriate churchwide unit, an associate in ministry, deaconess, or diaconal minister engaged in graduate study appropriate for service in this church may be retained on the roster of associates in ministry, deaconesses, or diaconal ministers of this church for a maximum of six years.
- c. **Family Leave:** An associate in ministry, deaconess, or diaconal minister who has been in active service under call for at least three years may request leave for family responsibilities. By annual action of the Synod Council in the synod of which a member, upon endorsement by the synodical bishop, such a rostered layperson who is without a current letter of call and who requests leave for the birth or care of a child or children of the rostered layperson or the care of an immediate family member (child, spouse, or parent) with a serious health condition may be retained on the roster of associates in ministry, deaconesses, or diaconal ministers of this church—under policy developed by the appropriate churchwide unit, reviewed by the

Conference of Bishops, and adopted by the Church Council—for a maximum of six years, beginning at the completion of an active call.

- d. Exception to these limits for the purpose of serving the needs of this church may be granted in accordance with established policy of this church by the Synod Council in the synod of current roster after having received approval by the Conference of Bishops.

7.52.23. Issuance and Termination of the Call of an Associate in Ministry, Deaconess, or Diaconal Minister.

- a. A letter of call to an associate in ministry, deaconess, or diaconal minister of this church shall be issued in keeping with this church's constitutions, bylaws, and continuing resolutions as well as policies regarding such calls developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and approved by the Church Council. In the case of alleged local difficulties that imperil the effective functioning of the congregation, the synodical bishop, following appropriate consultation, will recommend a course of action to the pastor, lay rostered person, and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If any party fails to assent, the congregation may dismiss the associate in ministry, deaconess, or diaconal minister under criteria, policies, and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- b. A letter of call issued by a Synod Council or the Church Council to an associate in ministry, deaconess, or diaconal minister of this church shall be either co-terminus with, or not longer than the duration of, the service or employment for which the call was issued. With the exception of persons designated as employees of a synod or the churchwide organization, such a call does not imply any employment relationship or contractual obligation in regard to employment on the part of the Synod Council or Church Council issuing the call. The recipient of such a call remains subject to this church's standards and discipline for associates in ministry, deaconesses, and diaconal ministers, as contained in this church's constitution, bylaws, and continuing resolutions and in the policy and procedure documents of this church.
- c. When the Synod Council or the Church Council, as the calling source, determines that the service or employment no longer fulfills the criteria under which a call was issued, the Synod Council or the Church Council shall vacate the call and direct that the individual be placed on leave from call or, if such leave status is not granted, the individual shall be removed from the roster of associates in ministry, deaconesses, or diaconal ministers.

- d. The call of a congregation, when accepted by an associate in ministry, deaconess, or diaconal minister, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the individual, shall be terminated only following consultation with the synodical bishop in accordance with policy developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.

7.52.24. Retirement. Associates in ministry, deaconesses, and diaconal ministers may retire upon attainment 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 associates in ministry, deaconesses, or diaconal ministers of this church, upon endorsement by the synodical bishop, by action of the Synod Council in the synod in which the associate in ministry, deaconess, or diaconal minister is listed on the roster.

- a. The policies and procedures for granting retired status on the official rosters of laypersons shall be developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- b. If an associate in ministry, deaconess, or diaconal minister who has been granted retired status resides at too great a distance from any congregation of this church to be able to sustain an active relationship with that congregation, the bishop of the synod in which the associate in ministry, deaconess, or diaconal minister is listed on the roster may grant permission for the individual to hold membership in a congregation or parish of a church body with which a relationship of full communion has been declared and established by the Evangelical Lutheran Church in America.

7.52.25. Disability. Associates in ministry, deaconesses, and diaconal ministers may be designated as disabled, and continue to be listed on the roster of associates in ministry, deaconesses, or diaconal ministers of this church, upon endorsement by the synodical bishop, by action of the Synod Council in the synod in which the associate in ministry, deaconess, or diaconal minister is listed on the roster.

- a. The policies and procedures for designation of disability on the official rosters of laypersons shall be developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- b. If an associate in ministry, deaconess, or diaconal minister who has been granted disabled status resides at too great a distance from any congregation of this church to be able to sustain an active relationship with that congregation, the bishop of the synod in which the associate in ministry, deaconess, or diaconal minister is listed on the roster may grant permission for the individual to hold membership in a congregation or parish of a church body with which a relationship of

full communion has been declared and established by the Evangelical Lutheran Church in America.

- 7.52.26. Retention of Roster Records.** When an associate in ministry, deaconess, or diaconal minister resigns or is removed from the roster of this church, the roster record shall be retained by the secretary of this church, and the synodical bishop shall invite the person at the time of resignation or removal to provide, annually, appropriate current information for the roster record.
- 7.52.27. Non-Stipendiary Service Under Call.** When necessary for the mission needs of this church, a letter of call may be issued by the Synod Council—according to criteria, policies, and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council—to an associate in ministry, deaconess, or diaconal minister for non-stipendiary service after the Synod Council has sought and received approval by the Conference of Bishops. A call to non-stipendiary service is to be reviewed at least annually by the Synod Council and continued only as warranted for the ministry needs of this church. Such a call may be terminated by the Synod Council when it is deemed to be fulfilling no longer the mission needs of this church.

7.52.A05. Sources of Calls for Associates in Ministry, Deaconesses, and Diaconal Ministers

- a. *The principles governing sources of calls for ordained ministers shall, as appropriate, also govern sources of letters of call for associates in ministry, deaconesses, and diaconal ministers of the Evangelical Lutheran Church in America.*
- b. *Table of Sources of Call for Associates in Ministry, Deaconesses, and Diaconal Ministers*

Setting	Calling Body
1.0 <i>Congregational ministry</i>	
1.1 <i>Single congregation</i>	<i>Congregation meeting</i>
1.2 <i>Multiple-congregation parish</i>	<i>Congregation meetings, acting on a common proposal</i>
1.3 <i>Coalition and clusters</i>	<i>Synod Council</i>
1.4 <i>Other congregations</i>	
1.41 <i>Independent Lutheran</i>	<i>Synod Council</i>
1.42 <i>Other</i>	<i>Synod Council</i>
2.0 <i>Synodical ministry</i>	<i>Synod Council</i>
3.0 <i>Regional ministry</i>	<i>Church Council</i>
4.0 <i>Churchwide ministry</i>	
4.1 <i>Officer's staff</i>	<i>Church Council</i>
4.2 <i>Unit executive director</i>	<i>Church Council</i>
4.3 <i>Section executive</i>	<i>Church Council</i>
4.4 <i>Other churchwide unit staff</i>	<i>Church Council</i>

5.0	<i>Social ministry institutions</i>	
5.1	<i>Institution/agency related or unrelated to a synod</i>	<i>Synod Council</i>
5.2	<i>Institution/agency related to more than one synod</i>	<i>Synod Council of one of the synods</i>
5.3	<i>ELCA-related institution/agency</i>	<i>Church Council upon request of appropriate churchwide unit</i>
5.4	<i>Other</i>	<i>Church Council</i>
6.0	<i>Campus ministry</i>	
6.1	<i>Staff</i>	<i>Synod Council</i>
7.0	<i>Church camp ministry</i>	
7.1	<i>Staff</i>	<i>Synod Council</i>
8.0	<i>Ecumenical ministry</i>	
8.1	<i>Related to a synod</i>	<i>Synod Council</i>
8.2	<i>Related to more than one synod</i>	<i>Synod Council of one of the synods</i>
8.3	<i>National/international organization</i>	<i>Church Council</i>
9.0	<i>Inter-Lutheran ministry</i>	
9.1	<i>Related to a synod</i>	<i>Synod Council</i>
9.2	<i>Related to more than one synod</i>	<i>Synod Council of one of the synods</i>
9.3	<i>National/international organization</i>	<i>Church Council</i>
10.0	<i>Educational ministry</i>	
10.1	<i>ELCA-related seminary</i>	<i>Church Council upon request of appropriate churchwide unit</i>
10.2	<i>Seminary unrelated to ELCA</i>	<i>Church Council upon request of appropriate churchwide unit</i>
10.3	<i>ELCA-related college</i>	<i>Synod Council of the synod in which college is located</i>
10.4	<i>College unrelated to ELCA</i>	<i>Synod Council of the synod in which college is located</i>
10.5	<i>ELCA-related school</i>	<i>Congregation of which the school is a part or, if related to several congregations, Synod Council of the synod in which the school is located</i>
10.6	<i>School unrelated to ELCA</i>	<i>Synod Council of the synod in which school is located</i>
10.7	<i>Director/staff of a continuing education center related to the appropriate churchwide</i>	<i>Synod Council of the synod in which the main office of center is located upon the request of appropriate churchwide unit</i>

<i>11.0 Missionary ministry</i>	
<i>11.1 Outside United States</i>	<i>Church Council upon request of appropriate churchwide unit</i>
<i>11.2 Within United States</i>	<i>Church Council upon request of appropriate churchwide unit</i>
<i>12.0 Other</i>	
<i>12.1 Non-stipendiary service under call</i>	<i>Synod Council upon approval by the Conference of Bishops</i>
<i>12.2 Unusual ministries (as in conjunction with occupations and in approved situations not otherwise specified)</i>	<i>Synod Council or Church Council upon recommendation by Conference of Bishops</i>

7.53. Persons on the lay rosters of this church as defined herein shall be subject to discipline as set forth in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.*

7.60. LICENSURE AND SYNODICALLY AUTHORIZED MINISTRY

7.61.01. When need exists to render Word and Sacrament ministry for a congregation or ministry of this church where it is not possible to provide appropriate ordained pastoral leadership, the synodical 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 pastor appointed by the synodical 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 and licensed 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 synodical 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.

7.61.02. When needed to provide for diaconal ministry as part of a congregation or ministry of this church where it is not possible for such ministry to be provided by appropriately rostered lay ministry, the synodical 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 non-rostered person who is a member of a congregation of the

Evangelical Lutheran Church in America to offer such non-sacramental ministry. Such an individual shall be supervised by an ordained minister appointed by the synodical bishop and shall be trained and authorized to fulfill a particular ministry for a specific period of time in a given location only. Authorization, remuneration, direct supervision, and accountability are to be determined by the appropriate synodical 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.

Chapter 8.

RELATIONSHIPS

8.10. RELATIONSHIP BETWEEN CONGREGATIONS, SYNODS, AND THE CHURCHWIDE ORGANIZATION

8.11. This church shall seek to function as people of God through congregations, synods, and the churchwide organization, all of which shall be interdependent. Each part, while fully the church, recognizes that it is not the whole church and therefore lives in a partnership relationship with the others.

8.12. The congregation shall include in its mission a life of worship and nurture for its members, and outreach in witness and service to its community.

8.13. The synod shall provide for pastoral care of the congregations, ordained ministers, associates in ministry, deaconesses, and diaconal ministers within its boundaries. It shall develop resources for the life and mission of its people and shall enlarge the ministries and extend the outreach into society on behalf of and in connection with the congregations and the churchwide organization.

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 governmental, ecumenical, and societal agencies in accordance with accepted resolutions and/or in response to specific agreed-upon areas of responsibility.

8.15. Since congregations, synods, and the churchwide organization are partners that share in God's mission, all share in the responsibility to develop, implement, and strengthen the financial support program of this church.

8.16. In faithful participation in the mission of God in and through this church, congregations, synods, and the churchwide organization—as interdependent expressions of this church—shall be guided by the biblical and confessional commitments of this church. Each shall recognize that mission efforts must be shaped by both local needs and global awareness, by both individual witness and corporate endeavor, and by both distinctly Lutheran emphases and growing ecumenical cooperation.

8.17. References herein to the nature of the relationship between the three primary expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God's mission, and the fulfillment of the purposes of this church as described in Chapter 4, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

- 8.20. RELATIONSHIP THROUGH OTHER ORGANIZATIONAL UNITS**
- 8.21. Conferences, clusters, coalitions, or other area subdivisions shall serve to assist the congregations and synods in exercising their mutual responsibilities.**
- 8.30. RELATIONSHIP WITH INSTITUTIONS AND AGENCIES**
- 8.31. Seminaries. This church shall sponsor, support, and provide for oversight of seminaries for the preparation of persons for the ordained and other ministries and for continuing study on the part of ordained ministers and laypersons.**
- 8.31.01.** Each seminary shall be a seminary of this church, shall be incorporated, and shall be governed by its board of directors consistent with policies established by the Church Council. Amendments to the governing documents of each seminary and each seminary cluster shall be submitted, upon recommendation of the appropriate unit of the churchwide organization, to the Church Council for approval.
- 8.31.02.** The board of directors of each seminary shall be nominated and elected to terms as specified in the governing documents of the respective seminaries, and shall consist of 20-30 members, as follows:
- a. At least one-fifth nominated, in consultation with the seminaries, by the appropriate churchwide unit and elected by the Church Council;
 - b. Two members elected by the bishops of the supporting synods from among their number; and
 - c. The remaining members elected by the supporting synods, in consultation with the seminaries, with the number to be elected by each synod set forth in the governing documents of the seminary.
- Elections shall be so arranged that the terms of all directors of any given seminary elected in any year shall commence simultaneously.
- 8.31.03.** In accordance with the governing documents of each seminary, the board of directors shall elect the president of the seminary in consultation with the presiding bishop of this church and the appropriate unit of the churchwide organization as designated by the Church Council, elect and retain faculty and administrative officers, and approve educational policies and programs for persons preparing for public ministry. The board shall exercise all other normal governance functions, including the granting of degrees, holding title to and managing all seminary property and assets, receiving gifts and bequests, establishing salaries for faculty and administrative officers, providing for the financial resources and fiscal contracts required to operate the seminary, and shall have authority to recruit students throughout this church.
- 8.31.04.** The seminaries shall receive churchwide and synodical financial support. The amount of such support shall be determined through a consultation process involving seminaries, synods, and the appropriate unit of the churchwide organization as designated by the Church Council.

- 8.31.05.** To implement financial support by this church, synods shall be assigned to specific seminaries in such manner as to attain equitable distribution of synods. Normally, all synods in a given region will be assigned to one seminary. Churchwide funds shall be distributed according to a formula developed by the appropriate churchwide unit and approved by the Church Council.
- 8.31.06.** Seminaries shall provide for their remaining financial requirements through tuition, fees, endowment income, and fund-raising programs. Fund-raising in the congregations of supporting synods, however, shall be conducted only upon approval of the synods.
- 8.31.07.** Aid to students preparing for the ministries of this church shall be administered by the seminaries under guidelines developed by the appropriate churchwide units in consultation with the presidents of the seminaries and adopted by the Church Council.
- 8.32.** **Colleges and Universities. This church shall express its responsibility for higher education through its 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.**
- 8.32.01.** 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.
- 8.32.02.** Colleges and universities of the Evangelical Lutheran Church in America may relate to this church in various ways, including relationship with the Churchwide Assembly, a synodical assembly, or a corporation whose voting members are, or have been elected by, synodical assemblies, other organizational units (conferences, clusters, etc.), or congregations. Subject to approval by the appropriate synods, a college or university may be owned by a not-for-profit corporation (1) that has voting members, at least 90 percent of whom shall consist of members of the biennial Churchwide Assembly, and (2) that shall hold the biennial meeting of such a corporation in conjunction with the Churchwide Assembly for the purpose of electing or ratifying members of the governing board and approving amendments to the governing documents. At least 60 percent of the members of the governing boards of the corporations that meet in conjunction with the Churchwide Assembly shall be members of this church.

- 8.32.03.** Primary responsibility for recruiting members for its board belongs to each college or university of this church. This responsibility is best exercised 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 8.32.02.
- 8.32.04.** The responsibility for initiating changes in constitutional documents rests with each college or university of this church. Each college or university will reach agreement with the appropriate structures of this church as identified in 8.32.02. regarding changes in constitutional documents. This church's participation may range from prior consultation to final approval.
- 8.32.05.** 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.
- 8.33.** **Institutions and Agencies. This church shall seek to meet human needs through encouragement of its people to individual and corporate action, and through establishing, developing, recognizing, and supporting institutions and agencies that minister to people in their spiritual and temporal needs.**
- 8.33.01.** Through membership in Lutheran Services in America and the appropriate churchwide unit as designated by the Church Council, this church shall, with affiliated social ministry organizations, develop criteria for their ministries, establish affiliations and alliances within this church and within society, and carry out a comprehensive social ministry witness.
- 8.40.** **SPECIAL INTEREST CONFERENCES**
- 8.41.** **This church cherishes the diversity of cultural and linguistic groups as they are brought together in the geographic synods, recognizing, however, that certain groups, for historical reasons, may be able to meet needs and share resources through special interest conferences, which for the present cannot occur in the regular life within the geographic synods.**
- 8.41.01.** Because of both official and informal international contacts with other churches, the Danish Special Interest Conference, Finnish (Suomi) Special Interest Conference, German Lutheran Conference in North America, and Hungarian Special Interest Conference shall relate to this church under the authority of the presiding bishop of this church through an executive or designated unit as determined by the presiding bishop. Official contacts and relationships of the special interest conferences with leaders and representatives of other churches shall be coordinated through the Office of the Presiding Bishop.

- 8.50. RELATIONSHIP WITH OTHER LUTHERAN ORGANIZATIONS**
- 8.51. This church may establish relationships with Lutheran organizations, institutions, or agencies whose purposes are compatible with its mission and ministry. Policies and procedures to create and implement these relationships shall be adopted by the Church Council.**
- 8.52. This church shall not, in any manner, be responsible for the debts or liabilities of other Lutheran organizations, institutions, or agencies, whether independent of or affiliated with this church.**
- 8.60. RELATIONSHIP WITH INTERCHURCH AGENCIES, INSTITUTIONS, AND COUNCILS**
- 8.61. The congregations, synods, social ministry institutions and agencies, and churchwide organization may establish or affiliate with interchurch agencies and councils in relationships that will reflect this church’s objectives of sharing with other faith communities in study, dialogue, and common action, in accordance with adopted policies governing such associations.**
- 8.61.01.** Policies governing ecumenical, inter-Lutheran, and interfaith activities shall be recommended by the presiding bishop of this church to the Churchwide Assembly for its adoption.
- 8.61.02.** Formal membership in interchurch agencies and/or councils shall be by action of the Churchwide Assembly in all relationships involving national or international involvement, by the Synod Assembly in its geographic area, and by congregations in community settings, with each affiliation by any congregation, synod, or churchwide organization to be in accordance with the policies of this church.
- 8.70. OFFICIAL CHURCH-TO-CHURCH RELATIONSHIPS**
- 8.71. This church may establish official church-to-church relationships and agreements. Establishment of such official relationships and agreements shall require a two-thirds vote of the voting members present and voting in a Churchwide Assembly.**
- 8.72. Policies and procedures to implement church-to-church relationships of full communion established by action of a Churchwide Assembly may be recommended by the appropriate officer or churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.**
- 8.72.10. Ecumenical Availability of Ordained Ministers**
- 8.72.11.** An ordained minister of this church, 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 of ordained ministers—upon endorsement by the synodical bishop and by action of the

Synod Council in the synod in which the ordained minister is listed on the roster—under policy developed at the direction of the presiding bishop and secretary, reviewed by the Conference of Bishops, and adopted by the Church Council.

- a. A letter of call may be issued to an ordained minister 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 (ELCA churchwide continuing resolution 7.44.A05.b.).
- b. A letter of call may be issued to an associate in ministry, deaconess, or diaconal minister 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 (ELCA churchwide continuing resolution 7.52.A05.b.).
- c. A letter of call issued by the Church Council or a Synod Council for service in a church body with which a relationship of full communion has been established by the Churchwide Assembly shall be governed by churchwide constitutional provision 7.43. and churchwide bylaw 7.43.01.
- d. A letter of call to an ordained minister of this church or to an associate in ministry, deaconess, or diaconal minister who serves in a congregation of another church body, under a relationship of full communion, or an institution of such a church body on the territory of the synod, may be issued by the Synod Council. A letter of call to an ordained minister of this church or to an associate in ministry, deaconess, or diaconal minister who serves in a national or international agency or institution of another church body, under a relationship of full communion, may be issued by the Church Council.

8.72.12. An ordained minister of 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 authorized by the synodical bishop to serve in a congregation or employing entity of this church. Such service shall be rendered under a contract between the congregation or employing entity and the ordained minister in a form proposed by the synodical bishop and approved by the congregation or employing entity. Any such service shall be in accord with churchwide policies developed at the direction of the presiding bishop and secretary, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.

8.72.13. Whenever an ordained minister of the Evangelical Lutheran Church in America is to serve or is serving in a church body with which a relationship of full communion has been declared and established by the Church-

wide Assembly, or whenever an ordained minister of a church body with which a relationship of full communion has been so declared and established is to serve or is serving in this church, a full sharing of relevant information concerning such ordained minister's experience and fitness for ministry is expected between the synodical bishop (or other appropriate office or entity) of this church and the appropriate person, office, or entity in the other church. Relevant information related to fitness for ministry shall include, but is not limited to, any information concerning disciplinary proceedings or allegations that could result, or could have resulted, in disciplinary proceedings.

8.72.14. An ordained minister 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 may be granted the privilege of both voice and vote in the Synod Assembly during the period of that ordained minister's service in a congregation of this church, in accord with ELCA churchwide bylaw 8.72.12.

8.72.15. The availability of ordained ministers 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.

- a. *Occasional service:* An occasional situation is defined as one in which an ordained minister of a church body with which a relationship of full communion exists may be asked to preach or administer the sacraments in an ELCA congregation on an occasional basis with the authorization of the synodical bishop.
- b. *Extended service:* An ordained minister of a church body with which a relationship of full communion exists may be invited to serve as the pastor of an ELCA congregation for an extended period of time, yet remain an ordained minister of his or her present church body. Such a person would be expected to preach, teach, and administer the sacraments in an ELCA congregation 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 synodical bishop in order to serve the ministry and mission needs of the ELCA in a given situation.
- c. *Transfer:* An ordained minister of a church body with which a relationship of full communion exists who seeks to serve indefinitely within the ordained ministry of the Evangelical Lutheran Church in America may apply for admission to the roster of ordained ministers of the Evangelical Lutheran Church in America and be approved through the candidacy process for admission to the roster. Such an

ordained minister would then become an ELCA pastor upon receipt and acceptance of a regular call and installation in an ELCA congregation or other setting.

- d. Roster status in more than one church body is precluded in the Evangelical Lutheran Church in America. As required by ELCA churchwide constitutional provision 7.22. and bylaw 7.31.11., ordained ministers on the roster of the Evangelical Lutheran Church in America must accept and adhere to this church's Confession of Faith, as well as abide by this church's standards and policies for ordained ministers.

8.72.16. An ordained minister of the Evangelical Lutheran Church in America, while serving in an ecumenical setting, remains subject to the standards, policies, and discipline of the Evangelical Lutheran Church in America. An ordained minister of a church body with which a relationship of full communion exists is understood by the Evangelical Lutheran Church in America as subject to the standards, policies, and discipline of the church body in which the ordained minister is rostered or holds ministerial membership. Such an ordained minister, while serving in an ELCA congregation or other ministry, is expected to abide by the standards and policies of this church related to ordained ministers.

8.73. **This church acknowledges the relationship established through the Lutheran World Federation as a communion of member churches which confess the triune God, agree in the proclamation of the Word of God, and are united in pulpit and altar fellowship. The bylaws on ecumenical availability of ordained ministers under relationships of full communion shall apply to such service within this church of ordained ministers from other member churches of the Lutheran World Federation.**

8.74. **This church, in accord with constitutional provision 2.05., acknowledges as one with it in faith and doctrine all churches that accept the teaching of the Unaltered Augsburg Confession and understands that altar and pulpit fellowship with congregations and other entities of such churches may be locally practiced. Local practice of altar and pulpit fellowship, in accord with churchwide constitutional provision 2.05., is subject to the approval of the Synod Council, upon endorsement by the synodical bishop. Notice of such approval is to be given to the presiding bishop as the chief ecumenical officer of the Evangelical Lutheran Church in America.**

8.75. **Synods of the Evangelical Lutheran Church in America and units of the churchwide organization are encouraged to engage in cooperative work, wherever possible, with churches that accept the teachings of the Unaltered Augsburg Confession. Units engaging in this work shall advise the presiding bishop of such developments.**

Chapter 9.

CONGREGATIONS

9.10. DEFINITION

9.11. A congregation is a community of baptized persons whose existence depends on the proclamation of the Gospel and the administration of the sacraments and whose purpose is to worship God, to nurture its members, and to reach out in witness and service to the world. To this end it assembles regularly for worship and nurture, organizes and carries out ministry to its people and neighborhood, and cooperates with and supports the wider church to strive for the fulfillment of God’s mission in the world.

9.20. CRITERIA FOR RECOGNITION AND RECEPTION

9.21. This church shall recognize, receive, and maintain on the roster those congregations which by their practice as well as their governing documents:

- a. preach the Word, administer the sacraments, and carry out God’s mission;**
- b. accept this church’s Confession of Faith;**
- c. agree to the Statement of Purpose of this church;**
- d. agree to call pastoral leadership from the clergy roster of this church in accordance with the call procedures of this church except in special circumstances and with the approval of the synodical bishop;**
- e. agree to be responsible for their life as a Christian community; and**
- f. agree to support the life and work of this church.**

9.21.01. Approval of the synodical bishop, as required in 9.21.d., involves the bishop’s attesting that a candidate for the roster of ordained ministers of this church has been approved, in conformity with the governing documents and policies of this church, through the synodical candidacy process for first call as a seminary graduate or for call in this church through approval for reception into this church from another Lutheran church body or another Christian church body. Consultation with the synodical bishop in accordance with the call procedures and governing documents of this church and the synod is required for the calling of pastoral leadership from among persons on the roster of ordained ministers of this church or persons who are approved as eligible candidates for the roster of ordained ministers of this church.

9.21.02. Under special circumstances, subject to the approval of the synodical bishop and the concurrence of the congregation, an ordained minister of a church body with which 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.

- 9.22. All congregations of this church shall abide by the provisions of 9.21., 9.62., and 7.46. The judgment on whether a congregation meets the criteria listed in 9.21. shall be made by this church through the synod of this church in whose territory the congregation is located.
- 9.23. In accord with constitutional provision 9.21.d. and bylaw 9.21.01. and without invoking the provisions of Chapter 20, a congregation that maintains as its pastor an ordained minister who has resigned or been removed from this church's roster of ordained ministers or that calls as its pastor one who has not been approved for the roster of ordained ministers may be removed from the roster of congregations of this church by the Synod Council upon recommendation of the synodical bishop.
- 9.24. A recognized and received congregation that is part of this church shall, when legally possible, be incorporated and may:
- a. own property and be responsible for its care; and
 - b. call or employ staff.
- 9.25. A congregation newly formed by this church and any congregation seeking recognition and reception by this church shall:
- a. Accept the criteria for recognition and reception as a congregation of this church, fulfill the functions of the congregation, and accept the governance provisions as provided in Chapter 9 of the ELCA constitution and bylaws.
 - b. Adopt governing documents that include fully and without alterations the Preamble, Chapter 1, where applicable, and all required provisions of Chapters 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, and 19 in the *Model Constitution for Congregations* consistent with requirements of this constitution and the *Constitution for Synods* of this church. Bylaws and continuing resolutions, appropriate for inclusion in these chapters and not in conflict with these required provisions in the *Model Constitution for Congregations*, the constitution of the synod, or the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, may be adopted as described in Chapters 16 and 18 of the *Model Constitution for Congregations*.
 - c. Accept the commitments expected of all congregations of the ELCA as stated in *C6.01., *C6.02., and *C6.03. of the *Model Constitution for Congregations*.

If a congregation is a member of another church body, the leaders of the congregation first should consult with the appropriate authorities of that church body before taking action to leave its current church body. After such consultation, leaders of the congregation should make contact with the ELCA synod bishop or staff where the congregation is located.

Recognition and reception into this church of transferring or independent congregations by the Evangelical Lutheran Church in America is based on the judgment of the synod and action by the synod through the Synod Council and Synod Assembly. The synod bishop shall provide for prompt reporting of such additions to the secretary of this church for addition to the register of congregations.

9.30. RESERVATION OF AUTHORITY

9.31. Congregations of this church shall have authority in all matters that are not assigned by the constitution and bylaws of this church to synods and the churchwide organization.

9.40. FUNCTIONS

9.41. The congregation shall:

- a. Provide services of worship at which the Word of God is preached and the sacraments are administered.**
- b. Provide pastoral care and assist all members to participate in this ministry.**
- c. Challenge, equip, and support all members in carrying out their calling in their daily life and in their congregation.**
- d. Teach the Word of God.**
- e. Witness to the reconciling Word of God in Christ, reaching out to all people.**
- f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.**
- g. Motivate its members to provide financial support for the congregation's ministry and the ministry of the synod and the churchwide organization.**
- h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization.**
- i. Foster and participate in ecumenical relationships consistent with churchwide policy.**

9.50. GOVERNANCE

9.51. Each congregation shall structure itself in such a way as to involve its members in fulfilling the definition, purpose, and functions of a congregation.

9.52. The governing documents of congregations recognized at the establishment of this church shall continue to govern such congregations. When such a congregation wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b. The synod responsible for the review of such amendments may permit, for good cause, a congregation to retain particular unamended provisions in the congre-

gation's governing documents that were in force at the establishment of this church.

9.52.A93. *The Church Council, in cooperation with the synods, shall provide an ongoing process for congregations whose governing documents have been accepted into this church under 9.52. to review those documents and compare them with the required elements of the Model Constitution for Congregations listed in 9.25.b., applicable to the extent provided in 9.52. to congregations recognized and received by this church as of January 1, 1988. Congregations are encouraged to resolve significant conflicts between their governing documents and the Model Constitution for Congregations.*

9.53. **Each congregation shall have governing documents, no terms of which shall conflict with provision 9.21. Subject to the provisions of 9.52., these documents shall contain the elements listed in the bylaws.**

9.53.01. The governing documents of congregations shall include:

- a. the Confession of Faith;
- b. the Statement of Purpose;
- c. provisions describing the congregation's relationship to this church;
- d. a process for calling a pastor;
- e. a listing of the duties of a pastor;
- f. provisions describing the role of the pastor in the governance of the congregation;
- g. a process for removal of a pastor;
- h. provisions regulating the disposition of property;
- i. a legislative process;
- j. an enumeration of officers with definition of authority and functions of each;
- k. a definition of each structural component (*e.g.*, committees, boards); and
- l. a process for the discipline of members.

9.53.02. *A Model Constitution for Congregations shall be provided by this church. Amendments to the Model Constitution for Congregations shall be made in the same manner as prescribed in Chapter 22 for amendments of the bylaws of this church.*

9.53.03. Each congregation shall provide a copy of its governing documents to the synod. All proposed changes in the constitution or incorporation documents of a congregation shall be referred to the synod with which the congregation is affiliated. The synod shall approve or disapprove the proposed changes within 120 days of receipt thereof, and shall notify the congregation of its decision; in the absence of a decision, the changes shall go into effect.

The synod shall recognize that congregations may organize themselves in a manner which they deem most appropriate.

- 9.53.04. Each congregation shall take the necessary steps to protect its members and this church from liability.
- 9.53.05. Congregations shall normally maintain a fiscal year of January 1 through December 31.
- 9.53.06. A congregation considering a relocation shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.
- 9.53.07. Congregations shall have the right to petition this church. Petitions shall be addressed to the synod to which the congregation relates for response by the synod, or, at the discretion of the synod, for forwarding to the Churchwide Assembly.
- 9.53.08. A congregation considering development of an additional site to be used regularly for worship shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the churchwide organization before any steps are taken leading to such action.

9.60. TERMINATION OF RELATIONSHIP

- 9.61. **The relationship between a congregation and this church may be terminated in one of the following ways:**
 - a. **The congregation takes action to dissolve.**
 - b. **The congregation ceases to exist.**
 - c. **The congregation is no longer recognized by this church under the disciplinary provisions of Chapter 20.**
 - d. **The congregation terminates its relationship according to the procedure outlined in 9.62.**
 - e. **The membership of the congregation becomes so scattered or diminished in numbers as to make it impracticable for such congregation to fulfill the purposes for which it was organized. In such case, the synod, in order to protect the property from waste and deterioration, through the Synod Council or trustees appointed by it, may take charge and control of the property of the congregation to hold, manage, and convey the same on behalf of the synod. The congregation shall have the right to appeal the decision to the Synod Assembly.**
- 9.62. **A congregation may terminate its relationship with this church by the following procedure:**
 - a. **A resolution indicating desire to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds majority of the voting members present.**
 - b. **The secretary of the congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the**

resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.

- c. The bishop of the synod shall consult with the congregation during a period of at least 90 days.
- d. If the congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the synodical bishop or an authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.
- e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between the congregation and this church shall be terminated.
- f. Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.
- g. Congregations which had been members of the Lutheran Church in America shall be required, in addition to the foregoing provisions in 9.62., to receive synodical approval before terminating their membership in this church.
- h. Congregations that are established by the Evangelical Lutheran Church in America shall be required, in addition to the foregoing provisions in 9.62., to receive synodical approval before terminating their membership in this church.

9.70. OWNERSHIP OF PROPERTY

9.71. Subject to the provisions of 9.52., the following shall govern the ownership of property by congregations of this church:

- a. Title to property shall reside in the congregation. The congregation may dispose of its property as it determines, subject to any self-accepted indebtedness or other self-accepted restrictions.
- b. Title to the undisposed property of a congregation that ceases to exist shall pass to the synod of this church to which the congregation is related.
- c. Title to the property of a congregation that is no longer recognized by this church as a result of discipline shall continue to reside in the congregation.
- d. Title to the property of a congregation that has acted to terminate its relationship with this church by the provisions of 9.62. to relate to another Lutheran church body shall continue to reside in the congregation.

- e. **Title to the property of a congregation that has acted to terminate its relationship with this church by the provisions of 9.62. to become independent or to relate to a non-Lutheran church body shall continue to reside in the congregation only with the consent of the Synod Council. The Synod Council, after consultation with the congregation by an established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of the congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of this church.**

9.80. DISCIPLINE OF CONGREGATIONS
See Chapter 20.

9.90. FEDERATED OR UNION CONGREGATIONS

- 9.91. A synod of the Evangelical Lutheran Church in America may authorize a particular congregation or recognized ministry related to the synod to form a federated congregation or union congregation with a congregation or recognized ministry of a church body with which a relationship of full communion has been established by a Churchwide Assembly of the Evangelical Lutheran Church in America, or a synod may organize a federated congregation or union congregation, with the synod acting in concert with a comparable ecclesiastical entity of another church body or church bodies with which a relationship of full communion has been established by a Churchwide Assembly of the Evangelical Lutheran Church in America.**

- 9.91.01. A federated congregation is one congregation that is formed and maintained with the approval of both the synod in which the congregation is located and the comparable ecclesiastical entity of one or more church bodies with which a relationship of full communion has been established. A federated congregation shall conduct its life and work under a plan of agreement adopted by the federated congregation in accord with policy of the synod in which the federated congregation is located and the comparable entity or entities of a church body or church bodies with which a relationship of full communion has been declared by the Evangelical Lutheran Church in America, in accord with 8.71. and 9.91.**

- a. **The plan of agreement shall follow, as clearly as is practicable, the model provisions developed by the secretary of this church, after consultation with the appropriate churchwide unit or units and Conference of Bishops, and approved by the Church Council, and such a plan of agreement shall be subject to the constitutions of each church body involved.**

- 1) Whenever the constitutions of the respective church bodies differ, the mandatory provisions of one shall apply in all cases when the others are permissive.
 - 2) Whenever conflicting mandatory provisions or conflicting permissive provisions exist, petition shall be made to the appropriate governing bodies of the church bodies involved to resolve the conflict under the internal procedures of the respective church bodies.
- b. The plan of agreement of a federated congregation shall be consistent with the commitments made by the Evangelical Lutheran Church in America in church-to-church resolutions and documents for the continuing relationship of full communion.
 - c. The plan of agreement of each federated congregation shall be subject to review and ratification by the Synod Council of the synod in which the federated congregation is located.
 - d. Implementation of the plan of agreement of a federated congregation shall be guided by policies and procedures developed in consultation with the appropriate churchwide unit or units by the Office of the Secretary, reviewed by the Conference of Bishops, and approved by the Church Council of the Evangelical Lutheran Church in America.
 - e. A federated congregation shall be incorporated, when legally possible, under the laws of the state of location. A federated congregation shall take the necessary steps to protect its members and the related church bodies from liability.

9.91.02. A union congregation may be formed by two separate congregations that shall continue to exist as separate but cooperating entities. The separate congregations in a union congregation shall be related to their respective church bodies that have established a relationship of full communion in accord with 8.71. and 9.91. A union congregation shall conduct its life and work under a plan of agreement approved by the two 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.

- a. The plan of agreement of a union congregation shall follow, as clearly as is practicable, the model provisions of such a plan of agreement developed by the secretary of this church, after consultation with the appropriate churchwide unit or units and Conference of Bishops, and approved by the Church Council, and such a plan of agreement for a union congregation shall be subject to the constitutions of each church body involved.
- b. The plan of agreement of a union congregation shall be consistent with the commitments made by the Evangelical Lutheran Church in

America in church-to-church resolutions and documents for the continuing relationship of full communion.

- c. The plan of agreement of a union congregation shall be subject to review and ratification by the Synod Council of the synod in which the union congregation is located.
- d. Implementation of the plan of agreement of a union congregation shall be guided by policies and procedures developed in consultation with the appropriate churchwide unit or units by the Office of the Secretary, reviewed by the Conference of Bishops, and approved by the Church Council of the Evangelical Lutheran Church in America.
- e. Each congregation in a union congregation shall take the necessary steps to protect its members and the related church body from liability.

Chapter 10.

SYNODS

10.01. This church shall be divided into synods, the names and boundaries of which shall be determined by the Churchwide Assembly and included in the bylaws.

10.01.10. Names and Boundaries

10.01.11. The names and boundaries of the synods shall be:

Synod 1.A—Alaska. The state of ALASKA.

Synod 1.B—Northwest Washington. The counties of Island, King (north), San Juan, Skagit, Snohomish, Whatcom in the state of WASHINGTON.

Synod 1.C—Southwestern Washington. The counties of Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, King (south), Kitsap, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, Wahkiakum in the state of WASHINGTON.

Synod 1.D—Eastern Washington-Idaho. The state of IDAHO; the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Yakima in the state of WASHINGTON.

Synod 1.E—Oregon. The state of OREGON; and the city of Tulelake in the state of CALIFORNIA.

Synod 1.F—Montana. The state of MONTANA; and the counties of Big Horn, Park, Sheridan, and Washakie in the state of WYOMING.

Synod 2.A—Sierra Pacific. The counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba in the state of CALIFORNIA; the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe, White Pine and the consolidated municipality of Carson City in the state of NEVADA.

Synod 2.B—Southwest California. The counties of Kern, Los Angeles, San Luis Obispo, Santa Barbara, Ventura in the state of CALIFORNIA.

Synod 2.C—Pacifica. The counties of Imperial, Orange, Riverside, San Bernardino, San Diego in the state of CALIFORNIA; the state of HAWAII.

Synod 2.D—Grand Canyon. The state of ARIZONA; the counties of Clark, Esmeralda, Lincoln, Nye in the state of NEVADA.

Synod 2.E—Rocky Mountain. The states of COLORADO; NEW MEXICO; UTAH; and WYOMING, excluding the counties of Big Horn, Park, Sheridan, and Washakie; the counties of Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Presidio, Reeves, Ward, Winkler in the state of TEXAS.

Synod 3.A—Western North Dakota. The counties of Adams, Benson (the town/parishes of Esmond), Billings, Bottineau, Bowman, Burke, Burleigh, Divide, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder (excluding the Woodworth Parish of Pettibone), Logan (excluding the towns/ parishes of Fredonia and Gackle), McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Pierce, Renville, Rolette, Sheridan, Sioux, Slope, Stark, Towner, Ward, Wells, Williams in the state of NORTH DAKOTA; and the parishes of Lemmon, Lodgepole, Ralph, and Shadehill in the state of SOUTH DAKOTA.

Synod 3.B—Eastern North Dakota. The counties of Barnes, Benson (east of and including the towns/ parishes of Maddock and Leeds), Cass, Cavalier, Dickey, Eddy, Foster, Grand Forks, Griggs, Kidder (the Woodworth Parish of Pettibone), LaMoure, Logan (the towns/parishes of Fredonia and Gackle), Nelson, Pembina, Ramsey, Ransom, Richland, Sargent, Steele, Stutsman, Traill, Walsh in the state of NORTH DAKOTA.

Synod 3.C—South Dakota. The state of SOUTH DAKOTA.

Synod 3.D—Northwestern Minnesota. The counties of Becker, Beltrami, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau, Todd, Traverse, Wadena, Wilkin in the state of MINNESOTA.

Synod 3.E—Northeastern Minnesota. The counties of Aitkin, Carlton, Cass, Cook, Crow Wing, Itasca, Kanabec, Koochiching, Lake, Mille Lacs, Morrison, Pine, St. Louis in the state of MINNESOTA.

Synod 3.F—Southwestern Minnesota. The counties of Benton, Big Stone, Brown, Chippewa, Cottonwood, Jackson, Kandiyohi, Lac qui Parle, Lincoln, Lyon, McLeod, Martin, Meeker, Murray, Nicollet, Nobles, Pipestone, Pope, Redwood, Renville, Rock, Sherburne (part), Sibley, Stearns, Stevens, Swift, Watonwan, Wright (part), Yellow Medicine in the state of MINNESOTA.

Synod 3.G—Minneapolis Area. The counties of Anoka, Carver, Hennepin, Isanti, Scott, Sherburne (part), Wright (part) in the state of MINNESOTA.

Synod 3.H—Saint Paul Area. The counties of Chisago, Dakota, Ramsey, Washington in the state of MINNESOTA.

Synod 3.I—Southeastern Minnesota. The counties of Blue Earth, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Le Sueur, Mower, Olmsted, Rice, Steele, Wabasha, Waseca, Winona in the state of MINNESOTA.

Synod 4.A—Nebraska. The state of NEBRASKA.

Synod 4.B—Central States. The states of MISSOURI and KANSAS.

Synod 4.C—Arkansas-Oklahoma. The states of ARKANSAS and OKLAHOMA.

Synod 4.D—Northern Texas-Northern Louisiana. The counties of Andrews, Archer, Armstrong, Bailey, Baylor, Bell, Borden, Bosque, Bowie, Briscoe, Brown, Callahan, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Coryell, Cottle, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Howard, Hunt, Hutchinson, Irion, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Lampasas, Limestone, Lipscomb, Lubbock, Lynn, McCulloch, McLennan, Marion, Martin, Midland, Mills, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Reagan, Red River, Roberts, Rockwall, Runnels, Rusk, San Saba, Scurry, Shackelford, Sherman, Smith, Somervell, Stephens, Sterling, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Upshur, Van Zandt, Wheeler, Wichita, Wilbarger, Wise, Wood, Yoakum, Young in the state of TEXAS; the parishes of Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Red River, Richland, Sabine, Tensas, Union, Webster, West Carroll, Winn in the state of LOUISIANA.

Synod 4.E—Southwestern Texas. The counties of Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brooks, Burnet, Caldwell, Calhoun, Cameron, Comal, Crane, Crockett, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jackson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Lee, Live Oak, Llano, McMullen, Mason, Maverick, Medina, Menard, Milam, Nueces, Pecos, Real, Refugio, San Patricio, Schleicher, Starr, Sutton, Terrell, Travis, Upton, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zapata, Zavala in the state of TEXAS.

Synod 4.F—Texas-Louisiana Gulf Coast. The counties of Anderson, Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Cherokee, Colorado, Fayette, Fort Bend, Freestone, Galveston, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Leon, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Washington, Wharton in the state of TEXAS; the parishes of Acadia,

Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, LaFourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana in the state of LOUISIANA.

Synod 5.A—Metropolitan Chicago. The counties of Cook, DuPage, Kane, Lake in the state of ILLINOIS.

Synod 5.B—Northern Illinois. The counties of Boone, Bureau, Carroll, De Kalb, Grundy, Henderson, Henry, Jo Daviess, Kendall, Knox, La Salle, Lee, McHenry, Mercer, Ogle, Putnam, Rock Island, Stephenson, Warren, Whiteside, Will, Winnebago in the state of ILLINOIS.

Synod 5.C—Central/Southern Illinois. The counties of Adams, Alexander, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Hamilton, Hancock, Hardin, Iroquois, Jackson, Jasper, Jefferson, Jersey, Johnson, Kankakee, Lawrence, Livingston, Logan, McDonough, McLean, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Tazewell, Union, Vermilion, Wabash, Washington, Wayne, White, Williamson, Woodford in the state of ILLINOIS.

Synod 5.D—Southeastern Iowa. The counties of Appanoose, Benton, Boone, Cedar, Clarke, Clinton, Dallas (east), Davis, Decatur, Des Moines, Henry, Iowa, Jackson (south), Jasper, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Muscatine, Polk, Poweshiek, Scott, Story (south), Tama (south), Van Buren, Wapello, Warren, Washington, Wayne in the state of IOWA.

Synod 5.E—Western Iowa. The counties of Adair, Adams, Audubon, Buena Vista, Calhoun, Carroll, Cass, Cherokee, Clay, Crawford, Dallas (west), Dickinson, Emmet, Fremont, Greene, Guthrie, Hamilton (west), Hancock, Harrison, Humboldt, Ida, Kossuth, Lyon, Mills, Monona, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Pottawattamie, Ringgold, Sac, Shelby, Sioux, Taylor, Union, Webster, Winnebago, Woodbury, and Wright (west) in the state of IOWA.

Synod 5.F—Northeastern Iowa. The counties of Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Floyd, Franklin, Grundy, Hamilton (east), Hardin, Howard, Jackson (north), Mitchell, Story (north), Tama (north), Winneshiek, Worth, Wright (east) in the state of IOWA.

Synod 5.G—Northern Great Lakes. The counties of Florence, Forest, Iron, Marinette, Oneida, Vilas in the state of WISCONSIN; the counties in the Upper Peninsula in the state of MICHIGAN.

Synod 5.H—Northwest Synod of Wisconsin. The counties of Ashland, Barron, Bayfield, Buffalo (north), Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson (north), Marathon (west), Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau (north), Washburn, Wood (northwest corner) in the state of WISCONSIN.

Synod 5.I—East-Central Synod of Wisconsin. The counties of Brown, Calumet, Door, Fond Du Lac, Green Lake, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon (east), Marquette, Menominee, Oconto, Outagamie, Portage, Shawano, Waupaca, Waushara, Winnebago, Wood (southeast) in the state of WISCONSIN.

Synod 5.J—Greater Milwaukee. The counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, Waukesha in the state of WISCONSIN.

Synod 5.K—South-Central Synod of Wisconsin. The counties of Columbia, Dane, Dodge, Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock, Sauk, Walworth in the state of WISCONSIN.

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 in or near the towns of La Crescent, Caledonia, and Spring Grove in the state of MINNESOTA.

Synod 6.A—Southeast Michigan. The counties of Genesee, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saint Clair, Washtenaw, Wayne in the state of MICHIGAN.

Synod 6.B—North/West Lower Michigan. The counties of Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Midland, Missaukee, Montcalm, Montmorency, Muskegon, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Wexford in the state of MICHIGAN.

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

Synod 6.D—Northwestern Ohio. The counties of Allen, Auglaize, Crawford, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Morrow, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, Wyandot in the state of OHIO.

Synod 6.E—Northeastern Ohio. The counties of Ashland, Ashtabula, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Holmes, Jefferson,

Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, Wayne in the state of OHIO.

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.

Synod 7.A—New Jersey. The state of NEW JERSEY.

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

Synod 7.C—Metropolitan New York. The counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester in the state of NEW YORK.

Synod 7.D—Upstate New York. The counties of Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Columbia, Cortland, Delaware, Erie, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming, Yates 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 of PENNSYLVANIA.

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

Synod 7.G—Slovak Zion. A non-geographic synod consisting of congregations distinctively Slovak in language or antecedents.

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

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

Synod 8.C—Allegheny. The counties of Bedford, Blair, Cambria, Centre, Clearfield, Huntingdon, Somerset in the state of PENNSYLVANIA.

Synod 8.D—Lower Susquehanna. The counties of Adams, Cumberland, Dauphin, Franklin, Fulton, Lancaster, Lebanon, Perry, York in the state of PENNSYLVANIA.

Synod 8.E—Upper Susquehanna. The counties of Clinton, Columbia, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Tioga, Union in the state 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 counties of Accomack, Northampton in the state of VIRGINIA.

Synod 8.G—Metropolitan Washington, D.C. The District of Columbia; the counties of Calvert, Charles, Montgomery, Prince Georges, 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 of VIRGINIA; BERMUDA.

Synod 8.H—West Virginia-Western Maryland. The county of Garrett in the state of MARYLAND; the state of WEST 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 of VIRGINIA.

Synod 9.B—North Carolina. The state of NORTH CAROLINA.

Synod 9.C—South Carolina. The state of SOUTH CAROLINA.

Synod 9.D—Southeastern. The states of ALABAMA; GEORGIA; MISSISSIPPI; and TENNESSEE.

Synod 9.E—Florida-Bahamas. The state of FLORIDA; the BAHAMAS.

Synod 9.F—Caribbean. The commonwealth of PUERTO RICO; the territory of the VIRGIN ISLANDS.

10.02. Each congregation, except those which are in partnership with the Slovak Zion Synod, shall establish a relationship with the synod in whose territory it is located.

10.02.01. The Slovak Zion Synod shall continue as a nongeographic synod of this church. In all other respects it shall be bound by the provisions of the constitution and bylaws of this church. In addition, it shall enter into relationships with geographic synods in order to provide opportunities for congregations, ordained ministers, and other leaders to share in the programmatic services of such synods, workshops, and conferences. It shall also periodically review and evaluate its ministries to ascertain their continuing effectiveness.

10.02.02. 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.

10.02.03. Within the territory of each geographic synod, the synod—in keeping with criteria, policies, and procedures proposed by the secretary of this church, after consultation with the appropriate churchwide unit or units, and approved by the Church Council—may acknowledge certain authorized worshiping communities such as developing ministries, preaching points, or chapels as related to the synod and part of the synod’s life and mission. Such authorized worshiping communities of the synod shall accept and adhere to the Confession of Faith and Statement of Purpose of this church, shall be served by leadership under the criteria of this church, and shall be subject to the discipline of this church.

10.10. INCORPORATION AND CONSTITUTION

10.11. Each synod shall be incorporated. The articles of incorporation of each synod in existence on January 1, 1988, shall continue to govern such synods. The articles of incorporation of each synod organized after December 31, 1987, shall be submitted to the Church Council for ratification before filing. Amendments to the articles of incorporation of all synods shall be submitted to the Church Council for ratification before filing.

10.12. Each synod shall have a constitution, which shall become effective upon ratification by the Church Council. Amendments thereto shall be subject to like ratification, provided, however, that an amendment which is identical to a provision of the *Constitution for Synods* shall be deemed to have been ratified upon its adoption and the Church Council shall be given prompt notification of its adoption.

10.13. The *Constitution for Synods* contains mandatory provisions that incorporate and record therein provisions of the constitution and bylaws of this church. Amendments to mandatory provisions incorporating constitutional provisions of this church shall be made in the same manner as prescribed in Chapter 22 for amendments to

the constitution of this church. Amendments to mandatory provisions incorporating bylaw provisions of this church and amendments to non-mandatory provisions shall be made in the same manner as prescribed in Chapter 22 for amendments to the bylaws of this church. Non-mandatory provisions shall not be inconsistent with the constitution and bylaws of this church.

10.20. PURPOSE

10.21. Each synod, in partnership with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in its territory. In fulfillment of this role, the synod shall:

- a. Provide for the pastoral care of congregations, ordained ministers, associates in ministry, deaconesses, and diaconal ministers in the synod, including:**
 - 1) approving candidates for the ordained ministry in cooperation with the appropriate seminaries of this church, which may be done through multi-synodical committees;**
 - 2) authorizing ordinations and ordaining on behalf of this church;**
 - 3) approving associates in ministry, deaconesses, and diaconal ministers, which may be done through multi-synodical committees;**
 - 4) authorizing the commissioning of associates in ministry, the consecration of deaconesses, and the consecration of diaconal ministers of this church; and**
 - 5) consulting in the calling process for ordained ministers, associates in ministry, deaconesses, and diaconal ministers.**
- b. Provide for leadership recruitment, preparation, and support in accordance with churchwide standards and policies, including:**
 - 1) nurturing and supporting congregations and lay leaders;**
 - 2) seeking and recruiting qualified candidates for the rostered ministries of this church;**
 - 3) making provision for pastoral care, call or appointment review, and guidance;**
 - 4) encouraging and supporting persons on the rosters of this church in stewardship of their abilities, care of self, and pursuit of continuing education to undergird their effectiveness of service; and**
 - 5) supporting recruitment of leaders for this church's colleges, universities, seminaries, and social ministry organizations.**
- c. Provide for discipline of congregations, ordained ministers, and persons on the official lay rosters; as well as for termination of call, appointment, adjudication, and appeals consistent with the**

procedures established by this church in Chapter 20 of the ELCA constitution and bylaws.

- d. Foster organizations for youth, women, and men, and organizations for language or ethnic communities.
- e. Plan for the mission of this church in the synod, initiating and developing policy, and implementing programs, consistent with churchwide policy, including:
 - 1) ecumenical guidance and encouragement;
 - 2) development of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;
 - 3) leadership and encouragement of congregations in their evangelism efforts;
 - 4) development of relationships to and participation in planning for the mission of social ministry organizations and ministries;
 - 5) encouragement of financial support for the work of this church by individuals and congregations;
 - 6) provision for resources for congregational life;
 - 7) assistance to the members of its congregations in carrying out their ministries in the world; and
 - 8) interpretation of social statements in a manner consistent with the interpretation given by the churchwide unit which assisted in the development of the statement, and suggestion of social study issues through (a) Synod Assembly memorials to the Churchwide Assembly or (b) resolutions for referral from the Synod Assembly through the Synod Council to the Church Council and (c) Synod Council resolutions addressed to the Church Council or for referral to a unit of the churchwide organization through the Church Council's Executive Committee.
- f. Promote interdependent relationships among congregations, synods, and the churchwide organization, and enter into partnership with other synods in the region.
- g. Participate in churchwide programs and develop support for the ministry of the churchwide organization.
- h. Foster the grouping of congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.
- i. Support relationships with and provide partnership funding on behalf of colleges, universities, and campus ministries.
- j. Foster relationships with and provide partnership funding on behalf of social ministry organizations.
- k. Maintain relationships with and provide partnership funding on behalf of seminaries and continuing education centers.

- l. Foster supporting relationships with camps and other outdoor ministries.**
- m. Foster supporting relationships with preschools, elementary schools, and secondary schools operated by congregations of the synod.**
- n. Interpret the work of this church to congregations and to the public.**
- o. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.**
- p. Provide for archives in conjunction with other synods.**
- q. Cooperate with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of the synod which can best be done cooperatively with other synods and the churchwide organization.**

10.22. In the event that this church or any synod of this church is charged with liability for any contingent debt, liability, or obligation arising or resulting from acts or omissions of any synod of the Lutheran Church in America, or The Association of Evangelical Lutheran Churches, or district of The American Lutheran Church, occurring prior to January 1, 1988, the Church Council is authorized and empowered to determine whether and to what extent this church or such synod of this church shall be indemnified or reimbursed for any such debt, liability, or obligation by one or more synods of this church. In making its determination with respect to indemnification or reimbursement, the Church Council shall consider the nature of the activity which gave rise to the debt, liability, or obligation, the situs of that activity, and such other factors as the Church Council deems appropriate under the circumstances in order that such debt, liability, or obligation may be discharged in a manner that is fair and equitable to this church's congregations, synods, and churchwide organization. For purposes of this provision, a "contingent" debt, liability, or obligation means a debt, liability, or obligation (a) the amount of which had not been ascertained by the Evangelical Lutheran Church in America on December 31, 1987, or (b) the existence of which was unknown to the Evangelical Lutheran Church in America on December 31, 1987.

10.30. OFFICERS

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:

 - 1) Oversee and administer the work of the synod.**
 - 2) Preach, teach, and administer the sacraments in accord with the faith of this church.****

- 3) Provide pastoral care and leadership for the synod, its congregations, its ordained ministers, its associates in ministry, its deaconesses, and its diaconal ministers.
- 4) Advise and counsel its related institutions and organizations.
- 5) Be its chief ecumenical officer.
- 6) Exercise supervision over the work of the other officers.
- 7) Preside at all meetings of the Synod Assembly and be the chief executive officer of the synod; provide for the preparation of the agenda of the Synod Assembly, Synod Council, and the Executive Committee; see to it that the constitution and bylaws of the synod are duly observed, and that the actions of the synod in conformity therewith are carried into effect; coordinate the work of all synodical staff members; and appoint all committees for which provision is not otherwise made.
- 8) Coordinate the use of the resources available to the synod as it seeks to promote the health of this church's life and witness in the areas served by the synod.
- 9) Exercise solely this church's power to ordain (or provide for the ordination by another synodical bishop of) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ordained ministry (and as provided in the bylaws of this church); to commission approved candidates who have received and accepted a properly issued, duly attested letter of call for service as an associate in ministry; to consecrate approved candidates who have received and accepted a properly issued, duly attested letter of call for service as a deaconess; and to consecrate approved candidates who have received and accepted a properly issued, duly attested letter of call for service as a diaconal minister; and shall install (or provide for the installation of):
 - a) the pastors of all congregations of the synod;
 - b) ordained ministers called to extraparish service within this church;
 - c) associates in ministry rostered in the synod;
 - d) deaconesses of the Evangelical Lutheran Church in America rostered in the synod; and
 - e) diaconal ministers of the Evangelical Lutheran Church in America rostered in the synod.
- 10) Be *ex officio* a member of the Churchwide Assembly and a member of all committees and any other organizational units of the synod.

11) Submit a report to each regular meeting of the Synod Assembly concerning the synod's life and work.

12) Interpret and advocate the mission and theology of the whole church.

b. The vice president shall chair the Synod Council. In the event of the death, resignation, or disability of the bishop, the vice president 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.

10.31.01. The bishop shall be elected by the Synod Assembly. The bishop shall be a pastor who is an ordained minister of this church. The bishop may have as many assistants as the synod shall authorize.

10.31.02. The vice president shall be elected by the Synod Assembly. The vice president shall be a layperson. The vice president shall not receive a salary for the performance of the duties of the office.

10.31.03. The secretary shall be elected by the Synod Assembly. The secretary may be either a layperson or an ordained minister.

10.31.04. The treasurer shall be elected by the Synod Assembly. The treasurer may be either a layperson or an ordained minister.

10.31.05. The bishop of the synod shall be elected to a term of six years and may be reelected. The other officers shall be elected to a term as defined by each synod, but not to exceed six years, and may be reelected.

10.31.06. Each officer shall be a voting member of a congregation of the synod, except that the bishop need not be a member of a congregation of the synod at the time of election.

10.32. CONFLICTS OF INTEREST

10.32.01. The following procedures shall govern matters of potential conflicts of interest for synodical bishops:

a. Whenever a synodical bishop determines that a matter of the kind described in 10.32.01.b. may require his or her determination or action with respect to a related individual as defined in 10.32.01.c., the synodical bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synodical 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 provision 7.46. (†S14.13.), candidacy, reinstatement, and similar matters where determinations or actions by the synodical bishop could change, limit, restrict, approve, authorize, or deny the

related individual's ministry on one of the official rosters of this church.

- c. A related individual is one who, with respect to the synodical bishop, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, or in-law (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).

10.33. INTEGRITY OF MINISTRY

- 10.33.01.** Ordained ministers previously under call to the churchwide organization or to a synod shall respect the integrity of the ministry in which they no longer serve and shall not interfere with or exercise the functions of the office or position in which they no longer serve unless invited to do so by the presiding bishop or Church Council in the churchwide organization or, in the synods, by the bishop or the Synod Council.

10.40. SYNOD ASSEMBLY

- 10.41.** **Each synod shall have a Synod Assembly, which shall be its highest legislative authority, and which shall meet at least biennially. Special meetings may be called as needed. With the exception of ordained ministers on the roster of synods other than their synod of residence, each member of the Synod Assembly, the Synod Council, a board, committee, or other organizational unit of the synod shall be a voting member of a congregation of the 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:

- a. All ordained ministers under call on the roster of the synod in attendance at the Synod Assembly shall be voting members.
- b. All associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers, under call, on the lay roster or rosters of the synod shall have both voice and vote as lay voting members in the Synod Assembly, in addition to the voting membership of lay members of congregations provided in item 10.41.01.c.
- 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, normally one of whom shall be male and one of whom shall be female, 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, 50 percent of the lay members of the assembly shall be female and 50 percent shall be male. Additional

members from each congregation normally shall be equally divided between male and female.

d. Voting membership shall include the officers of the synod.

- 10.41.02.** Synods may establish processes that permit retired ordained ministers, associates in ministry, deaconesses, and diaconal ministers, or those designated as disabled, on the roster of the synod to serve as voting members of the Synod Assembly, consistent with bylaw 10.41.01. above.
- 10.41.03.** Synods may establish processes that permit ordained ministers, associates in ministry, deaconesses, and diaconal ministers who are on leave from call or those designated as disabled on the roster of the synod to serve as voting members of the Synod Assembly, consistent with bylaw 10.41.01. above.
- 10.41.04.** Synods may establish processes that permit representatives of mission settings formed with the intent of becoming chartered congregations and authorized worshiping communities of the synod, under bylaw 10.02.03., to serve as voting members of the Synod Assembly, consistent with bylaw 10.41.01.
- 10.41.05.** Synods may establish processes that permit Synod Council voting members who are not otherwise serving as voting members of the Synod Assembly the privilege of both voice and vote as members of the Synod Assembly.

10.50. SYNOD COUNCIL

10.51. Each synod shall have a Synod Council, which shall be its board of directors, and which shall serve as the interim legislative authority between meetings of the Synod Assembly, except that it may not take any action which is reserved exclusively for the Synod Assembly or which is in conflict with action taken by the Synod Assembly.

10.52. The Synod Council shall consist of the four officers of the synod, 10 to 24 other members, and at least one youth, all elected by the Synod Assembly. Each person elected to the Synod Council shall be a voting member of a congregation of the synod, with the exception of ordained ministers on the roster of the synod who reside outside the territory of the synod. The process for election and the term of office when not otherwise specified herein shall be determined by each synod. A member of the Church Council of the Evangelical Lutheran Church in America from the synod, unless otherwise elected as a voting member of the Synod Council, may serve as an advisory member of the Synod Council with voice but not vote.

10.60. CONFERENCES, CLUSTERS, COALITIONS, OR OTHER AREA SUBDIVISIONS, AND COMMITTEES

10.61. Opportunities for groupings of congregations and institutions in specified geographic areas of the synod shall be provided by the synod to foster interdependent relationships among congregations, insti-

tutions, the synod, and churchwide units for mission purposes. These groupings may be formed as conferences, clusters, coalitions, or other area subdivisions.

10.62. Each synod may establish such boards, committees, task forces, and other organizational forms as it deems necessary to carry out effectively the functions assigned to the synod.

10.63. Each synod shall have an executive committee, a consultation committee, and a committee on discipline. Each synod also shall establish a mutual ministry committee to provide support and counsel to the bishop.

10.70. FISCAL POLICY

10.71. Each synod shall remit to the churchwide organization a percentage of all donor-unrestricted receipts contributed to it by the congregations of the synod, such percentage to be determined by the Churchwide Assembly. Individual exceptions may be made by the Church Council upon request of a synod.

10.72. Each synod shall arrange to have an annual audit of its financial records conducted by a certified public accountant firm selected by the Synod Council. The audited annual financial report shall be submitted by the synod to the churchwide Office of the Treasurer and to the congregations of the synod. Synodical financial reports shall be in a format approved by the churchwide Office of the Treasurer in order to attain uniformity in reporting.

10.73. Each synod shall have the fiscal year of February 1 through January 31.

10.74. Each synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.

10.80. INSTALLATION

10.81.01. The presiding bishop of this church, or a bishop appointed by the presiding bishop of this church, shall preside for the installation into office, in accord with the policy and approved rite of this church, of each newly elected synodical bishop.

Chapter 11.

CHURCHWIDE ORGANIZATION—DEFINITION AND PURPOSES

11.10. DEFINITION OF THE CHURCHWIDE ORGANIZATION

11.11. The Evangelical Lutheran Church in America shall have a churchwide organization that shall function interdependently with the congregations and synods of this church. The churchwide organization shall serve on behalf of and in support of this church's members, congregations, and synods in proclaiming the Gospel, reaching out in witness and service both globally and throughout the territory of this church, nurturing the members of this church in the daily life of faith, and manifesting the unity of this church with the whole Church of Jesus Christ.

11.12. The churchwide organization shall be an instrument for accomplishing the purposes of this church, as defined by Chapter 4 of this constitution, that are shared with and supported by the members, congregations, and synods of this church. In keeping with this church's purposes, it shall develop churchwide policy, set standards for leadership, establish criteria for this church's endeavors, and coordinate the work of this church. It shall be a means for the sharing of resources throughout this church, and shall provide programs and services as determined by this church.

11.20. PURPOSES OF THE CHURCHWIDE ORGANIZATION

11.21. In fulfillment of the purposes of this church, the churchwide organization shall:

- a.** Undergird the worship life of this church as the Word of God is preached and the sacraments are administered.
- b.** Provide resources to equip members to worship, learn, serve, and witness in their ministry in daily life.
- c.** Support and establish policy for this church's mission and coordinate planning and evaluation for that mission throughout the world, including participation with other churches.
- d.** Witness to the Word of God in Christ by united efforts in proclaiming the Gospel, responding to human need, caring for the sick and suffering, working for justice and peace, and providing guidance to members on social matters.
- e.** Foster interdependent relationships among congregations, synods, and the churchwide organization to implement the mission of this whole church.
- f.** Provide for the ordained ministry and other rostered ministries of this church.
- g.** Oversee and establish policy for this church's relationship to seminaries, colleges, universities, schools, and other education endeavors, and provide support as appropriate.

- h. Establish and reflect this church’s ecumenical stance and its relationship to other churches, and direct this church’s policy for relationship with persons of other faiths.**
- i. Develop and administer policies for this church’s relationship to social ministry organizations and cooperate with public and private agencies that enhance human dignity and justice.**
- j. Determine and implement policy for this church’s relationship to governments.**
- k. Provide for a comprehensive financial support system for this church’s mission and for the administration of financial resources necessary for fulfillment of the particular responsibilities of the churchwide organization.**
- l. Provide planned giving opportunities for the financial support of this church, its congregations, synods, agencies, and institutions through the establishment of a foundation.**
- m. Provide pension and other benefits plans for this church.**
- n. Provide a church publishing house.**
- o. Provide archives for the retention of its valuable records, and coordinate archival activity in the synods, regions, institutions, and agencies of this church.**
- p. Provide and monitor a system of discipline, appeals, and adjudication.**
- q. Establish and operate other programs and activities, as determined by this church, on behalf of and in support of the congregations and synods of this church.**

11.30. DESCRIPTION OF THE CHURCHWIDE ORGANIZATION

- 11.31. The legislative function of the churchwide organization shall be fulfilled by the Churchwide Assembly as described in Chapter 12 of this church’s constitution, bylaws, and continuing resolutions.**
- 11.32. The Church Council shall exercise interim legislative authority and shall serve as the board of directors of the corporation.**
- 11.33. Leadership of this church shall be vested in the officers, the Churchwide Assembly, the Church Council, boards, and executive directors of churchwide administrative units. The full-time officers shall be the presiding bishop of this church, secretary of this church, and treasurer of this church. The vice president shall be non-salaried and shall serve as chair of the Church Council.**
- 11.34. The churchwide organization shall carry out its duties through functional elements known as units. Units shall be responsible to the Churchwide Assembly and the Church Council in the interim between regular meetings of the assembly.**
- 11.35. Each program unit shall relate to a program committee and each separately incorporated unit shall be governed by a board.**

11.40. GENERAL FISCAL POLICIES

11.41. Within the limits established by the Churchwide Assembly in the constitution and bylaws, the Church Council, as the board of directors of the churchwide organization, shall establish the fiscal policies of this church.

11.41.01. A single treasury shall be maintained for the receipt and disbursement of 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.

11.41.02. Within the policies established by the Churchwide Assembly and the Church Council, the management and investment of the funds of the churchwide organization and its units receiving budgetary support shall be the responsibility of the Office of the Treasurer.

11.41.03. On the basis of estimated income, and upon advice of the Office of the Presiding Bishop and the Office of the Treasurer, in consultation with the units receiving support from the churchwide budget, the Church Council shall authorize expenditures within the budget for the fiscal year and the units may incur financial obligations up to the specified amounts. Expenditure authorizations shall be subject to revision, in light of changing conditions, by the Church Council, upon the advice of the Office of the Presiding Bishop and the Office of the Treasurer.

11.41.04. The Church Council shall establish a working capital fund to be administered by the Office of the Treasurer within the policies established by the Church Council.

11.41.05. The fiscal year for the churchwide organization shall be February 1 through January 31.

11.41.06. No churchwide appeal to congregations or individuals of this church for the raising of funds shall be conducted by this church or churchwide units without the consent of the Churchwide Assembly, following consultation with the Conference of Bishops. No appeal to selected congregations and individuals of this church for the raising of funds shall be conducted by this church or churchwide units without the consent of the Church Council, following consultation with either the Conference of Bishops or specific synods as appropriate. Proposals for such special appeals shall be presented to the Church Council through the appropriate council committee with recommendations by the Office of the Presiding Bishop.

Chapter 12.

CHURCHWIDE ASSEMBLY

12.10. DESCRIPTION AND AUTHORITY OF THE CHURCHWIDE ASSEMBLY

12.11. The Churchwide Assembly shall be the highest legislative authority of the churchwide organization and shall deal with all matters which are necessary in pursuit of the purposes and functions of this church. The powers of the Churchwide Assembly are limited only by the provisions of the Articles of Incorporation, this constitution and bylaws, and the assembly's own resolutions.

12.12. Any matter for which adoption by a vote of two-thirds of those voting in a prior Churchwide Assembly was required by the constitution or bylaws of the Evangelical Lutheran Church in America shall require a two-thirds vote to be amended or repealed by a subsequent Churchwide Assembly.

12.12.01. A social statement, which is developed by the appropriate churchwide unit and presented to the Churchwide Assembly as a proposed social statement of the Evangelical Lutheran Church in America, shall require for adoption a vote of two-thirds of those voting members present and voting in a Churchwide Assembly. The text of a proposed social statement shall be approved and recommended to the assembly by the Church Council.

12.20. DUTIES OF THE CHURCHWIDE ASSEMBLY

12.21. The Churchwide Assembly shall:

- a. Review the work of the churchwide officers, and for this purpose require and receive reports from them and act on business proposed by them.**
- b. Review the work of the churchwide units, and for this purpose require and receive reports from them and act on business proposed by them.**
- c. Receive and consider proposals from synod assemblies.**
- d. Establish churchwide policy.**
- e. Adopt a budget for the churchwide organization.**
- f. Elect officers, board members, and other persons as provided in the constitution or bylaws.**
- g. Establish churchwide units to carry out the functions of the churchwide organization.**
- h. Have the sole authority to amend the constitution and bylaws.**
- i. Fulfill other functions as required in the constitution and bylaws.**
- j. Conduct such other business as necessary to further the purposes and functions of the churchwide organization.**

12.30. MEETINGS OF THE CHURCHWIDE ASSEMBLY

12.31. The assembly shall meet biennially in regular session. Special meetings may be called by a two-thirds vote of the Church Council. The purpose for a special meeting shall be stated in the notice.

12.31.01. The time and place of the Churchwide Assembly shall be determined by the Church Council. The time and place for the next regular assembly normally shall be announced at the preceding assembly.

12.31.02. The secretary shall give notice of the time and place of each regular assembly by publication thereof at least 60 days in advance in this church's periodical. The secretary shall give written notice of a special assembly to the bishop of each synod upon the issuance of a call thereof and shall publish the same in this church's periodical at least 30 days in advance of the special assembly. Notice shall be provided to all voting members or voting members-elect not more than 30 days or less than 10 days in advance of any meeting. Notice may be provided electronically for voting members or voting members-elect who have provided email addresses, unless the voting member or voting member-elect has requested that written notice be mailed.

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. Distribution to congregations may be accomplished by posting the report on the Web site of this church. Distribution to voting members-elect may be accomplished electronically to those who have provided e-mail addresses. A written copy of the *Pre-Assembly Report* will be mailed to any voting member-elect who does not provide an e-mail address and to any congregation or voting member-elect who requests a written copy.

12.31.04. The arrangements for agenda, program, and worship shall be under the supervision of the presiding bishop.

12.31.05. Physical 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.

12.31.06. The churchwide organization shall be responsible for the costs of the Churchwide Assembly, including reasonable costs for travel, housing, and board for voting and advisory members.

12.31.07. At least one-half of all persons elected as voting members must be present at a meeting to constitute a quorum for the legal conduct of business. If such a quorum is not present, those voting members present may adjourn the meeting to another time and place, provided that only those persons eligible to vote at the original meeting may vote at the adjourned meeting.

12.31.08. Proxy and absentee voting shall not be permitted at a Churchwide Assembly.

12.31.09. The Churchwide Assembly shall use parliamentary procedures in accordance with *Robert's Rules of Order*, latest edition, unless otherwise ordered by the assembly.

12.40. MEMBERS OF THE CHURCHWIDE ASSEMBLY

12.41. The voting members of the Churchwide Assembly shall be the voting members of this church. The requirements for voting members of the assembly and other members shall be specified in the bylaws.

12.41.10. Voting Members

12.41.11. Each synod shall elect one voting member of the Churchwide Assembly for every 5,800 baptized members in the synod. In addition, each synod shall elect one voting member for every 50 congregations in the synod. The synodical bishop, who is *ex officio* a member of the Churchwide Assembly, shall be included in the number of voting members so determined. There shall be at least two voting members from each synod. The secretary shall notify each synod of the number of assembly members it is to elect.

12.41.12. The secretary of each synod shall submit to the secretary of this church at least nine months before each regular Churchwide Assembly a certified list of the voting members elected by the Synod Assembly. If a voting member elected by the Synod Assembly is unable to serve, the name of an eligible person chosen by the Synod Council shall be submitted by the secretary of the synod to the secretary of this church. If a vacancy occurs or exists within 30 days or less of the convening of the Churchwide Assembly or during the meeting of the Churchwide Assembly, the synodical bishop may submit the name of an eligible person to the secretary of this church. The individual whose name is submitted to the secretary of this church shall be registered and seated by the Credentials Committee as a voting member from the synod.

12.41.13. Each voting member of the Churchwide Assembly shall be a voting member of a congregation of this church. Any such voting member (except a rostered person described in in 7.42.b., c., d., or e., or 7.52.14.) shall cease to be a member of the assembly if no longer a voting member of a congregation of this church within the synod from which elected. The criterion for voting membership in the congregation from which the voting member is elected shall be in effect regarding minimum age for that voting member.

12.41.14. Voting members elected through the process of 12.41.11. through 12.41.13. shall begin serving with the opening of a regular Churchwide Assembly and shall continue serving until voting members are seated at the next regular Churchwide Assembly.

12.41.15. Except as defined in 12.41.21., employees of the churchwide organization, 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.

12.41.20. *Ex Officio* Members

12.41.21. The officers of this church and the bishops of the synods shall serve as *ex officio* members of the Churchwide Assembly. They shall have voice and vote.

12.41.22. Unless otherwise determined by the synod, the synodical vice president shall serve as a voting member of the Churchwide Assembly.

12.41.30. Advisory Members

12.41.31. Members of the Church Council, unless elected as voting members, shall serve as advisory members of the Churchwide Assembly. Likewise, program committee chairpersons and board chairpersons or their designees, and the president of the Lutheran Youth Organization or a designee, unless elected as voting members, shall serve as advisory members of the Churchwide Assembly. In addition, executive directors of churchwide program units, executive directors of churchwide service units, executives for sections related to the officers, presidents of separately incorporated churchwide units, the executive for administration, and executive assistants to the presiding bishop shall serve as advisory members of the Churchwide Assembly.

12.41.32. Advisory members shall have voice but not vote.

12.41.40. Other Non-Voting Members

12.41.41. Other categories of non-voting members may be established by the Churchwide Assembly.

12.41.A89. *Presidents of the colleges, universities, and seminaries of this church, unless elected as voting members of the assembly, shall have voice but not vote.*

12.41.B07. *Faculty Resource Persons. A representative of the faculty of each seminary of the Evangelical Lutheran Church in America shall be appointed by the president of each seminary to serve as a seminary faculty resource person for each Churchwide Assembly of the Evangelical Lutheran Church in America. In addition, a teaching theologian who is a member of a congregation of this church and who is teaching at a college or university of the Evangelical Lutheran Church in America may be appointed by the steering committee of the Association of Teaching Theologians in the Evangelical Lutheran Church in America to serve as a faculty resource person. Faculty resource persons shall have voice, if so granted in the assembly's rules, but not vote in plenary sessions of the assembly. Travel, food, and housing costs for the faculty resource persons shall be an expense of the assembly. Other expenses will be the responsibility of the individual or sending institution.*

12.41.C04. *Congregation Observers. Each congregation of the Evangelical Lutheran Church in America may register with the secretary of this church one congregation observer for the Churchwide Assembly prior to May 31 in the year of a Churchwide Assembly.*

- a. Provision shall be made for such an individual to have reserved seating in the observers section of the plenary hall. Such congregation observers will receive a copy of the report of recommendations for assembly action and also materials distributed on the plenary floor to voting members, advisory members, and non-voting members during the assembly. Such observers shall have neither voice nor vote in plenary sessions of the assembly.*
- b. A registration fee shall be established by the secretary of this church for registration and related costs, including enabling observers to receive the same meals as are provided for voting members.*
- c. Transportation costs, housing, other meals, and related expenses shall be the responsibility of the registered observer or sending congregation.*

12.50. COMMITTEES OF THE CHURCHWIDE ASSEMBLY

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

12.51.10. Reference and Counsel Committee

12.51.11. A Reference and Counsel Committee, appointed by the Church Council, shall review all proposed changes or additions to the constitution and bylaws and other items submitted that are not germane to items contained in the stated agenda of the assembly.

12.51.20. Memorials Committee

12.51.21. A Memorials Committee, appointed by the Church Council, shall review memorials from synodical assemblies and make appropriate recommendations for assembly action.

12.51.30. Nominating Committee

12.51.31. A Nominating Committee, elected by the Churchwide Assembly, shall nominate two persons for each position for which an election will be held by the Churchwide Assembly and for which a nominating procedure has not otherwise been designated in the constitution and bylaws of this church.

Chapter 13.

OFFICERS OF THIS CHURCH

13.10. OFFICERS

13.11. This church shall have as its officers the presiding bishop, vice president, secretary, and treasurer.

13.20. PRESIDING BISHOP

13.21. This church shall have a presiding bishop 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 be an ordained minister of this church. The presiding bishop may be male or female, as may all other officers of this church. The presiding bishop shall:

- a. Be the president and chief executive officer of the corporation, overseeing the work of the churchwide organization.**
- b. Be the chief ecumenical officer of this church and its primary representative in the national and international interchurch agencies in which this church holds membership.**
- c. Provide for the preparation of the agenda for the Churchwide Assembly, Church Council, Executive Committee, Conference of Bishops, and Cabinet of Executives, and preside at the Churchwide Assembly.**
- d. Provide leadership and care for the bishops of the synods.**
- e. Supervise the work of the other officers.**
- f. Provide for the preparation of the budget for the churchwide organization.**
- g. Nominate and direct the work of the executive for administration.**
- h. Coordinate and supervise the work of executives of churchwide units.**
- i. Appoint members of all churchwide committees for which election procedures are not provided.**
- j. Be responsible for the chaplaincies of this church in federal agencies, institutions, and armed forces and provide for the pastoral care of those called to these ministries.**
- k. Recommend legal counsel to the Church Council.**
- l. Serve as an advisory member, with voice but not vote, on all committees of this church and all boards or committees of churchwide units, or designate a person to serve as the presiding bishop's representative.**

13.22. The presiding bishop shall be elected by the Churchwide Assembly to a six-year term.

13.22.01. The presiding bishop shall be elected as provided in Chapter 19 and shall take office on the first day of the third month after election.

13.22.02. The presiding bishop shall be a full-time, salaried position.

13.30. VICE PRESIDENT

13.31. **The vice president of this church shall be a layperson who shall serve as chair of the Church Council and, in the event the presiding bishop is unable to do so, as chair of the Churchwide Assembly. The vice president shall serve under the presiding bishop of this church, providing leadership as specified in provision 11.33. of this church's constitution, bylaws, and continuing resolutions.**

13.32. **The vice president shall be elected by the Churchwide Assembly to a six-year term and shall be a voting member of a congregation of this church.**

13.32.01. The vice president shall be elected as provided in Chapter 19 and shall take office on the first day of the third month after election.

13.32.02. The vice president shall serve without salary.

13.40. SECRETARY

13.41. **The secretary of this church shall serve under the presiding bishop of this church, providing leadership, as specified in Chapter 11 of this church's constitution, bylaws, and continuing resolutions, and shall fulfill the normal functions of the secretary of a corporation.**

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 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:

- a. Be responsible for the minutes and records of the Churchwide Assembly, Church Council, Executive Committee, Conference of Bishops, and Cabinet of Executives, and shall receive complete minutes for permanent record of all boards and committees of the churchwide organization.
- b. Maintain the rosters of ordained ministers, all other rostered persons, congregations, and synods.
- c. Provide for the publication of official documents and policies of this church, pre-assembly reports, assembly minutes, a directory of congregations, rostered persons, and entities of this church, and other informational and statistical material.
- d. Receive the annual report of the congregations in a form devised by the secretary, summarize the information, and make the summary available to this church.

- e. Coordinate the use of legal services by the churchwide organization.
 - f. Be responsible for the archives of this church.
 - g. Implement and operate a records management system for the churchwide organization.
 - h. Arrange for and manage meetings of the Churchwide Assembly and Church Council.
 - i. Have custody of the seal, maintain a necrology, and attest documents.
 - j. Provide library and reference services for the churchwide office.
- 13.41.03.** The secretary, in consultation with the presiding bishop, shall be responsible for preparation and research of amendments to the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, as well as the *Constitution for Synods* and the *Model Constitution for Congregations*, to be proposed by the Church Council for action by the Churchwide Assembly in accordance with provisions of Chapter 22.
- 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, 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 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, or disability of a member of a board, committee, or council; and shall arrange for an election by the Church Council to fill the vacancy consistent with Chapter 19.
- 13.42.** **The secretary shall be elected by the Churchwide Assembly to a six-year term and shall be a voting member of a congregation of this church.**
- 13.42.01.** The secretary shall be elected as provided in Chapter 19 and shall take office on the first day of the third month after election.
- 13.42.02.** The secretary shall be a full-time, salaried position.
- 13.50.** **TREASURER**
- 13.51.** **The treasurer of this church shall serve under the presiding bishop of this church, providing leadership as specified in Chapter 11 of this church's constitution, bylaws, and continuing resolutions, and shall fulfill the normal functions of the treasurer of a corporation.**
- 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.

- 13.52.** The treasurer shall be elected by the Church Council to a six-year term and shall be a voting member of a congregation of this church.
- 13.52.01.** The treasurer shall be elected as provided in Chapter 19 and shall take office on the first day of the third month after election.
- 13.52.02.** The treasurer shall be a full-time, salaried position.
- 13.52.03.** The Church Council, by a two-thirds vote, may dismiss the treasurer for cause.
- 13.60.** **DEATH, RESIGNATION, OR DISABILITY OF AN OFFICER**
- 13.61.** Should the presiding bishop die, resign, or be unable to serve, the vice president shall convene the Church Council to arrange for the appropriate care of the responsibilities of the presiding bishop until an election of a new presiding bishop can be held or until the presiding bishop is able to serve again. The term of the successor presiding bishop, elected by the next Churchwide Assembly, or a special meeting of the Churchwide Assembly called for the purpose of election, shall be six years, with the subsequent election to take place at the assembly closest to the expiration of such a term.
- 13.62.** Should the vice president, secretary, or treasurer die, resign, or be unable to serve, the presiding bishop, with the approval of the Executive Committee of the Church Council, shall arrange for the appropriate care of the responsibilities of the officer until an election of a new officer can be held or until the officer is able to serve again. The term of the successor vice president or secretary, elected by the next Churchwide Assembly, shall be six years. The Church Council shall elect the successor treasurer for a term of six years.
- 13.63.** The Executive Committee of the Church Council shall determine whether an officer is unable to serve; the officer may appeal the decision of the Executive Committee by requesting a hearing before the Church Council. A meeting to determine the ability of an officer to serve shall be called upon the request of at least three members of the Executive Committee and prior notice of the meeting shall be given to the officer in question.
- 13.70.** **OFFICERS OF PREDECESSOR CONTINUING CORPORATIONS**
- 13.71.** Whenever an existing but inactive corporate entity that previously functioned as a predecessor or more remote predecessor of this church or as an incorporated board, agency, or synod related to such predecessors, and such entity is otherwise without officers or directors, the officers of this church shall constitute the directors of such entity and shall hold the same office as they hold in this church.

Chapter 14.

CHURCH COUNCIL

14.10. PURPOSE AND MEETINGS

14.11. This church shall have a Church Council which shall be the board of directors of this church and shall serve as the interim legislative authority between meetings of the Churchwide Assembly.

14.12. The Church Council shall meet at least two times each year.

14.13. “Interim legislative authority” is defined to mean that between meetings of the Churchwide Assemblies, the Church Council may exercise the authority of the Churchwide Assembly so long as:

a. the actions of the Church Council do not conflict with the actions of and policies established by the Churchwide Assembly; and

b. the Church Council is not precluded by constitutional or bylaw provisions from taking action on the matter.

14.14. The Church Council shall elect the treasurer of this church.

14.15. 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 or committee of the churchwide organization is declared by the secretary of this church, the Church Council shall elect a member to serve the balance of the term.

14.16. 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, 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.

14.20. RESPONSIBILITIES OF THE CHURCH COUNCIL

14.21. The specific duties of the Church Council shall be listed in the bylaws.

14.21.01. The Church Council shall act on the policies proposed by churchwide units, subject to review by the Churchwide Assembly.

14.21.02. The Church Council shall review the procedures and programs of the churchwide units to assure that churchwide purposes, policies, and objectives are being fulfilled. Each unit shall recommend policy and develop strategies in its particular areas of responsibility after consultation with other units of the churchwide organization and affected synods, congregations, agencies, and institutions.

- a. Policies related to the day-to-day functioning of the unit or to the specific responsibilities of the unit that have no implications for other units, congregations, synods, agencies, or institutions may be approved by the unit, subject to ratification by the Church Council.
 - b. All other policies shall be submitted to the Church Council for approval.
- 14.21.03.** The Church Council shall review all recommendations from churchwide units for consideration by the Churchwide Assembly.
- 14.21.04.** The Church Council may adopt policies in accord with this church's constitutions, bylaws, and continuing resolutions.
- 14.21.05.** The Church Council, upon recommendation of the presiding bishop, shall submit budget proposals for approval by the Churchwide Assembly and authorize expenditures within the parameters of approved budgets.
- 14.21.06.** The Church Council shall adopt personnel policies for this church. Salary structures of churchwide units shall be within the personnel policies of this church, unless exceptions are granted by the Church Council.
- 14.21.07.** Consistent with applicable personnel policies, churchwide units will have staff persons, some of whom shall be executive staff and others of whom shall be support staff. In conformity with this church's commitment to inclusive practice, churchwide units 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 persons on the roster of ordained ministers. This balance is to be evident in terms of both executive staff and support staff consistent with the inclusive policy of this church.
- 14.21.08.** The Church Council shall report its actions to the Churchwide Assembly.
- 14.21.09.** Proxy and absentee voting shall not be permitted at meetings of the Church Council.
- 14.21.10. OTHER DUTIES OF THE CHURCH COUNCIL**
- 14.21.11.** The Church Council shall act on resolutions from synod councils.
- 14.21.12.** The Church Council shall provide for the installation of the churchwide officers. At the installation of a newly elected presiding bishop of this church, the presiding minister shall be the retiring presiding bishop of this church or, where that is not possible, a synodical bishop designated by the Church Council.
- 14.21.13.** The Church Council shall establish ranges for the salaries for the presiding bishop, secretary, and treasurer.
- 14.21.14.** The Church Council, acting through the designated churchwide unit, shall have responsibility for the corporate social responsibility of this church and shall have the authority to file shareholder resolutions and cast proxy ballots thereon on stocks held by the churchwide units that are not separately incorporated. In addition, the Church Council may make recommendations to the churchwide units that are separately incorporated concerning the filing of shareholder resolutions and the casting of ballots on stocks held by those units.

14.21.15. The Church Council shall determine, unless otherwise specified in this church's bylaws, the appropriate churchwide unit for the fulfillment of particular program or policy responsibilities identified in the bylaws.

14.21.16. The Church Council shall establish the criteria and policies for the relationship between this church and independent, cooperative, and related Lutheran organizations. The policies adopted by the Church Council shall be administered by the appropriate unit of the churchwide organization. The determination of which organization shall relate to a specific unit of the churchwide organization shall be made by the Church Council.

14.21.20. ELECTIONS BY THE CHURCH COUNCIL

14.21.21. Unless otherwise specified in this constitution and bylaws, the Church Council shall elect the executive director for each churchwide program unit to a four-year term in consultation with and with the approval of the presiding bishop of this church. Nomination of a candidate for election shall be made by the presiding bishop after consultation with the appropriate program committee for each position. The presiding bishop, as chief executive officer, shall arrange within the policy of this church for an annual review of each executive director. A unit executive director shall be eligible for reelection. The employment of the executive director may be terminated jointly by the presiding bishop of this church and the Executive Committee of the Church Council. With the prior consent of the presiding bishop of this church, the Church Council may elect two executive directors for a program unit in the manner provided in this bylaw.

14.21.22. The Church Council shall arrange the process for all elections as specified in this constitution and bylaws for churchwide units to assure conformity with established criteria.

14.30. COMPOSITION OF THE CHURCH COUNCIL

14.31. The voting members of the Church Council shall consist of the four churchwide officers and 33 other persons, elected by the Churchwide Assembly.

14.32. Church Council members shall be elected to one six-year term and shall not be eligible for consecutive reelection.

14.32.01. The Church Council shall have as liaison members nine synodical bishops, each elected by the Conference of Bishops to one four-year term. One bishop shall be elected from each region. In addition, the chair of the Conference of Bishops shall be present for meetings of the Church Council.

14.32.02. The Church Council shall have two youth advisory members, each elected by the board of the youth organization of this church to a three-year term.

14.32.03. The Church Council shall have as advisory members each president, or the designated representative of the president, of the African American Lutheran Association in the ELCA, the Association of Lutherans of Arab

and Middle Eastern Heritage, the Association of Asians and Pacific Islanders in the ELCA, the Association of Latino Ministries in the ELCA, the American Indian and Alaska Native Association in the ELCA, and the European-American Association in the ELCA.

- 14.32.04.** One individual representing this church's seminaries, one individual representing the ELCA-related colleges and universities, and one individual representing the social ministry organizations, chosen by the respective associations of these institutions and agencies, shall serve as advisory members of the Church Council.
- 14.32.05.** Advisory members of the Church Council shall have voice but not vote.
- 14.32.A10.** *The chairs of the program committees for the Congregational and Synodical Mission unit and the Global Mission unit shall serve as advisory members of the Church Council with voice but not vote. In addition, the chairs of the respective boards of trustees of the Publishing House of the ELCA and Women of the ELCA shall serve as advisory members of the Church Council with voice but not vote.*
- 14.32.C10.** *One voting member of the Church Council shall be selected in each biennium to serve as a liaison with voice but not vote on each program committee of the churchwide units. In addition, a member of the Church Council, upon invitation, may serve as liaison for the respective boards of trustees of the separately incorporated ministries.*
- 14.32.D05.** *One voting member of the Church Council shall be selected in each biennium to serve—in accord with bylaw 17.31.11.—as a member of the Advisory Committee for the Church Periodical.*

14.40. CHURCH COUNCIL COMMITTEES

14.41. The Church Council shall establish committees and nominate or elect such persons as necessary to carry out the functions assigned to it. The description of such committees shall be set forth in the bylaws and continuing resolutions.

14.41.10. Executive Committee

- 14.41.11.** The Church Council shall have an Executive Committee composed of the churchwide officers and seven members of the Church Council elected by the council. The vice president of this church shall chair this committee. The Executive Committee shall:
- a. perform those functions of the Church Council assigned to it by the Church Council;
 - b. transmit resolutions from synods to the appropriate unit or units of the churchwide organization;
 - c. fulfill the responsibilities of the Church Council related to nominations, with staff services for the nomination and election processes of the Church Council provided by the Office of the Secretary;
 - d. provide advice and counsel for the officers;

- e. review the work of the officers and, with the absence of the salaried officers from such deliberations, set salaries of the presiding bishop, secretary, and treasurer within the ranges established by the Church Council; and
- f. demonstrate concern for the spiritual, emotional, and physical well-being of the full-time salaried officers of this church.

14.41.A10. Budget and Finance Committee

A Budget and Finance Committee shall be composed of members of the Church Council elected by the council and the treasurer of this church as an ex officio member of the committee. This committee shall have staff services provided by the Office of the Presiding Bishop and the Office of the Treasurer. The committee shall prepare and present a comprehensive budget to the Church Council for its consideration and presentation to the Churchwide Assembly. The committee shall relate to the work of the Office of the Treasurer.

14.41.B05. Legal and Constitutional Review Committee

A Legal and Constitutional Review Committee shall be composed of members of the Church Council elected by the council, shall include the secretary of this church as an ex officio member of the committee, and shall have staff services provided by the Office of the Secretary. This committee shall provide ongoing review of legal and constitutional matters. It shall review all proposed amendments to the constitutions, bylaws, and continuing resolutions.

14.41.C05. Planning and Evaluation Committee

A Planning and Evaluation Committee shall be composed of members of the Church Council elected by the council and shall have staff services provided by the Office of the Presiding Bishop. This committee shall assist the presiding bishop in coordinated, strategic planning for the work of the churchwide organization. This committee also shall be responsible for the ongoing evaluation of churchwide units and the structure of the churchwide organization, making recommendations to the Churchwide Assembly through the Church Council. This committee shall establish a process for a periodic review of all churchwide units. Further, in consultation with the executive for administration, this committee shall evaluate and report annually to the Church Council and biennially to the Churchwide Assembly on how the churchwide organization complies with and implements commitments and policies adopted by the Churchwide Assembly and the Church Council.

14.41.D99. Program and Services Committee

A Program and Services Committee shall be composed of members of the Church Council elected by the council and shall have staff services provided by the Office of the Presiding Bishop. This committee shall assist the council in assuring that churchwide purposes, policies, and objectives are being fulfilled through the programs and services of the units of the

churchwide organization. All churchwide policies and strategies recommended by units that have implications for congregations, synods, other churchwide units, or institutions and agencies of this church shall be considered by this committee for recommendation to the Church Council.

14.41.E02. Audit Committee

An Audit Committee—composed of six members appointed by the Budget and Finance Committee and approved by the Church Council for two-year, renewable terms—shall assist the Budget and Finance Committee and the Church Council in fulfilling oversight of the churchwide organization’s accounting and financial reporting, internal control systems, and audit functions, consistent with its responsibilities as specified in the charter recommended by the Audit Committee, reviewed by the Budget and Finance Committee, and approved by the Church Council. A minimum of two members of the Audit Committee shall be members of the Budget and Finance Committee. The chair of the Audit Committee shall be a member of the Budget and Finance Committee and shall be appointed by the chair of the Budget and Finance Committee. In consultation with the executive for administration, the Audit Committee approves the appointment and dismissal of the director for internal auditing.

14.41.F07. Board Development Committee

A Board Development Committee—composed of six members, at least one of whom shall be a member of the Executive Committee—shall be appointed by the Executive Committee of the Church Council for two-year, renewable terms to assist the presiding bishop and the Church Council in developing and implementing efforts to help members of the Church Council to demonstrate a comprehensive understanding of the council’s role and fiduciary responsibility as the board of directors of the Evangelical Lutheran Church in America. The executive for administration shall relate to this committee, with staff services provided by the Office of the Presiding Bishop. Members appointed to the Board Development Committee shall be eligible for service on other committees of the Church Council.

Chapter 15.

CHURCHWIDE OFFICES AND ADMINISTRATION

15.10. OFFICES

15.11. An office is a unit of the churchwide organization directly related to and under the authority of a full-time officer of this church. Each office is related to the Church Council through the officer, who reports to the Church Council in the interim between regular meetings of the Churchwide Assembly. Each office may have executive assistants to undergird the officer in the performance of specified functions that are the responsibility of that officer.

15.11.01. There shall be the following offices:

- a. Office of the Presiding Bishop;
- b. Office of the Secretary; and
- c. Office of the Treasurer.

15.11.02. *Administrative Team.* The presiding bishop, secretary, treasurer, and executive for administration shall function as an administrative team, directed by the presiding bishop. This administrative team shall assist the presiding bishop in the fulfillment of the presiding bishop's responsibilities for oversight, management, supervision, and coordination in the operation of the churchwide organization.

15.11.03. *Responsibility for Planning and Evaluation.* The Office of the Presiding Bishop shall provide coordinated, strategic planning for, and review and evaluation of, the work of the churchwide organization and shall coordinate this planning process with the budget-development process.

15.12.A10. *Executive for Administration*

The executive for administration shall be accountable to the presiding bishop and shall serve as chief administrator of the churchwide organization. The executive for administration shall be elected by the Church Council upon nomination of the presiding bishop and shall serve coterminous with the term of the presiding bishop. At the direction of the presiding bishop, the executive for administration shall:

- a. *supervise the day-to-day functioning of the churchwide organization and coordinate the work of churchwide units;*
- b. *coordinate the strategic planning and day-to-day staff activities within the Office of the Presiding Bishop and the functioning of the administrative team;*
- c. *facilitate the interdependent functioning of churchwide units in the fulfillment of the responsibilities assigned to them;*
- d. *develop the budget for the churchwide organization and report to the Church Council and the Churchwide Assembly through the Budget and Finance Committee of the Church Council with regard to the preparation of the budget; and*

- e. *provide staff services and documentation to the Planning and Evaluation Committee and the Board Development Committee of the Church Council.*

15.12.B10. Responsibility for Ecumenical and Inter-Religious Relations

Responsibility for ecumenical and inter-religious relations shall be exercised by the Office of the Presiding Bishop.

- a. *An executive for ecumenical and inter-religious relations, appointed by the presiding bishop, shall coordinate the ecumenical, inter-Lutheran, and inter-religious activities of this church, and shall recommend, through the presiding bishop, policies to the Church Council and the Churchwide Assembly. To fulfill these responsibilities, the executive for ecumenical and inter-religious relations shall:*
 - 1) *assist the presiding bishop of this church in carrying out the presiding bishop's role as the chief ecumenical officer of this church;*
 - 2) *administer the ecumenical, inter-Lutheran, and inter-religious discussions (including bilateral dialogues) in which this church is involved;*
 - 3) *provide active support of the membership of this church in ecumenical organizations, such as World Council of Churches, National Council of the Churches of Christ in the U.S.A., and Lutheran World Federation;*
 - 4) *guide the process of reception of theological agreements and give advice in matters of fellowship and unity with other Lutheran churches; and*
 - 5) *assist synods, congregations, and churchwide units in carrying out their ecumenical, inter-Lutheran, and inter-religious responsibilities by giving guidance and by preparing guidelines for action.*
- b. *From time to time as necessary, the Executive Committee of the Church Council shall convene as the U.S.A. National Committee of the Lutheran World Federation. The U.S.A. National Committee also consists of the members of this church who serve as voting members of the council of the Lutheran World Federation. One staff member of the Global Mission unit and the executive for ecumenical and inter-religious relations shall serve as consultants to the U.S.A. National Committee of the Lutheran World Federation.*
- c. *Ecumenical representatives shall be chosen by the presiding bishop of the Evangelical Lutheran Church in America in consultation with the Executive Committee of the Church Council. These representatives include members of delegations to national and international inter-church entities in which this church holds membership and members of inter-Lutheran, inter-faith, and*

ecumenical discussions, including bilateral dialogues and conversations, in which this church participates. All such appointments shall be reported to the Church Council as information.

15.12.C10. Responsibility for Federal Chaplaincy Ministries

Responsibility for the chaplaincies of this church in the U.S. armed forces, the Veterans Affairs Administration, and other federal agencies and institutions shall be carried out by an assistant to the presiding bishop for federal chaplaincy ministries, who shall:

- a. supervise the operation of the Bureau for Federal Chaplaincy Ministries of the Evangelical Lutheran Church in America;*
- b. fulfill the requirements for endorsement of candidates for services in federal chaplaincies;*
- c. seek periodically the advice and counsel of the inter-Lutheran committee for federal chaplaincies, whose members from this church shall be appointed by the presiding bishop, and;*
- d. be appointed by the presiding bishop.*

15.12.D10. Responsibility for Human Resources

Responsibility for human resources shall be exercised by the Office of the Presiding Bishop, which shall develop and manage the personnel policies and procedures for the churchwide organization, including policies and procedures regarding equal-employment opportunity; recruitment, interview, and selection of staff; compensation and benefits; employee-assistance programs; just and equitable employee-relations practices; performance evaluation; maintenance of personnel records; and training. In accordance with bylaw 14.21.06., the Church Council shall adopt personnel policies upon recommendation of the Office of the Presiding Bishop. The executive for human resources shall be appointed by the presiding bishop.

15.12.E10. Responsibility for Research and Evaluation

Responsibility for research and evaluation shall be exercised by the Office of the Presiding Bishop to provide reliable and valid research, relevant information, and appropriate evaluation related to the purposes of this church in order to assist the presiding bishop, other leaders, and staff of the churchwide organization to accomplish their duties. The executive for research and evaluation shall be appointed by the presiding bishop.

15.12.F10. Responsibility for Synodical Relations

Responsibility for synodical relations shall be exercised by the Office of the Presiding Bishop in order to coordinate the relationships between the churchwide organization and synods, render support for synodical bishops and synodical staff, and provide staff services for the Conference of Bishops. To fulfill these responsibilities, an executive for synodical relations, appointed by the presiding bishop, shall:

- a. *relate to the Conference of Bishops in fulfillment of the conference's assigned responsibilities and provide staff services for development of programs and other needs;*
- b. *relate to the Bureau for Federal Chaplaincy Ministries and the assistant to the presiding bishop for federal chaplaincy ministries;*
- c. *plan and coordinate churchwide participation in synodical assemblies;*
- d. *provide for synodical services, including assistance to synods for organizational concerns, long-range planning, and ongoing evaluation; and*
- e. *coordinate the interaction of churchwide units with synodical responsibilities and programs.*

15.12.G10. Responsibility for Theological Discernment

Responsibility shall be exercised in the Office of the Presiding Bishop for serving the Church's theological work by promoting, coordinating, and facilitating theological discernment of the Church's message and its theological foundations in collaboration with all who share in the responsibilities to be teachers of the faith in the Church, including the Conference of Bishops, the seminary faculties, the association of teaching theologians, networks such as Lutheran ethicists and women theologians, the editorial staff of the ELCA publishing ministry and publications, and all rostered leaders. To fulfill these responsibilities the presiding bishop shall appoint an executive for theological discernment, who will assist the presiding bishop and coordinate the service of staff groups that provide theological resources and assistance in programmatic implementation.

15.12.H10. Responsibilities for Relationships with Separately Incorporated Ministries

The Office of the Presiding Bishop shall be the primary liaison between the churchwide organization and Women of the ELCA, the Publishing House of the ELCA, the Deaconess Community of the ELCA, Lutheran Men in Mission, and National Lutheran Campus Ministry, Inc. The Office of the Secretary shall be the primary liaison between the churchwide organization and ELCA Risk Management, Inc. The Office of the Treasurer shall be the primary liaison between the churchwide organization and the Mission Investment Fund, the Endowment Fund of the ELCA, and the Board of Pensions of the ELCA.

15.13.A10. Responsibility for Risk Management

The Office of the Secretary, in collaboration with the Office of the Treasurer, shall provide and manage insurance (exclusive of life and health) programs for the churchwide organization and shall make available insurance programs to congregations, synods, regions, and related institutions, agencies, and organizations. Recommendations on standards for adequate, continuous insurance coverage to be maintained by synods, as required in constitutional provision 10.74., may be provided.

15.14.A10. Responsibilities of the Office of the Treasurer

- a. *This office shall be related to the treasurer, who shall be its full-time executive officer.*
- b. *This office shall have the sole authority and responsibility to establish and maintain banking relationships.*
- c. *This office shall have the authority to borrow; issue bonds, notes, certificates, or other evidence of obligation; or increase contingent liabilities within the overall limits determined by the Churchwide Assembly and the more restrictive limits established by the Church Council. No churchwide board or program committee shall make a commitment that binds the churchwide organization to an outside lending or other similar institution or which creates a liability to such an institution without prior approval of the Office of the Treasurer.*
- d. *This office, through the Budget and Finance Committee of the Church Council, shall recommend to the Church Council a certified public accounting firm to audit the financial records of the churchwide organization. Synodical financial reports shall be submitted to this office for compilation.*
- e. *This office shall provide for internal audit procedures of the churchwide organization.*
- f. *This office shall provide legal documents pertaining to the financial and property management matters of the churchwide organization. These legal documents shall be signed by the officers authorized by the Church Council.*
- g. *This office shall be authorized, within policies established by the Churchwide Assembly and the Church Council, to purchase or otherwise acquire title to real property; to mortgage, lease, sell, or otherwise dispose of the same; and otherwise to act on behalf of the churchwide organization regarding real property.*
- h. *This office shall provide for a common system of financial reporting from synods and regions.*
- i. *This office, within the policies established by the Church Council, shall assure the implementation of a donor gift acknowledgment process.*
- j. *This office, in consultation with the Foundation of the Evangelical Lutheran Church in America, shall recommend:*
 - 1) *approved policy for the valuation process for noncash gifts;*
 - 2) *the management of assets of life-income agreements;*
 - 3) *the establishment and management of memorial funds received by the foundation; and*
 - 4) *the distribution of earned-income payments to remainder beneficiaries as regulated by the life-income, trust, and other fiduciary donor agreements.*

- k. *This office shall provide for the management of capital funds.*
- l. *This office shall manage capital loan funds established by the Church Council. The management shall be within policies established jointly by the Office of the Treasurer and other affected churchwide units.*
- m. *This office, in collaboration with the Office of the Secretary, shall examine the risk management and insurance needs of the churchwide organization and synods.*
- n. *This office shall be responsible for building management and the coordination of central services for the churchwide organization.*

15.14.B10. Responsibility for Information Technology

The treasurer shall provide for information technology in support of the work of the churchwide organization. In so doing, the treasurer shall have an executive for information technology, appointed by the treasurer, who shall be responsible for the development and review of guidelines and policies for computer standards, security of electronic data, application development, data storage and data retrieval, and shall enable use of electronic technologies for churchwide staff to assist in support of congregations, synods, and related institutions and agencies of this church.

15.20. STAFF

15.21. The churchwide units shall employ staff according to churchwide policy.

15.21.01. The presiding bishop shall recommend to the Church Council the personnel policies of this church. Such policies shall be binding on all churchwide units unless exceptions are granted by the Church Council or specified in the constitution and bylaws of this church.

15.21.02. Approval by the presiding bishop, upon recommendation of the executive for administration, shall be required to authorize staff positions in churchwide units.

15.30. CONFERENCE OF BISHOPS

15.31. The Conference of Bishops shall be composed of the bishops of the synods, the presiding bishop of this church, and the secretary of this church.

15.31.01. The Conference of Bishops shall report to the Church Council, and may make recommendations to the presiding bishop of this church and to the Church Council. Members of the conference shall assemble at least two times each year.

15.31.02. Staff services for the functions and responsibilities of the conference shall be provided by the Office of the Presiding Bishop.

15.31.03. The responsibilities of the Conference of Bishops shall be enumerated in a continuing resolution. The resolution may be amended by majority vote of the Churchwide Assembly or by a two-thirds vote of the Church Council. Should the conference disagree with the action of the Church Council, it may appeal the decision to the Churchwide Assembly.

15.31.A07. *Responsibilities of the Conference of Bishops*

The Conference of Bishops of the Evangelical Lutheran Church in America shall provide opportunities for worship, spiritual renewal, and theological enrichment for those elected to the office of bishop of a synod, the presiding bishop of this church, and the secretary of this church. To fulfill these responsibilities, the Conference of Bishops shall:

- a. be a forum in which goals, objectives, and strategies may be developed and shared concerning pastoral leadership, care, and counsel for the synods;*
- b. review recommendations from the appropriate churchwide unit pertaining to standards for the admission to the rosters of ordained ministers, associates in ministry, deaconesses, and diaconal ministers, and for their retention on those rosters;*
- c. review recommendations and foster programs, in consultation with the appropriate churchwide unit, pertaining to policies related to ordained ministers, associates in ministry, deaconesses, and diaconal ministers, and their families for pastoral care in such areas as call review, guidance, mobility, intervention, discipline, rehabilitation, and spiritual growth;*
- d. work with the appropriate churchwide unit in the processes for first call for candidates for the ordained ministry of this church, first call for persons certified as associates in ministry, deaconesses, and diaconal ministers, mobility of rostered persons, and pastoral care;*
- e. carry out programs, under the leadership of the appropriate churchwide unit, related to ordained ministers, associates in ministry, deaconesses, and diaconal ministers, and their families for pastoral care, including call review, guidance, mobility, intervention, discipline, rehabilitation, and spiritual growth;*

- f. *offer programs for orientation and continuing education for bishops, officers, and their spouses;*
- g. *assist the bishops in their role as teachers by being a forum for serious reflections on the theological and ethical implications of issues that affect the life of this church;*
- h. *participate in the development and study of ecumenical documents and assist the bishops to promote the unity of this church through leadership and ecumenical worship, fellowship, and interaction; and*
- i. *assist the bishops in their role as leaders in fostering support for the work of this church by being a forum for discussion of annual mission-support plans and serving as a means of providing advice and counsel to the Church Council in the council's responsibility for approval of those plans.*

15.31.B03. *Organization of the Conference of Bishops*

The Conference of Bishops may establish committees as the members, from time to time, may determine to assist in fulfillment of assigned responsibilities. Quadrennially, the Conference of Bishops shall elect a chair and vice chair to preside at meetings and serve as ex officio members of the executive committee of the conference with the presiding bishop and secretary. Three synodical bishops also shall be elected by the conference as members of the executive committee.

15.31.C10. *Staff Services for the Conference of Bishops*

Staff services for meetings of the Conference of Bishops shall be provided by the Office of the Presiding Bishop and the Office of the Secretary. The assistant to the presiding bishop for synodical relations shall coordinate the operation of the Conference of Bishops.

Chapter 16.

PROGRAM UNITS OF THE CHURCHWIDE ORGANIZATION

16.10. PROGRAM UNITS

16.11. **A program unit is a unit of the churchwide organization to which is assigned responsibility for a major, identified portion of the program of this church.**

16.11.A10. *Program Units*

Program units of the churchwide organization, which shall function through cooperation, coordination, and collaboration, are the following:

- a. Congregational and Synodical Mission unit;*
- b. Global Mission unit.*

16.12. **Each unit shall be responsible to the Churchwide Assembly and will report to the Church Council in the interim. The policies, procedures, and operation of each unit shall be reviewed by the Church Council in order to assure conformity with the governing documents of this church and with Churchwide Assembly actions.**

16.12.10. Program Committees

16.12.11. Each program committee, which normally shall meet two times each year, shall function as specified in this church's constitution, bylaws, and continuing resolutions regarding its responsibilities in relation to a particular unit of the churchwide organization.

16.12.12. Each program committee shall be composed of 15 persons elected to one six-year term, with no consecutive reelection, and with one-third of the members being elected every biennium, as provided in Chapter 19. The presiding bishop of this church, or the presiding bishop's designee, shall serve as an advisory member of each program committee. The Conference of Bishops shall select one bishop to serve as an advisory member of each program committee. A member of the Church Council shall be appointed by the Church Council to serve as a liaison member of each program committee with voice but not vote.

16.12.13. Each program committee shall review proposed policies and strategies for its areas of responsibility in the preparation of such policies and strategies for submission by the executive director of the unit to the appropriate committee of the Church Council, for presentation to the Church Council.

16.12.14. Proxy and absentee voting shall not be permitted.

16.12.15. Each program committee shall seek to ensure that the unit operates within the expenditure authorization established by the Church Council.

16.12.16. The responsibilities of the program units shall be enumerated in continuing resolutions.

16.12.A10. *Congregational and Synodical Mission Unit*

The Congregational and Synodical Mission unit shall foster and facilitate the work of synods, congregations, and partners in making congregations vital

centers for mission and in creating coalitions and networks to promote justice and peace. Its work includes creating and revitalizing congregations; leadership development; providing worship and liturgical resources; enhancing discipleship; supporting multicultural ministries and the commitment of this church to inclusivity, fostering relationships with educational partners; facilitating the engagement of this church in advocacy; and related activities that serve the evangelical mission of synods and congregations.

16.12.B10. Global Mission Unit

The Global Mission unit shall provide integrated support of this church's work in other countries and be the means through which churches in other countries engage in mission to this church and society. The Global Mission unit shall build capacity and provide support for mission in the following areas:

- a. Global Community: maintaining church-to-church relationships and mutual endeavors for evangelical witness, leadership development, sharing of mission personnel, and collaborative work;*
- b. Mission Formation and Relationships: mutual learning and growth with companion churches and ELCA synods and congregations in the accompaniment model for mission, companion synod relationships, young adults in global mission, relationships with independent Lutheran organizations related to global mission, and mission efforts for full communion partners;*
- c. Diakonia: meeting human need and working collaboratively with partners toward the flourishing of human community through engagement in international development and disaster response.*

16.20. SEPARATELY INCORPORATED PROGRAM UNITS

16.21. Provision shall be made and maintained for the separate incorporation of the Publishing House of the Evangelical Lutheran Church in America and the Women of the Evangelical Lutheran Church in America as program units of the churchwide organization.

16.30. PUBLISHING HOUSE OF THE ELCA

16.31. This church shall have a publishing house to carry out the publishing ministry of the Evangelical Lutheran Church in America. The Publishing House of the Evangelical Lutheran Church in America shall be incorporated. The president of the corporation shall serve as its chief executive officer. Upon authorization of the Church Council, portions of the activities of this church's publishing house may be conducted through separate corporations.

16.31.01. This publishing house shall have a board of trustees of 15 members, elected for one six-year term with no consecutive reelection and with one-third elected every two years as provided in Chapter 19.

- a. The board of trustees shall be composed of laypersons with expertise in publishing, education, business management, finance and invest-

ment, and ordained ministers with expertise in rural, urban, and suburban parish ministry in small and large congregations and advanced theological study.

- b. 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.
- c. The Conference of Bishops shall elect one bishop to serve as an advisory member of the board of the publishing house with voice but not vote.
- d. The board of trustees of the publishing house shall serve as the board of any separate corporation of this church's publishing house and the president of the publishing house shall be the chief executive officer of any such corporation.

16.31.02. Constitutional provision 16.12. and bylaws 14.21.02., 14.21.03., 16.12.11., and 16.12.14. shall apply to this publishing house.

16.31.03. The president shall be elected by the board of trustees of the Publishing House of the ELCA to a four-year term in consultation with and with the approval of the presiding bishop of this church. Nomination of a candidate for president shall be made jointly by the presiding bishop and the search committee of the board. The board, together with the presiding bishop, shall arrange for an annual review of the president. The president shall be eligible for reelection. The board shall establish the salary of the president with the concurrence of the presiding bishop. The president may be terminated at any time jointly by the board of trustees of the Publishing House of the ELCA and the presiding bishop of this church, following recommendation by the executive committee of the board of trustees.

16.31.04. The specific responsibilities of this publishing house shall be enumerated in a continuing resolution. 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.

16.31.A05. *Responsibilities of the Publishing House of the ELCA*

The Publishing House of the Evangelical Lutheran Church in America—also known as Augsburg Fortress, Publishers—shall:

- a. *be responsible for the publishing, production, and distribution of publications to be sold to accomplish the mission of this church.*
- b. *work in close cooperation with congregations, synods, and the churchwide organization to provide a diversity of published resources.*
- c. *relate to other churchwide units through resource planning groups. Materials published to assist congregations in fulfilling their life in mission shall be developed in coordination with other appropriate*

churchwide units. Development costs will be paid by the unit developing the publication.

- d. develop, produce, and distribute materials required to carry out its functions.*
- e. be financed from the distribution of materials, not from the budget of this church.*
- f. create, develop, and publish a diversity of resources in various media; make available other publications, materials, and church supplies; produce the official documents and publications of this church; and produce materials in a manner that assures their ready availability.*
- g. establish a distribution center, as well as utilize other means for the wide distribution of resources within and beyond this church.*
- h. manage its finances and other resources in a manner that assures the continuity and extension of its activities. This publishing house shall maintain its own accounting, data processing, personnel, pension, and other functions essential to a cohesive, efficient, and effective operation.*
- i. identify and nurture talented authors, composers, artists, and others involved in creating various media.*
- j. produce and distribute the church periodical in accord with provisions of this church's constitution, bylaws, and continuing resolutions.*
- k. determine its necessary financial reserves, appropriations, and publishing subsidies.*
- l. make available resources to meet unique language and cultural needs.*
- m. provide for production and distribution services for materials that originate in churchwide units, including the option of providing for competitive printing costs and delivery from independent printers, with costs for these services paid by the originating unit.*

16.40. WOMEN'S ORGANIZATION

16.41. This church shall have a women's organization to assist its women to commit themselves to full discipleship, affirm their gifts, and support each other in their particular callings.

16.41.01. Membership of this organization shall be women of this church who wish to participate through local and other groupings that affirm the purposes of this organization. This organization shall function in local, synodical, and churchwide settings.

16.41.02. This organization shall be incorporated, self-supporting financially, and shall manage its own assets within the policies of this church. The personnel policies and salary structures of the churchwide organization shall be followed.

- 16.41.03.** Constitutional provision 16.12. and bylaws 14.21.02., 14.21.03., 14.21.06., 16.12.11., 16.12.13, and 16.12.14. shall apply to this organization. Bylaw 14.21.07. shall apply to the women’s organization with the exception of the balance provisions for women and men and for laypersons and persons on the roster of ordained ministers.
- 16.41.04.** This organization shall have a board of 21 members elected by the assembly of this organization for one three-year term with eligibility for one consecutive reelection. At least 10 percent of the members of this board shall be persons of color or primary language 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.
- 16.41.05.** The board of this organization shall meet at least two times per year and shall be responsible to the assembly that elected it. The assembly of this organization shall be representative of local and other groupings of women who are members of the women’s organization. Upon two successive absences that have not been excused by the board, a board member’s position shall be declared vacant and the board shall arrange for election to fill the vacancy under Article I, Section 4, Item 9, of the constitution and bylaws of the women’s organization.
- 16.41.06.** This organization’s board shall elect its executive director to a four-year term in consultation with and with the approval of the presiding bishop of this church. This board, together with the presiding bishop, shall arrange for an annual review of the executive director. The executive director shall be eligible for reelection. Consistent with applicable personnel policies, the board shall establish the salary of the executive director with the concurrence of the presiding bishop. The board may terminate the employment of the executive director in consultation with and with the approval of the presiding bishop of this church.
- 16.41.07.** The specific responsibilities of the women’s organization shall be enumerated in a continuing resolution. 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.
- 16.41.A05. *Responsibilities of the Women’s Organization***
The Women of the Evangelical Lutheran Church in America, as the program unit for the women’s organization, shall:
- a. enable its members to grow through biblical study, theological reflection, and prayer.*
 - b. cooperate with other units of this church in advocating for the oppressed and voiceless, urging change in systems and structures*

that exclude and alienate, and working for peace and justice as messengers of hope.

- c. provide for development and distribution of resources for and to its members, including a magazine.*
- d. facilitate local initiative in creating programs and identifying alternative structural models that encourage and support flexibility.*
- e. design and implement a leadership development program for its members, assisting its members to identify, develop, and express their gifts for ministry.*
- f. develop networks for communication among women locally, ecumenically, and globally.*
- g. relate to other women's organizations ecumenically and globally.*
- h. work interdependently with all units of this church in program development, research, and planning in order to enhance the ministries and participation of women in church and in society.*
- i. develop working arrangements in areas of mutual responsibility with the Publishing House of the Evangelical Lutheran Church in America.*

Chapter 17.

SERVICE UNITS OF THE CHURCHWIDE ORGANIZATION

17.10. SERVICE UNITS

17.11. A service unit is a unit of the churchwide organization to which is assigned particular identified responsibility for services on behalf of churchwide programs and, in certain units, for specific services to members, congregations, synods, and related institutions and agencies.

17.11.A10. *Mission Advancement Unit*

The service unit of the churchwide organization is the Mission Advancement unit, which shall be responsible for coordinating this church's communication, marketing, public relations, mission funding, major gifts, planned gifts, and constituent data management. It also shall oversee the work of the following:

- a. The Lutheran magazine
- b. The ELCA Foundation.

17.12. Separate incorporation shall be maintained for the Foundation of the Evangelical Lutheran Church in America, the Mission Investment Fund of the Evangelical Lutheran Church in America, and the Board of Pensions of the Evangelical Lutheran Church in America, in addition to the Publishing House of the Evangelical Lutheran Church in America and the Women of the Evangelical Lutheran Church in America.

17.20.01. Accountability of Service Units

17.21.01. Except as otherwise stated in bylaws, the requirements of constitutional provision 16.12. and bylaws 14.21.01. through 14.21.07. and 16.12.14. shall apply to service units of the churchwide organization.

17.30. CHURCH PERIODICAL

17.31. The church periodical, *The Lutheran*, shall be published by this church through the Publishing House of the ELCA and shall be identified as a magazine of this church.

17.31.01. An advisory committee for *The Lutheran* shall have the responsibility for the church periodical. The advisory committee, in consultation with the presiding bishop of this church, shall nominate the editor for the church periodical.

17.31.02. The Church Council shall elect the editor of the church periodical by a two-thirds vote to a four-year term. The editor shall be eligible for reelection. Employment of the editor may be terminated jointly by the presiding bishop of this church and a two-thirds vote of the members of the Church Council present and voting.

17.31.03. The editor shall be responsible to the Church Council. The editor shall select the editorial staff of the church periodical and shall be solely responsible for the periodical's editorial content.

- 17.31.04.** Official notices of this church shall be published in the periodical.
- 17.31.10. Advisory Committee for the Church Periodical**
- 17.31.11.** The advisory committee of the church periodical shall be composed of nine members elected by the Church Council.
- a. The members of the advisory committee of the church periodical, who shall be nominated through the Church Council's nomination process, shall include persons chosen for their understanding of periodical publishing.
 - b. Each member of the advisory committee for *The Lutheran* shall be elected for one six-year term, with no consecutive reelection and with one-third of the members elected every two years.
 - c. The terms of office of persons so elected to regular terms on the advisory committee of the church periodical shall begin on the first day of the month following each regular meeting of the Churchwide Assembly.
 - d. The Church Council shall appoint one voting member of the council to serve as an advisory member of this committee.
 - e. The Conference of Bishops shall elect one bishop to serve as an advisory member of this committee.
- 17.31.12.** The specific responsibilities of the advisory committee shall be specified in a continuing resolution.
- 17.31.A06.** *The publishing house, in consultation with the editor, shall produce and distribute the church periodical, and provide such services as mutually agreed by the president of the publishing house and the editor of the church periodical.*
- 17.31.B05.** *The advisory committee of the church periodical shall:*
- a. *develop editorial and advertising guidelines.*
 - b. *receive periodic reports from the editor.*
 - c. *consult with the editor from the perspective of the expertise of committee members.*
 - d. *be responsible, together with the presiding bishop of this church, for the annual performance review of the editor.*
- 17.40. FOUNDATION OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA**
- 17.41. This church shall provide major gift and deferred giving programs for individual donors, pooled investment services for endowment funds of this church and its related congregations, synods, agencies, and institutions, and educational and support services in major gift and deferred giving programs to congregations, synods, agencies, and institutions of this church. These programs and activities may be conducted through a separate corporation known as the Foundation of the Evangelical Lutheran Church in America.**

- 17.41.01.** The program and activities of the Foundation of the Evangelical Lutheran Church in America shall be coordinated with the Development Services unit of the churchwide organization.
- 17.41.02.** The Foundation of the Evangelical Lutheran Church in America shall have a board of trustees that shall be comprised of at least nine but not more than 12 persons elected to six-year terms by the Church Council of the Evangelical Lutheran Church in America, with no consecutive reelection and with approximately one-third of the members elected each biennium. In addition to the treasurer of the Evangelical Lutheran Church in America, the board may identify advisors as it may deem appropriate from time to time. A synodical bishop elected by the Conference of Bishops shall serve as an advisory member of the board with voice but not vote.
- 17.41.03.** The president of the Foundation of the Evangelical Lutheran Church in America shall be elected by the board of trustees to a four-year term in consultation with and with the approval of the presiding bishop of this church. The president shall be eligible for reelection. The employment of the president may be terminated jointly by the board of trustees of the Foundation of the Evangelical Lutheran Church in America and the presiding bishop of this church.
- 17.41.04.** The board of trustees of the Foundation of the Evangelical Lutheran Church in America shall consult with the Office of the Treasurer with regard to the assessment of management fees or provision of other assets available for the budget of the foundation.
- 17.41.05.** Constitutional provision 16.12. and bylaws 14.21.02., 14.21.03., 14.21.07., 16.12.11., 16.12.13., and 16.12.14. shall apply to the operation of the Foundation of the Evangelical Lutheran Church in America.
- 17.41.06.** The specific responsibilities of the Foundation of the Evangelical Lutheran Church in America shall be enumerated in a continuing resolution.
- 17.41.A05. *Responsibilities of the Foundation of the Evangelical Lutheran Church in America***
The Foundation of the Evangelical Lutheran Church in America shall:
- a. conduct—on behalf of this church, its congregations, synods, churchwide units, and institutions—a program of major gifts and deferred giving.*
 - b. provide consultation, support, and guidance to members of this church in the areas of major gifts and deferred giving.*
 - c. provide coordination and support in major gifts and deferred giving to this church, including congregations, synods, churchwide organization, and agencies and institutions.*
 - d. provide educational materials, seminars, and workshops in the area of deferred giving.*

- e. *coordinate its programs and ministries with the objectives and programs of other stewardship and financial-resource development activities of this church.*
- f. *consult with the Office of the Treasurer in the recommendation and establishment within that office of policies and procedures for processes governing valuation of noncash gifts, the management of assets of life-income agreements and endowment funds, and the distribution of earned-income payments to donors and to remainder beneficiaries as regulated by life-income, trust, and other fiduciary donor agreements.*
- g. *engage—in cooperation with congregations, synods, and agencies and institutions of this church—in efforts to:*
 - 1) *identify and cultivate prospective major and deferred-gift donors;*
 - 2) *seek gifts, bequests, and investments for the Mission Investment Fund of the Evangelical Lutheran Church in America;*
 - 3) *seek gifts, bequests, and investments for endowment funds that support ministries of this church; and*
 - 4) *coordinate the programs of the Foundation of the Evangelical Lutheran Church in America with the ministry objectives of the churchwide organization and the synods of this church.*
- h. *offer pooled investment services for endowment funds of this church and its congregations, synods, agencies, and institutions.*
- i. *provide assistance for the establishment and growth of mission endowment funds in congregations.*
- j. *coordinate the operation of the Foundation of the ELCA with the Development Services unit.*

**17.50. MISSION INVESTMENT FUND
OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA**

17.51. This church shall have a fund, 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.

17.51.01. The Mission Investment Fund of the Evangelical Lutheran Church in America shall have a board of trustees of at least nine but not more than 12 members, who shall be elected by the Churchwide Assembly for six-year terms with no consecutive reelection and with approximately one-third elected each biennium as provided in Chapter 19.

17.51.02. Unless the Church Council determines that the treasurer of this church shall be the president of the Mission Investment Fund corporation, the

president shall be elected by the board of trustees of the Mission Investment Fund of the Evangelical Lutheran Church in America to a four-year term in consultation with and with the approval of the presiding bishop of this church. Nomination of a candidate for president of the Mission Investment Fund shall be made jointly by the presiding bishop and the search committee of the board. The board, together with the presiding bishop, shall arrange for an annual review of the president. The president shall be eligible for reelection. The employment of the president may be terminated jointly by the board of trustees of the Mission Investment Fund of the Evangelical Lutheran Church in America and the presiding bishop of this church, following recommendation by the executive committee of the board of trustees.

- 17.51.03.** Constitutional provision 16.12. and bylaws 14.21.02., 14.21.03., 14.21.06., 14.21.07., 16.12.11., 16.12.13., and 16.12.14. shall apply to the operation of the Mission Investment Fund of the Evangelical Lutheran Church in America.
- 17.51.04.** The specific responsibilities of the Mission Investment Fund of the Evangelical Lutheran Church in America shall be enumerated in a continuing resolution.
- 17.51.A10.** *Operation of the Mission Investment Fund of the ELCA*

The Mission Investment Fund of the Evangelical Lutheran Church in America shall:

- a. have primary responsibility for the development, administration, and promotion of Mission Investments;*
- b. relate to the Congregational and Synodical Mission unit, which shall request real estate acquisition for new and existing ministries within the limits of the capital funds available and within established criteria;*
- c. provide expertise for management of real property and execute all necessary documents for the acquisition and disposition of such property;*
- d. establish, in consultation with the Congregational and Synodical Mission unit, an annual capital budget for ministry development;*
- e. have responsibility, within established guidelines for determining which congregations shall receive loans, the amount of each loan, and the repayment schedule; and shall confer with the Congregational and Synodical Mission unit on any loans to developing ministries;*
- f. execute the loans, ensure safekeeping for the legal documents, provide accounting services for the repayment, and supervise collection;*
- g. offer building and architectural consultative services to new congregations entering first-unit construction, to congregations relocating with synodical approval, to other congregations, and to other organizations and institutions that are affiliated with this church.*

17.60. BOARD OF PENSIONS

17.61. This church shall have a church pension and other benefits plans unit. This Board of Pensions shall be incorporated. The president of the corporation shall serve as its chief executive officer.

17.61.01. The Churchwide Assembly shall:

- a. approve the documents governing the ELCA Pension and Other Benefits Program that have been referred by the Church Council; and
- b. refer any amendments to the ELCA Pension and Other Benefits Program 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 members with respect to their pension accumulations.

17.61.02. The Church Council shall:

- a. review policy established by the board and take action on any policy that would change significantly the documents establishing and governing the ELCA Pension and Other Benefits Program.
- b. approve any changes in the ELCA Pension and Other Benefits Program when there is to be:
 - 1) a significant increase in cost to the employers or members; or
 - 2) a significant increase or decrease in benefits to the members.
- c. refer any amendments to the ELCA Pension and Other Benefits Program initiated by the Church Council to the board for recommendation before final action by the Church Council, assuring that no amendment shall abridge the rights of members with respect to their pension accumulations.
- d. refer, as it deems appropriate, proposed amendments to the ELCA Pension and Other Benefits Program to the Churchwide Assembly for final action.

17.61.03. The Board of Pensions shall have a board of trustees composed of 15 persons elected for one six-year term with no consecutive reelection and with one-third elected each biennium as provided in Chapter 19.

- a. The board of trustees of the Board of Pensions shall include persons with expertise in investments, insurance, and pensions, and two to five 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 an ordained minister who is a plan member.
- b. 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.
- c. The Conference of Bishops shall elect one bishop to serve as an advisory member of the board of trustees with voice but not vote.

- d. The treasurer of this church shall serve as an advisory member of the board of trustees with voice but not vote.
- 17.61.04.** The board shall organize itself as it deems necessary.
- 17.61.05.** Constitutional provision 16.12. and bylaws 14.21.02., 14.21.07., 16.12.11., and 16.12.14. shall apply to this board.
- 17.61.06.** The president shall be elected by the board of trustees of the Board of Pensions to a four-year term in consultation with and with the approval of the presiding bishop of this church. Nomination of a candidate for president shall be made jointly by the presiding bishop and the search committee of the board. The board, together with the presiding bishop, shall arrange for an annual review of the president. The president shall be eligible for reelection. The board shall establish the salary of the president with the concurrence of the presiding bishop. The president may be terminated at any time jointly by the board of trustees of the Board of Pensions and the presiding bishop of this church, following recommendation by the executive committee of the board of trustees.
- 17.61.07.** 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.

17.61.A05. Responsibilities of the Board of Pensions

The Board of Pensions of the Evangelical Lutheran Church in America shall:

- a. *manage and operate the Pension and Other Benefits Program for this church and plans for other organizations operated exclusively for religious purposes, and shall invest the assets according to fiduciary standards set forth in the plans and trusts.*
- b. *provide pension, health, and other benefits exclusively for the benefit of eligible members working within the structure of this church and other organizations operated exclusively for religious purposes.*
- c. *provide summary plan descriptions outlining all benefits to be provided as a part of the ELCA Pension and Other Benefits Program.*
- d. *report to the appropriate committee of the Church Council on the financial effect of changes to the ELCA Pension and Other Benefits Program.*
- e. *report to the Churchwide Assembly through the Church Council, with the Church Council making comments on all board actions needing approval of the Churchwide Assembly.*
- f. *maintain appropriate communication with other units of this church.*
- g. *be self-supporting, except for certain ELCA minimum pensions and post-retirement health benefits of certain ELCA retirees, with all costs being paid from the administrative and management charges to the employers and members utilizing the plans and from investment income.*

- h. *manage its finances in a manner that assures an efficient and effective administration of the plans for pension and other benefits. The board shall maintain its own accounting, data processing, personnel, and other administrative functions essential to the ongoing work of this organization.*
- i. *not be responsible, nor assume any liability for, health-insurance programs provided by colleges and universities of this church through voluntary employees' beneficiary associations or similar arrangements.*
- j. *manage and operate those portions of The American Lutheran Church and Lutheran Church in America plans requiring continuation in this church.*
- k. *provide an appeal process with the Board of Pensions to enable members in the plans to appeal decisions.*
- l. *make editorial and administrative changes and routine modifications to the ELCA Pension and Other Benefits Program, as well as changes required to comply with federal and state law.*
- m. *set contribution rates for the ELCA Survivor Benefits Plan, the ELCA Disability Benefits Plan, and the ELCA Medical and Dental Benefits Plan, and establish interest crediting rates for the ELCA Retirement Plans.*
- n. *manage assets, as requested, for the ELCA and other organizations operated exclusively for religious purposes.*

17.61.B05. *The Corporate Social Responsibility Committee of the Board of Pensions shall receive advice and counsel from the Advisory Committee on Corporate Social Responsibility formed by the appropriate churchwide unit and within the context of fiduciary responsibility for ELCA assets make appropriate recommendations to the board.*

17.61.C09. *To implement staggered terms for plan members and plan recipients on the board of trustees of the Board of Pensions and to move to a board consisting of at least four plan members, at least one of whom is a lay plan member or lay recipient of plan benefits, at least two people, one ordained minister who is a plan member and one lay plan member or lay recipient of plan benefits, shall be elected by the 2009 Churchwide Assembly. Thereafter, at least one plan member shall be elected as a trustee by the 2011 Churchwide Assembly, and one additional plan member shall be elected by the 2013 Churchwide Assembly. An amendment to 17.61.03.a. shall be proposed to the 2013 Churchwide Assembly to provide that the board shall include at least four persons who are members of the plans, 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 an ordained minister who is a plan member.*

Chapter 18.

REGIONS

18.01. This church shall have regions as a partnership between groups of synods and the churchwide organization for the purpose of exercising mutual responsibilities.

18.01.A08. *The regions shall be numbered 1 through 9 and comprised of the following synods (as designated in bylaw 10.01.11.):*

Region 1—Alaska Synod; Northwest Washington Synod; Southwestern Washington Synod; Eastern Washington-Idaho Synod; Oregon Synod; and Montana Synod.

Region 2—Sierra Pacific Synod; Southwest California Synod; Pacifica Synod; Grand Canyon Synod; and Rocky Mountain Synod.

Region 3—Western North Dakota Synod; Eastern North Dakota Synod; South Dakota Synod; Northwestern Minnesota Synod; Northeastern Minnesota Synod; Southwestern Minnesota Synod; Minneapolis Area Synod; Saint Paul Area Synod; and Southeastern Minnesota Synod.

Region 4—Nebraska Synod; Central States Synod; Arkansas-Oklahoma Synod; Northern Texas-Northern Louisiana Synod; Southwestern Texas Synod; Texas-Louisiana Gulf Coast Synod.

Region 5—Metropolitan Chicago Synod; Northern Illinois Synod; Central/Southern Illinois Synod; Southeastern Iowa Synod; Western Iowa Synod; Northeastern Iowa Synod; Northern Great Lakes Synod; Northwest Synod of Wisconsin; East-Central Synod of Wisconsin; Greater Milwaukee Synod; South-Central Synod of Wisconsin; and La Crosse Area Synod.

Region 6—Southeast Michigan Synod; North/West Lower Michigan Synod; Indiana-Kentucky Synod; Northwestern Ohio Synod; Northeastern Ohio Synod; and Southern Ohio Synod.

Region 7—New Jersey Synod; New England Synod; Metropolitan New York Synod; Upstate New York Synod; Northeastern Pennsylvania Synod; Southeastern Pennsylvania Synod; and Slovak Zion Synod.

Region 8—Northwestern Pennsylvania Synod; Southwestern Pennsylvania Synod; Allegheny Synod; Lower Susquehanna Synod; Upper Susquehanna Synod; Delaware-Maryland Synod; Metropolitan Washington, D.C., Synod; and West Virginia-Western Maryland Synod.

Region 9—Virginia Synod; North Carolina Synod; South Carolina Synod; Southeastern Synod; Florida-Bahamas Synod; and Caribbean Synod.

18.10.10. Functions

18.11.11. The regions shall be a means for coordinated responses by synods and the churchwide organization to mission and program opportunities within the region.

18.11.A91. *In fulfilling the region's function and the purposes of this church, each region may assist in:*

- a. planning for this church's participation in God's mission in the region, with special attention to the opportunities for outreach with the Gospel;*
- b. providing for ongoing dialogue between the synods of the region and churchwide units for the purpose of identifying functions that may be done together;*
- c. forming resource planning groups to recommend resources and services needed for congregations;*
- d. facilitating, when requested, relationships with colleges, universities, and campus ministries and partnership funding responsibilities of the synods and churchwide organization on behalf of colleges, universities, and campus ministries;*
- e. facilitating gatherings of synodical bishops, synodical staff, and regional staff; and*
- f. coordinating the work of the churchwide staff within the territory of the region.*

18.11.B91. *Additional functions may include:*

- a. relating to seminaries;*
- b. relating to camps and other outdoor ministries;*
- c. developing communication plans and projects;*
- d. planning for and coordinating continuing education programs;*
- e. providing for various services to congregations;*
- f. facilitating global mission education and interpretation;*
- g. providing for stewardship and evangelism events;*
- h. providing for events for the growth and equipping of God's people for their ministries in the world;*
- i. compiling lists of personnel that may be used by synods for interim ministries;*
- j. providing a financial service bureau for the cooperating synods for banking, payroll, accounts payable, and accounts receivable;*
- k. providing for regional archives, associated with institutions of this church wherever possible;*
- l. coordinating resources for youth ministry;*
- m. assisting synods in facilitating the mobility of ordained ministers and associates in ministry and providing such resources as crisis-intervention services and psychodiagnostic-treatment programs;*
- n. facilitating, when requested, relationships with social ministry organizations and assisting in advocacy work; and*
- o. addressing other functions, as deemed appropriate by synods and the churchwide organization.*

- 18.11.12.** The region shall be a forum where the synods and the churchwide organization may study, plan, and share together in developing common programs unique to the region. Responsibilities carried out together will vary from region to region depending on the decision of the synods and churchwide units.
- 18.11.13.** Additional programs or services may be developed in 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.
- 18.11.14.** 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 ELECTION PROCESS

- 19.01.** The Churchwide Assembly shall elect the presiding bishop, vice president, and secretary of this church and such other persons as the constitution and bylaws may require, according to procedures set forth in the constitution and bylaws of this church.
- 19.02.** The members of the Church Council shall be elected by the Churchwide Assembly. Each biennium the Church Council shall determine how this church's commitment to inclusive representation will affect the next election to the Church Council. 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. Excluding the churchwide officers, there shall not be more than one member of the Church Council from a synod nor shall more than two-thirds of the synods in a region have members on the Church Council at the same time. The Church Council shall have at least one member from each region. 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.
- 19.03.** In the event an interim vacancy on a board, committee, or council is declared by the secretary of this church, the Church Council shall elect a member to serve the balance of the term.
- 19.04.** Other than elections of officers and executive directors of units, elections shall be for one six-year term, without consecutive reelection, and with one-third of the members of the Church Council and of each board, program committee, or advisory committee elected each biennium.
- 19.04.A10. *Implementation Process***

To implement the transition in the number of program committees, the Church Council shall take the following actions during its November 2010 meeting:

- a. invite the duly elected members of the program committee related, as of October 2010, to the Global Mission unit to serve the remainder of their terms;*
- b. elect from the members of the program committees related, as of October 2010, to the Evangelical Outreach and Congregational Mission unit, the Vocation and Education unit, the Church in Society unit, and the Multicultural Ministries unit, sixteen (16) people to serve the remainder of their terms as the program committee of the Congregational and Synodical Mission unit;*

- c. *appoint, in accordance with bylaw 16.12.12., one member of the Church Council to serve as a liaison member of the Congregational and Synodical Mission program committee; and*
- d. *request the Conference of Bishops to select, in accordance with bylaw 16.12.12., one bishop to serve as an advisory member of the Congregational and Synodical Mission program committee.*

19.05. Each nominee for an elected or appointed position in this church shall be a voting member of a congregation of this church.

19.05.01. Each voting member of the Church Council, board, program committee, or advisory committee of this church shall cease to be a member of the Church Council, board, program committee, or advisory 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, program committee, or advisory committee, a member’s position shall be declared vacant by the secretary of this church, who shall arrange for election by the Church Council to fill the unexpired term.

19.05.02. For purposes of nomination to and service on the Church Council, a program committee, or a board of a churchwide unit, “synodical 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 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. An ordained minister shall be recorded in the synod on whose roster such an ordained minister’s name is maintained.
- c. A diaconal minister, associate in ministry, or deaconess shall be recorded in the synod on whose roster such a rostered layperson’s name is maintained.

19.05.03. A board of trustees of a separately incorporated churchwide unit of the Evangelical Lutheran Church in America may remove a trustee from the board at a duly held meeting by the affirmative vote of two-thirds of the total number of trustees, provided that not less than five and not more than thirty days written notice shall be given to each trustee that removal of a specific trustee will be on the agenda for such a meeting. No such removal of a trustee shall be effective without the approval of the Church Council by a majority of those present and voting. The decision of the Church Council is final.

19.10. NOMINATION AND ELECTION CONSIDERATIONS

19.11.01. In the nomination and election process the following general considerations shall be observed:

- a. It shall be the responsibility of the Church Council to assure that this church maintain its commitment to inclusive representation.

- b. In all elections by the Churchwide Assembly, other than for the presiding bishop, vice president, and secretary, a majority of the votes cast on the first ballot shall be necessary for election. If an election does not occur on the first ballot, the names of the two persons receiving the highest number of votes cast shall be placed on the second ballot. On the second ballot, a majority of the legal votes cast shall be necessary for election.
- c. Members of the boards or committees of churchwide units, other than those in restricted categories, who have served less than one-half of a term shall be eligible for election to one full term to be served consecutively upon the conclusion of the partial term.
- d. Before electing a member to a vacancy on a board or committee, the Church Council shall consult with the board or committee.
- e. On the final ballot for the election of the presiding bishop, vice president, and secretary of this church, when only two names appear on the ballot, a majority of the legal votes cast shall be necessary for election.
- f. The Conference of Bishops shall select one bishop from each region to serve a four-year term as a liaison member of the Church Council. Each biennium the Conference of Bishops shall select a bishop to serve as an advisory member of each board, program committee, and advisory committee of the churchwide organization. No synodical bishop shall serve as a voting member of the Church Council or of a board or committee of any churchwide unit.
- g. The youth organization of this church shall elect for terms of two years two persons to serve as advisory members of the Church Council.
- h. An advisory member of a board, committee, or the Church Council shall have voice but not vote.

19.20. NOMINATING COMMITTEE

- 19.21.01.** There shall be a Nominating Committee consisting of 18 members elected by the Churchwide Assembly. Each member shall be elected to one six-year term and shall not be eligible for consecutive reelection. Six members of the committee shall be elected each biennium. 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 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 criteria applicable to each category that must be met by persons nominated from the floor.

- 19.21.02.** 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. Nominations from the floor, where permitted in the nomination process, shall be presented as an alternative to a 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 criteria applicable to each category that must be met by persons nominated from the floor.
- 19.21.03.** In each case in which there are floor nominations, there shall be a preliminary ballot that shall include the names of the nominees presented by the Nominating Committee or the Church Council, and the person or persons nominated from the floor, where permitted. The names of the two persons receiving the highest number of votes cast shall be placed on the final ballot.
- 19.21.04.** It shall be the responsibility of the Church Council to make certain that every synod has at least one person serving on the churchwide boards or committees. Among those persons elected by the assembly, no more than two persons from any one synod shall serve on any one board or committee.
- 19.21.05.** The Nominating Committee shall strive to ensure that all persons nominated for any position possess the necessary competence and experience for the position. All persons elected to any position, whether nominated by the Nominating Committee or not, shall strive to represent this church and not just a particular geographic area.
- 19.21.A98.** *The Nominating Committee shall strive to ensure that at least two of the voting membership of the Church Council shall have been younger than 30 years of age at the time of their election.*
- 19.21.B05.** *On behalf of the Nominating Committee, the secretary of the Evangelical Lutheran Church in America—in the first half of the biennium preceding each regular meeting of the Churchwide Assembly—shall solicit from eligible synods on a rotating basis the names of two persons in specified categories, in keeping with the representation principles of this church, for possible election to the Church Council. Upon their selection by the assemblies of the respective synods, the names of the two persons shall be presented to the Nominating Committee for submission to the Churchwide Assembly. In the event that any nominee withdraws or is disqualified from possible service, the Nominating Committee shall submit a replacement name from the same synod as the original nominee. In the event that the vacancy occurs subsequent to the preparation of the report of the Nominating Committee to the Churchwide Assembly, a floor nomination shall be provided from the same synod as the original nominee. Except as provided herein, no floor nominations for positions on the Church Council shall be permitted at the Churchwide Assembly.*

19.21.C05. *For purposes of nominations for the Church Council on a rotating basis, the following pairing of synods shall be observed insofar as possible: Alaska Synod and Northwest Washington Synod; Eastern Washington-Idaho Synod and Montana Synod; Southwestern Washington Synod and Oregon Synod; Sierra Pacific Synod and Southwest California Synod; Pacifica Synod and Grand Canyon Synod; Rocky Mountain Synod and South Dakota Synod; Western North Dakota Synod and Eastern North Dakota Synod; Northwestern Minnesota Synod and Northeastern Minnesota Synod; Southwestern Minnesota Synod and Southeastern Minnesota Synod; Minneapolis Area Synod and Saint Paul Area Synod; Nebraska Synod and Central States Synod; Arkansas-Oklahoma and Northern Texas-Northern Louisiana Synod; Southwestern Texas Synod and Texas-Louisiana Gulf Coast Synod; Northwest Synod of Wisconsin and Northern Great Lakes Synod; East-Central Synod of Wisconsin and South-Central Synod of Wisconsin; La Crosse Area Synod and Northeastern Iowa Synod; Western Iowa Synod and Southeastern Iowa Synod; Northern Illinois Synod and Central/Southern Illinois Synod; Metropolitan Chicago Synod and Greater Milwaukee Synod; North/West Lower Michigan Synod and Southeast Michigan Synod; Indiana-Kentucky Synod and Northwestern Ohio Synod; Northeastern Ohio Synod and Southern Ohio Synod; New Jersey Synod and New England Synod and Slovak Zion Synod; Metropolitan New York Synod and Upstate New York Synod; Northeastern Pennsylvania Synod and Southeastern Pennsylvania Synod; Northwestern Pennsylvania Synod and Allegheny Synod; Southwestern Pennsylvania Synod and West Virginia-Western Maryland Synod; Upper Susquehanna Synod and Lower Susquehanna Synod; Delaware-Maryland Synod and Metropolitan Washington, D.C., Synod; Virginia Synod and North Carolina Synod; South Carolina Synod and Southeastern Synod; Florida-Bahamas Synod and Caribbean Synod.*

19.30. ELECTION OF OFFICERS

19.31.01. The churchwide officers shall be elected as follows:

- a. The presiding bishop shall be elected by the Churchwide Assembly by ecclesiastical ballot. Three-fourths of the votes cast shall be necessary for election on the first ballot. If no one is elected, the first ballot shall be considered the nominating ballot. Three-fourths of the votes cast on the second ballot shall be necessary for election. The third ballot shall be limited to the seven persons (plus ties) who received the greatest number of votes on the second ballot, and two-thirds of the votes cast shall be necessary for election. The fourth ballot shall be limited to the three persons (plus ties) who receive the greatest number of votes on the third ballot, and 60 percent of the votes cast shall be necessary for election. On subsequent ballots, a majority of the votes cast shall be necessary for election. These ballots shall be limited to the two persons (plus ties) who receive the greatest number of votes on the previous ballot.

- b. 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 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 votes cast shall elect.
- c. 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 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.
- d. The treasurer shall be elected by a two-thirds vote of the Church Council.

19.31.A09. *Background checks and screening shall be required and completed for persons nominated as churchwide officers prior to their election, if possible, or as soon as practical after their election. The specific procedures and timing of background checks and screening shall be determined by the Church Council.*

19.40. TERMS OF OFFICE

19.41.01. The terms of office of persons elected to regular terms on a committee or board by the Churchwide Assembly shall begin at the conclusion of the assembly at which such persons were elected. The commencement of

terms of office of persons elected to regular terms by the Churchwide Assembly on the board of trustees of the Publishing House of the ELCA and the board of trustees of the Board of Pensions shall be specified in the bylaws of these separately incorporated entities.

19.41.02. The terms of office of persons elected to regular terms on the Nominating Committee of the Churchwide Assembly, the Committee on Discipline, and the Committee on Appeals shall begin at the conclusion of the Churchwide Assembly at which such persons were elected, except as may be specified in continuing resolutions with respect to particular pending discipline matters.

19.41.A91. *With respect to committees that consider disciplinary cases or appeals:*

- a. Any member of the churchwide Committee on Discipline who has been appointed to serve on a discipline hearing committee for a particular pending case shall continue to serve to discharge that appointment notwithstanding that his or her successor has been subsequently elected at a Churchwide Assembly.*
- b. Any member of the synodical Committee on Discipline who is serving at the time that the Executive Committee of the Church Council appoints members from the churchwide Committee on Discipline to a discipline hearing committee shall continue as a member of that discipline hearing committee for the particular pending case, notwithstanding that his or her successor has been subsequently elected at a Synod Assembly.*
- c. Any member of the Committee on Appeals who is serving at the time that an appeal is made shall continue to serve to decide that appeal, notwithstanding that his or her successor has been subsequently elected at a Churchwide Assembly.*

19.50. EXPERIENCE AND EXPERTISE

19.51.01. The Churchwide Assembly shall elect all members of each program committee and the board of trustees of the Publishing House of the ELCA, the board of trustees of the Mission Investment Fund, and the board of trustees of the Board of Pensions. The Nominating Committee shall seek to ensure that these committees and boards have within their membership persons with the expertise and experience essential to the fulfillment of the work of the unit.

19.51.02. The program committee for the Multicultural Ministries unit shall consist of 15 persons, 14 of whom shall be elected to six-year terms by the Churchwide Assembly. The committee shall include two persons from each of the following communities: African American or Black; Arab and Middle Eastern; Asian and Pacific Islander; Latino; American Indian and Alaska Native; European-American; and multiracial or biracial. One person shall be elected to a three-year term on the committee by the Multicultural Advisory Committee of the Lutheran Youth Organization.

19.60. OTHER MATTERS RELATED TO NOMINATIONS AND ELECTIONS

19.61.01. The Church Council shall from time to time, by continuing resolution, establish committees and procedures for the conduct of elections at the Churchwide Assembly.

19.61.02. No member of the Church Council, a committee of the Church Council, a board, a program committee, or other committee of the churchwide organization shall receive emolument for such service, nor shall any member be simultaneously an officer of this church, an elected member of the Church Council, or a voting member of a committee or board of the churchwide organization.

Nothing in this section shall be construed to prohibit the payment by this church 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, a board, or committee against any liability asserted against and incurred by such person in or arising from that capacity, whether or not this church would have been required to indemnify such person against the liability under provisions of law or otherwise.

19.61.03. 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, a program or advisory committee, a board, the Committee on Appeals, the Committee on Discipline, or the churchwide Nominating Committee during the period of employment or service under contract. (The phrase “under contract” shall not mean short-term contracts for specific, limited purposes, usually not to exceed six months.)

19.61.04. No spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, or in-law (parent, son, or daughter of a spouse, or spouse of a sibling) of an executive director or of an executive staff member of the churchwide organization shall be eligible for nomination to or membership on the Church Council, board, or committee that oversees the unit in which the person’s relative is employed.

19.61.05. No person employed by an entity, agency, or institution supervised by a board or committee of the churchwide organization shall be a member of that supervising board or committee, except the full-time salaried officers as specified in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

19.61.A94. Ecclesiastical Ballot. An “ecclesiastical ballot” for the election of officers (other than treasurer) of the churchwide organization of the Evangelical Lutheran Church in America is an election process:

a. in which on the first ballot the name of any eligible individual may be submitted for nomination by a voting member of the assembly;

- b. *through which the possibility of election to office exists on any ballot by achievement of the required number of votes cast by voting members of the assembly applicable to a particular ballot;*
- c. *that precludes spoken floor nominations;*
- d. *in which the first ballot is the nominating ballot if no election occurs on the first ballot;*
- e. *in which the first ballot defines the total slates of nominees for possible election on a subsequent ballot, with no additional nominations;*
- f. *that does not preclude, after the reporting of the first ballot, the right of persons nominated to withdraw their names prior to the casting of the second ballot;*
- g. *in which any name appearing on the second ballot may not be subsequently withdrawn;*
- h. *that does not preclude an assembly's adoption of rules that permit, at a defined point in the election process and for a defined period of time, speeches to the assembly by nominees or their representatives and/or a question-and-answer forum in which the nominees or their representatives participate; and*
- i. *in which the number of names that appear on any ballot subsequent to the second ballot shall be determined in accordance with provisions of the governing documents.*

19.61.B98. Nominations Desk and Nominations Form

- a. *Nominations from the floor at the Churchwide Assembly shall be made at the Nominations Desk, which shall be maintained under the supervision of the secretary of this church.*
- b. *A nomination from the floor shall be made by using the form provided by the secretary of this church. Nomination forms may be obtained from the Nominations Desk at times prescribed in the assembly's Rules of Organization and Procedure. This form is also included in each voting member's registration materials.*
- c. *The required form to be used in making nominations from the floor shall include the nominee's name, address, phone number, gender, lay or clergy status, white or person of color or primary language other than English status, congregational membership, synodical membership, and affirmation of willingness to serve, if elected; the name, address, and synodical membership of the voting member who is making the nomination; and such other information as the secretary of this church shall require.*
- d. *For purposes of nomination procedures, "synodical membership" means:*
 - 1) *In the case of a layperson, the synod that includes the congregation in which such person holds membership; and*
 - 2) *In the case of an ordained minister, the synod on whose roster such ordained minister's name is maintained.*

19.61.C05. Floor Nominations

- a. *Floor nominations for positions on a board or committee of a church-wide unit require, in addition to the nominator, the written support of at least ten other voting members. Floor nominations for the Church Council, the Nominating Committee, or other churchwide committee to be elected by the Churchwide Assembly require, in addition to the nominator, the written support of at least twenty other voting members.*
- b. *A nomination from the floor for any position (other than presiding bishop, vice president, and secretary) shall be made by filing the completed nomination form with the Nominations Desk at times prescribed in the assembly's Rules of Organization and Procedure.*
- c. *Nominations will be considered made in the order in which filed at the Nominations Desk.*

19.61.D05. Restrictions on Floor Nominations for Boards

- a. *Nominations from the floor for positions on churchwide boards or committees shall comply with criteria and restrictions established by the Nominating Committee and set forth in materials provided to each voting member of the assembly.*
- b. *So long as the number of incumbent members from a given synod serving on a board or committee with terms not expiring plus the number of positions on the same board or committee to which individuals from the same synod already have been nominated (whether by the Nominating Committee or from the floor) total less than the maximum number of two individuals from the same synod who may serve on that board or committee, an individual from the same synod may be nominated for another position on that board or committee, provided other criteria and restrictions are met. Individuals from the same synod may be nominated for a position on a board or committee to which individuals from the same synod already have been nominated, provided other criteria and restrictions are met.*

19.61.E05. Restriction on Nominations for Church Council

Nominations for positions on the Church Council shall comply with criteria and restrictions established by the Church Council and Nominating Committee and set forth in materials provided to each voting member of the assembly.

19.61.F98. Restriction on Floor Nominations for Nominating Committee

- a. *Nominations from the floor for positions on the Nominating Committee shall comply with criteria and restrictions established by the Church Council and set forth in materials provided to each voting member of the assembly.*

- b. *So long as the number of incumbent members from a given region serving on the Nominating Committee with terms not expiring plus the number of Nominating Committee positions to which individuals from the same region have already been nominated (whether by the Church Council or from the floor) total less than the maximum number of three individuals from the same region who may serve on the Nominating Committee, an individual from the same region may be nominated for another Nominating Committee position, provided other criteria and restrictions are met. Provided other criteria and restrictions are met, individuals may be nominated for a Nominating Committee position for which someone from the same region has already been nominated.*

19.61.G02. Election Procedures Utilizing the Common Ballot

- a. *The common ballot is used in those elections when the ecclesiastical or nominating ballot is not used.*
- b. *For the first common ballot, the exact number of ballot forms equal to the number of voting members from each synod will be given to the bishop of that synod. The bishop of the synod, or his or her designee, will be responsible for distributing the ballot forms to each of the voting members from the synod.*
- c. *Upon recommendation of the chair and with the consent of the assembly, the second common ballot may be conducted by electronic device. Unless the second common ballot is conducted by electronic device, the distribution of ballot forms for the second common ballot will be in the same manner as the first common ballot.*
- d. *Any discrepancy between the number of ballots given to a synodical bishop and the number of voting members (including the synodical bishop) from such synod must be reported by the synodical bishop to the Elections Committee.*
- e. *Each ticket for which an election is held will be considered a separate ballot.*
- f. *A voting member may vote for only one nominee on each ticket.*
- g. *Failure to vote for a nominee for every ticket does not invalidate a ballot for the tickets for which a nominee is marked.*
- h. *Ballots must be marked in accordance with the instructions presented in plenary session.*
- i. *Ballot forms should not be folded.*
- j. *Marked ballot forms must be deposited at the designated Ballot Stations at certain exits of the hall in which plenary sessions are held.*
- k. *If a ballot is damaged so that it cannot be scanned, a replacement ballot may be obtained at the Ballot Station upon surrender of the damaged ballot.*

- l. Unless otherwise ordered by the assembly, polls for the first common ballot close at the time designated in the assembly's Rules of Organization and Procedure.*
- m. On each ticket for which balloting is conducted by electronic device, the polls will remain open for a reasonable time, as determined by the chair, to permit members to record their votes.*
- n. Unless the second ballot is conducted by electronic device, polls for the second common ballot close at the time designated in the assembly's Rules of Organization and Procedure or as otherwise ordered by the assembly.*
- o. On the second ballot, whether by common ballot or by electronic device, the first position on each ticket shall be given to the nominee who received the greatest number of votes on the first ballot. If two nominees are tied for the highest vote, the first position on the ticket shall be determined by draw by the chair of the Elections Committee.*

19.61.H07. Election Procedures Utilizing the Ecclesiastical Ballot

- a. For each election by ecclesiastical or nominating ballot, the exact number of appropriate ballot sets equal to the number of voting members from each synod will be given to the bishop of that synod. The bishop of the synod, or his or her designee, will be responsible for distributing the ballot sets to each of the voting members from the synod.*
- b. Unless otherwise ordered by the chair, one of the numbered ballots from the appropriate ballot set is to be used on each ballot for elections determined by ecclesiastical or nominating ballot. The chair will announce the number of the ballot from the appropriate ballot set that is to be used for each ballot. Failure to use the correct numbered ballot will result in an illegal ballot.*
- c. On the first two ballots for each office being selected by ecclesiastical or nominating ballot, both the first and last names of a nominee should be used. Members should endeavor to use correct spelling and should provide, on the first ballot, any additional accurate information identifying the nominee, such as title, synod, or residence.*
- d. On the third and subsequent ballots conducted by written ballot, only the last name of the nominee need be used, provided there is no other nominee with the same or similar name.*
- e. A member may vote for only one nominee on each ballot.*
- f. Ballots should not be marked prior to the time the chair advises the voting members to do so.*
- g. Written ballots should not be folded.*
- h. Written ballots will be collected from the voting members in accordance with instructions from the Elections Committee or from the chair.*

- i. *When the results of the first ballot are presented, the chair will announce when and how persons nominated may withdraw their names prior to the casting of the second ballot.*
- j. *Whenever the number of names of nominees that will appear on a ballot is nine or less, on recommendation of the chair and with the consent of the assembly, voting may be by means of electronic device.*
- k. *When voting by electronic device, the first position on each ballot shall be given to the nominee who received the greatest number of votes on the immediately preceding ballot, with the remaining positions assigned to the other nominees in descending order of the number of votes received on the immediately preceding ballot. If two or more nominees were tied with the same vote on the immediately preceding ballot, their respective positions shall be determined by draw by the chair of the Elections Committee.*
- l. *On each ticket for which balloting is conducted by electronic device, the polls will remain open for a reasonable time, as determined by the chair, to permit voting members to record their votes.*

19.61.I98. *Breaking Ties in Elections*

- a. *On the ballot for the election of the presiding bishop, vice president, and secretary, when only two names appear, the marked ballot of the treasurer shall be held by the chair of the Elections Committee and shall be counted only where necessary to break a tie that would otherwise exist.*
- b. *On the first common ballot, the blank ballots of the treasurer and vice president shall be held by the chair of the Elections Committee to be presented to the treasurer for her or his vote only in those elections where a tie would otherwise exist, and to be presented to the vice president for his or her vote only in those elections to break a tie remaining after the ballot of the treasurer has been counted.*
- c. *On the second common ballot, the marked ballot of the treasurer shall be held by the chair of the Elections Committee and shall be counted only where necessary to break a tie that would otherwise exist.*

19.61.J00. *A former full-time or part-time employee of the churchwide organization shall not be eligible, for a minimum of six years subsequent to such employment, for nomination or election to the board or committee related to the churchwide unit in which the employee served.*

Chapter 20.

CONSULTATION, DISCIPLINE, APPEALS, AND ADJUDICATION

20.10. CONSULTATION AND DISCIPLINE

20.11. **There shall be set forth in the bylaws a process of discipline governing officers, ordained ministers, diaconal ministers, associates in ministry, deaconesses, congregations, and members of congregations. Except as provided in 20.18. or 20.19., such process shall assure due process and due protection for the accused, other parties, and this church. Since synods have responsibility for admittance of persons into the ordained ministry of this church or onto other rosters of this church and have oversight of pastoral and congregational relationships, the disciplinary process shall be a responsibility of the synod on behalf of this church and jointly with it.**

20.12. **As used in this constitution and bylaws, due process means the right to be given specific written notice of the charges against any person or entity of this church, the right to testify in person or remain silent (at the election of the accused), the right to call witnesses and introduce documentary evidence concerning the pending charges, the right to confront and cross-examine all witnesses in support of such charges, the right to a hearing before a discipline hearing committee as provided in 20.13., the right to a written decision of the discipline hearing committee as provided in the bylaws, and the right to be treated with fundamental procedural fairness. Any violation of these rights shall be grounds for reversal of an unfavorable finding and the right to a new hearing.**

20.12.01. **“Fundamental procedural fairness” means and includes: avoidance by committee members of written communications to or from either the accused or accuser(s) without copy to the other; avoidance by committee members of oral communications with either the accused or accuser(s) outside the presence of the other; maintaining decorum during the hearing; allowing both the accuser(s) and the accused to present their cases without unnecessary interruptions; keeping a verbatim record of the hearing, made either by a stenographer or court reporter or by audio or video recording; allowing both the accuser(s) and the accused to be accompanied at the hearing by a representative (who may, but need not, be an attorney) who also may participate in the proceedings; impartiality of the committees that consider the charges; and the right to be treated in conformity with the governing documents of the Evangelical Lutheran Church in America.**

20.13. **The accused shall be entitled to a hearing before a discipline hearing committee as described in the bylaws. If the accused is a congregation, the hearing shall be open to the public unless both the accuser and the accused agree to a hearing not open to the public. If the accused is an individual, the hearing shall not be open to the public unless both the accusers and the accused agree to a public hearing. At a hearing not**

open to the public, a limited number of concerned persons may attend as provided in the bylaws.

- 20.13.01.** In a hearing not open to the public,
- a. the accuser and the accused may each be represented by not more than two representatives who may present or assist in the presentation of the evidence; and
 - b. the discipline hearing committee may permit attendance by a limited number of persons, with the consent of both the accused and the accuser.
- 20.13.02.** Irrespective of whether a hearing is or is not open to the public, the discipline hearing committee may decide that witnesses (other than the accused and the accuser) shall be permitted in the hearing only when testifying. A witness may be accompanied by a friend or advocate.
- 20.14.** **Once a charge against a person or entity has been considered by a discipline hearing committee, that person or entity shall not be required to answer that charge again except under the circumstances set forth in the bylaws.**
- 20.14.01.** The circumstances in which a person or entity shall be required to answer again charges before a discipline hearing committee shall be limited to the following:
- a. The Committee on Appeals has ordered a rehearing as its disposition of a timely appeal to it.
 - b. The Committee on Appeals has ordered a further hearing after either an accuser or an accused has petitioned for a further hearing on the basis of newly discovered evidence or testimony that was not available at the time of the original hearing.
- 20.14.02.** After a charge against a person or entity has been considered by a discipline hearing committee, evidence related to that charge may be introduced at a subsequent hearing before another discipline hearing committee on a different but related charge. Charges are “related” if they involve similar alleged conduct on the part of the accused.
- 20.15.** **The procedures for consultation and discipline set forth in the bylaws shall be the exclusive means of resolving all matters pertaining to the discipline of congregations of this church. Neither this church nor a synod of this church shall institute legal proceedings in which conduct described in provision 20.31.01. is the basis of a request for relief consisting of suspension of that congregation from this church or removal of that congregation from the roll of congregations of this church. A congregation of this church shall not institute legal proceedings against this church or a synod of this church seeking injunctive or other relief against the imposition or enforcement of any disciplinary action against that congregation.**
- 20.16.** **It is the intent of this church that all matters of discipline should be resolved internally to the greatest extent possible. It is the policy of**

this church not to resort to the civil courts of this land until all internal procedures and appeals have been exhausted, except for emergency situations involving a significant imminent risk of physical injury or severe loss or damage to property.

20.17. None of the provisions of this chapter is intended nor shall be construed to limit the authority of a Synod Council to remove, under the bylaws of this church, from the rosters of this church an ordained minister or other person who is without regular call and not retired, for any reason, even though such reason might also be the basis for disciplinary proceedings under this chapter.

20.18. The authority to administer private censure and admonition upon an individual or public censure and admonition upon a congregation is inherent in the office of bishop. Proceedings under this chapter or any other provision of the constitutions and bylaws of this church or of its synods are not required for the exercise of such authority.

20.19. Where the written notice of charges specifically requests that the discipline to be imposed shall consist of suspension for not more than three months (during which time requirements for evaluation, therapy, continuing education, or similar experience may be imposed), the due process and due protection provisions of this constitution shall apply only as specified in the bylaws.

20.20. ORDAINED MINISTERS

20.21.01. Ordained ministers shall be subject to discipline for:

- a. preaching and teaching in conflict with the faith confessed by this church;
- b. conduct incompatible with the character of the ministerial office;
- c. willfully disregarding or violating the functions and standards established by this church for the office of Word and Sacrament;
- d. willfully disregarding the provisions of the constitution or bylaws of this church; or
- e. willfully failing to comply with the requirements ordered by a discipline hearing committee under 20.23.08.

20.21.02. The disciplinary actions which may be imposed are:

- a. private censure and admonition by the bishop of the synod;
- b. suspension from the office and functions of the ordained ministry in this church for a designated period or until there is satisfactory evidence of repentance and amendment; or
- c. removal from the ordained ministry of this church.

20.21.03. Charges against an ordained minister 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 congregation's council, submitted to the synodical bishop;

- b. at least one-third of the voting members of the congregation, submitted to the synodical bishop;
- c. at least two-thirds of the members of the governing body to which the ordained minister, if not a parish pastor, is accountable, submitted to the synodical bishop;
- d. at least 10 ordained ministers of the synod on whose roster the accused ordained minister is listed, submitted to the synodical bishop;
- e. the synodical bishop; or
- f. the presiding bishop of this church, but only with respect to an accused who is a synodical bishop (or who was a synodical bishop at any time during the 12 months preceding the filing of written charges), submitted to the secretary of this church.

20.21.04. 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 synodical bishop, a consultation panel consisting of five persons (three ordained ministers and two laypersons) appointed from the members of the Consultation Committee of the synod by the synodical bishop, or, at the request of the synodical bishop, by the Synod Council's Executive Committee or other committee authorized to do so by the Synod Council, shall assist the synodical bishop in efforts to resolve a situation by consultation.
- b. When requested by the synodical bishop, an advisory panel consisting of five persons (three ordained ministers and two laypersons) appointed by the synodical bishop shall assist the synodical bishop in efforts to resolve a situation by consultation.

20.21.05. If appointed, a consultation panel or advisory panel shall advise the synodical bishop as to whether or not the bishop should bring charges or may make other recommendation for resolution of the controversy that would not involve proceedings before a discipline hearing committee. To these ends, the panel may meet with complaining witnesses as well as with the concerned ordained minister. If requested by the synodical bishop, members of the panel also may assist, as representatives of the accuser, in the presentation of evidence and examination of witnesses before a discipline hearing committee.

20.21.06. When charges are brought other than by the synodical bishop or the presiding bishop of this church, the synodical bishop may refer such charges to a consultation panel as provided in 20.21.04.a.

- a. If as a result of meeting with a consultation panel the charges are withdrawn by the accuser(s), no further proceedings shall be required.
- b. Upon recommendation of the consultation panel that the charges be dismissed, the synodical bishop may dismiss the charges, in which case no further proceedings shall be required.

- c. Upon recommendation of the consultation panel that some of the allegations supporting the charges be stricken, the synodical bishop may strike some or all of such allegations, and further proceedings shall be required on the remaining allegations.
- d. In the case of charges that do not anticipate disciplinary action, the consultation panel shall submit a report in writing to the synodical bishop that sets forth the action or actions recommended by the consultation panel, and the synodical bishop shall convey the recommendations to the parties. If either party does not accept the recommendations, that party may appeal to the Synod Council, whose decision shall be final.
- e. In the case of charges that anticipate disciplinary action that have not been withdrawn or dismissed as a result of 20.21.06.a. or b. above, the charges shall be referred to a discipline hearing committee for a hearing.
- f. The work of a consultation panel under this section shall be completed within 30 days from the time the panel was constituted.

20.21.07. When charges are brought by a synodical bishop or the presiding bishop of this church, or when charges are brought other than by a synodical bishop and have not been withdrawn or dismissed or otherwise disposed of as provided in 20.21.06., the synodical bishop or the presiding bishop, as appropriate, shall deliver a copy of the charges to the accused and the secretary of this church.

20.21.08. A discipline hearing committee shall be convened to conduct a hearing. The voting members of this committee shall be composed of 12 persons of whom six shall be selected by the Synod Council's Executive Committee from the Committee on Discipline of the synod and six shall be selected from the churchwide Committee on Discipline under the process described in 20.21.12. The rules authorized in 20.21.16. shall establish the method, based upon the remainder of the term, for determining which members of the synodical committee shall serve as the voting members and which shall serve as alternates. A hearing officer selected from the churchwide Committee of Hearing Officers under the process described in 20.21.14. shall preside as the non-voting chair of the discipline hearing committee.

20.21.11. The churchwide Committee on Discipline shall consist of 36 persons, 19 of whom shall be laypersons and 17 of whom shall be ordained ministers, elected by the Churchwide Assembly for a term of six years, each without consecutive reelection, to serve as needed on a discipline hearing committee in any of the synods in this church.

20.21.12. The accused shall have the privilege of selecting two persons (one clergy and one lay) and their alternates of the six persons from the churchwide Committee on Discipline to serve on a discipline hearing committee. The remaining four persons (two clergy and two lay) and their alternates, or

six, if the accused does not exercise the privilege, and their alternates shall be selected by the Executive Committee of the Church Council.

- 20.21.13.** The churchwide Committee of Hearing Officers shall consist of nine persons elected by the Church Council for a term of six years, each without consecutive reelection, to serve as needed on a discipline hearing committee in any of the synods of this church.
- 20.21.14.** The presiding bishop of this church shall select one member of the churchwide Committee of Hearing Officers to serve as the non-voting chair of a discipline hearing committee.
- 20.21.15.** The presiding bishop of this church may appoint one or more persons as facilitators to make arrangements for, and to provide technical assistance to, a discipline hearing committee.
- 20.21.16.** The Church Council shall appoint three members from the Committee on Appeals who shall recommend rules of procedure for the performance of the duties of hearing officers and discipline hearing committees. The rules shall become effective when ratified by the Church Council.
- 20.21.17.** In each specific case for which a discipline hearing committee has been constituted, the committee shall, within 60 days after the secretary of this church has given notice of the selection by the Executive Committee of the Church Council of the members of the churchwide Committee on Discipline to serve on a discipline hearing committee, meet with the accused and the accuser(s) to hold a hearing. The committee shall render its written decision within 15 days after the committee concludes the hearing. The 60-day period may be extended one or more times to a specified date by a written stipulation signed by the accuser(s), the accused, and the hearing officer prior to the expiration of the original 60-day period or prior to the extended specified date.
- 20.21.18.** Written notice of the date, time, and place of the hearing and a copy of the charges shall be delivered to the accused and to the accuser(s) at least 20 days prior to the date of the hearing.
- 20.21.19.** At the hearing, the accuser(s) may present evidence in support of the charges and thereafter the accused shall be entitled to present evidence. The accused and the accuser(s), or other person acting on behalf of either of them, shall be entitled to question the other party or any of the witnesses appearing on behalf of the other party. A verbatim record shall be made by a stenographer or court reporter or by audio or video recording of the hearing.
- 20.21.21.** The discipline hearing committee shall render its decision in writing. The written decision shall be in two parts:
 - a. Findings of Fact. In this part, the committee shall set forth what it has found to be the relevant facts, that is, what it believes to be the truth of the matter.

- b. Determination. In this part, the committee shall state whether, based upon the facts that it has found, it believes discipline should be imposed and, if so, what discipline it has chosen to impose.
- 20.21.22.** The decision of the discipline hearing committee shall be made by a majority vote of its members who were present at the hearing. The decision of the discipline hearing committee shall be final on the date it is issued by the committee. Within 30 days, one of the parties may appeal to the Committee on Appeals and may request the Committee on Appeals to stay the effective date of the decision. A stay may be granted in whole or in part and subject to such conditions, if any, as the Committee on Appeals may require. The decisions of the Committee on Appeals shall be final.
- 20.21.23.** If there are indications that a cause for discipline exists or if in the course of the proceedings it should become apparent to the bishop of the synod that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions or that local conditions may be adversely affected by the continued service by the ordained minister, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).
- 20.21.24.** If there are indications that a cause for discipline exists or if in the course of proceedings it becomes apparent to the bishop of the synod that the circumstances require, the bishop of the synod may temporarily suspend an ordained minister serving under letter of call issued other than by a congregation from the office and functions of ordained ministry without prejudice and without affecting compensation and housing.

20.22. LAY ROSTERED MINISTERS

- 20.22.01.** Laypersons on official rosters shall be subject to discipline for:
- a. confessing and teaching in conflict with the faith confessed by this church;
 - b. conduct incompatible with the standards for the rostered ministries of this church;
 - c. willfully disregarding or violating the functions and standards established by this church for the lay roster or rosters;
 - d. willfully disregarding the provisions of the constitution or bylaws of this church; or
 - e. willfully failing to comply with the requirements ordered by a discipline hearing committee under 20.23.08.
- 20.22.02.** The disciplinary actions that may be imposed are:
- a. private censure and admonition by the bishop of the synod;

- b. suspension from the role and functions of an associate in ministry, a deaconess, or a diaconal minister for a designated period or until there is satisfactory evidence of repentance and amendment; or
 - c. removal from the official roster for laypersons of this church.
- 20.22.03.** Charges against a layperson on an official roster 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 congregation in which the layperson is serving, submitted to the synodical bishop;
 - b. at least one-third of the voting members of the congregation in which the layperson is serving, submitted to the synodical bishop;
 - c. at least two-thirds of the members of the governing body to which the layperson is accountable, submitted to the synodical bishop;
 - d. at least 10 ordained ministers or laypersons on official rosters of the synod on whose roster the accused layperson is listed, submitted to the synodical bishop; or
 - e. the synodical bishop.
- 20.22.04.** When there are indications that a cause for discipline exists, efforts shall be made by the bishop of the synod to resolve the situation by consultation in the same manner as set forth above for ordained ministers in 20.21.04. through 20.21.06.
- 20.22.05.** If those efforts fail, the procedures for discipline shall be the same as that set forth above for ordained ministers in 20.21.07. through 20.21.22.
- 20.22.06.** If there are indications that a cause for discipline exists or if in the course of the proceedings it should become apparent to the bishop of the synod that the role and function of the associate in ministry, deaconess, or diaconal minister cannot be conducted effectively in the congregation(s) being served by a rostered layperson due to local conditions or that local conditions may be adversely affected by the continued service by a rostered layperson, the bishop of the synod may temporarily suspend a rostered layperson from service in the congregation(s) without prejudice and with pay provided through a joint churchwide-synodical-congregation fund.
- 20.22.07.** If there are indications that a cause for discipline exists or if in the course of proceedings it becomes apparent to the bishop of the synod that the circumstances require, the bishop of the synod may temporarily suspend a rostered layperson serving under letter of call issued other than by a congregation from the office and functions of a rostered layperson without prejudice and without affecting compensation.
- 20.23. LIMITED DISCIPLINE**
- 20.23.01.** Where the written charges specify that the accuser will not seek, in the case of an ordained minister, removal from the ordained ministry of this church or suspension from the office and functions of the ordained ministry in this church for a period exceeding three months, or, in the case

of a layperson on one of the rosters of this church, removal from such roster or suspension from the role and functions of a person on such roster for a period not exceeding three months, 20.23.01. through 20.23.09. shall apply to the exclusion of 20.21.08. through 20.21.24. and 20.22.05. through 20.22.07.

- 20.23.02.** The voting members of a discipline hearing committee convened to conduct a hearing on charges described in 20.23.01. shall be six members of the synod's Committee on Discipline selected by the Executive Committee of the Synod Council. A hearing officer selected from the churchwide Committee of Hearing Officers by the secretary of this church shall preside as the nonvoting chair of the discipline hearing committee described in this 20.23.02.
- 20.23.03.** The secretary of this church may appoint one or more persons as facilitators to make arrangements for, and to provide technical assistance to, a discipline hearing committee considering charges described in 20.23.01.
- 20.23.04.** Three members of the Committee on Appeals, appointed by the Church Council, shall develop rules of procedure for the performance of the duties of hearing officers and discipline hearing committees considering charges described in 20.23.01. The rules become effective when adopted by the Church Council.
- 20.23.05.** In each case for which a discipline hearing committee has been constituted, the committee shall, within 60 days after the secretary of this church has given notice of the selection of the hearing officer to serve on a discipline hearing committee, commence a meeting or series of meetings with the accused and the accuser(s) to receive testimony or other evidence offered by the accused or the accuser(s). The 60-day period may be extended one or more times to a specified date by a written stipulation signed by the accuser(s), the accused, and the hearing officer prior to the expiration of the original 60-day period or prior to the extended specified date.
- 20.23.06.** Written notice of the date, time, and place of the first meeting of the discipline hearing committee at which testimony will be received, and a copy of the charges, shall be delivered to the accused and to the accuser(s) at least 20 days prior to the date of the meeting.
- 20.23.07.** The discipline hearing committee shall decide, consistent with rules adopted under 20.23.04., to what extent the accused shall be able to confront or cross-examine witnesses testifying on behalf of the accuser and to what extent the accuser shall be able to confront or cross-examine witnesses testifying on behalf of the accused. A verbatim record shall be made by a stenographer or court reporter or by audio or video recording of all meetings of the committee at which testimony is presented. The accused and the accuser may be accompanied at the meeting(s) by a friend or advisor. Such friend or advisor shall not participate in the proceedings before the committee.

20.23.08. The discipline hearing committee shall conclude its meeting(s) and render its decision in writing within 45 days of the commencement of the meeting for which written notice was given under 20.23.06. The written decision shall be in two parts:

- a. Findings of Fact. In this part, the committee shall set forth what it has found to be the relevant facts, that is, what it believes to be the truth of the matter.
- b. Determination. In this part, the committee shall state whether, based upon the facts that it has found, it believes discipline should be imposed and if so, which one or more of the following should be imposed:
 - 1) private censure and admonition by the synodical bishop.
 - 2) suspension for a period not exceeding three months from the office and functions of the ordained ministry in the case of an ordained minister or from the role and functions of a rostered layperson in the case of a layperson on a roster of this church.
 - 3) participation in such programs of evaluation, therapy, continuing education, or similar experience as the committee may direct.
 - 4) referral of written charges (amended to reflect additional evidence presented to the committee) to a discipline hearing committee convened under 20.21.08. through 20.21.24. or 20.22.05. through 20.22.07.

20.23.09. The decision of the discipline hearing committee shall be made by a majority vote of its members who were present at the hearing. The decision of the discipline hearing committee shall be final on the date it is issued by the committee. Within 30 days of that date, one of the parties may appeal to the Committee on Appeals and may request the Committee on Appeals to stay the effective date of the decision. A stay may be granted in whole or in part and subject to such conditions, if any, as the Committee on Appeals may require. The decisions of the Committee on Appeals shall be final.

20.30. CONGREGATIONS

20.31.01. Congregations shall be subject to discipline for:

- a. departing from the faith confessed by this church;
- b. willfully disregarding or violating the criteria for recognition as congregations of this church; or
- c. willfully disregarding or violating the provisions of the constitution or bylaws of this church.

20.31.02. The disciplinary actions which may be imposed are:

- a. censure and admonition by the bishop of the synod;
- b. suspension from this church for a designated period, the consequences of such suspension being the loss of voting rights of any member (including ordained ministers) 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, committee, or other group of this church, any of its synods, or any other subdivision thereof;

- c. suspension of the congregation from this church for a designated period (with the same consequences as in b.) during which the congregation shall be under the administration of the synod, provided that a congregation may refuse to accept such administration in which case it shall be removed from the roster of congregations of this church; or
- d. removal from the roster of congregations of this church.

20.31.03. Charges against a congregation 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 one-fifth of the voting members of the congregation, submitted to the synodical bishop;
- b. at least three other congregations of the synod, submitted to the synodical bishop;
- c. the Synod Council; or
- d. the synodical bishop.

20.31.04. When there are indications that a cause for discipline exists, efforts shall be made by the bishop of the synod to resolve the situation by consultation in the same manner as set forth above for ordained ministers in 20.21.04. and 20.21.05.

20.31.05. If those efforts fail, the procedures for discipline shall be the same as that set forth above for ordained ministers in 20.21.07. through 20.21.22.

20.40. MEMBERS OF CONGREGATIONS

20.41.01. The offenses for which a member of a congregation shall be subject to discipline are:

- a. denial of the Christian faith;
- b. conduct grossly unbecoming a member of the Church of Christ; or
- c. persistent trouble-making within the congregation.

20.41.02. Discipline shall be administered by the Congregation Council on behalf of the congregation. The procedure which Christ instructed his disciples to follow (Matthew 18:15-17) shall be adhered to in every case, proceeding through these successive steps:

- a. private admonition by the pastor;
- b. admonition by the pastor in the presence of two or three witnesses; and
- c. written citation to appear before the Congregation Council, serving as a discipline hearing committee, having been received by the member at least 10 days prior to the meeting.

If for any reason the pastor is unable to administer the admonitions required by a. and b. hereof, the president (if not the pastor) or vice president shall administer such admonitions.

20.41.03. If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused.

20.41.04. To assure due process and due protection for the accused as required in 20.11., members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of the guilt of the accused member. In addition, due process requires the following:

- a. the right to be given a specific written statement of the charges;
- b. the right to a hearing by the Congregation Council;
- c. the right of the accused to testify in person or remain silent;
- d. the right to call witnesses;
- e. the right to introduce documentary evidence;
- f. the right to confront and cross-examine witnesses;
- g. the right to a hearing closed to the public unless both the accuser(s) and the accused agree to a public hearing;
- h. the right to a written decision as required by these bylaws;
- i. the right to be treated with fundamental procedural fairness, which means:
 - 1) avoidance by council members of written communications to or from either accused or accuser(s) without copy to the other;
 - 2) avoidance by council members of other communications with either the accused or the accuser(s) outside of the presence of the other;
 - 3) maintaining proper decorum during the hearing;
 - 4) allowing both the accuser(s) and the accused to present their cases without unnecessary interruptions;
 - 5) keeping a verbatim record of the hearing, made either by a stenographer or court reporter or by audio or video recording; and
 - 6) allowing both the accuser(s) and the accused to be accompanied at the hearing by a representative (who may, but need not, be an attorney) who may also participate in the proceedings.

20.41.05. The accused can be found guilty by the vote of at least two-thirds of the members of the Congregation Council who are not disqualified and who are present and voting. Should renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:

- a. censure before the council or the congregation;
- b. suspension from stated privileges of membership for a definite designated period of time; or
- c. termination of membership.

A resolution of the council suspending or terminating the membership of a member of this congregation shall be delivered to the person in writing.

20.41.06. Appeal from any disciplinary action imposed by the Congregation Council may be made to the Synod Council, whose decision shall be final.

20.41.07. Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt of:

- a. evidence that injustice has been done; or
- b. evidence of repentance and amendment.

20.41.08. No member of a congregation shall be subject to discipline for offenses that the Congregation Council has previously heard and decided, unless so ordered by the Synod Council after an appeal.

20.41.A09. *Rules for Appeals to a Synod Council*

- a. *Any appeal to the Synod Council must be made by written notice within 30 days after the decision of the Congregation Council has been delivered to the accused member(s). The written notice of the intent to appeal must be given by certified or registered mail to the Synod Council (in care of the vice president of the synod), with a copy to the chair of the Congregation Council and the congregation's pastor.*
- b. *Any party who has appealed to the Synod Council for review of a decision of a Congregation Council may request a stay in the effective date or other provision contained in the decision pending the appeal. The request must be in writing and shall set forth the reasons why the requested stay is advisable. The request shall be forwarded to the Synod Council (in care of the vice president of the synod) with copy to the other party. The Synod Council may grant the other party an opportunity to respond in writing. The Synod Council may grant a stay for the period, and may renew the stay for further periods, as it determines to be appropriate. The Synod Council may make the grant of a stay subject to such conditions as it determines to be appropriate.*
- c. *The chair of the Congregation Council must furnish the record on appeal to the Synod Council (in care of the vice president of the synod), certifying to the completeness and accuracy of the record on appeal, within 30 days of the receipt of the written notice, unless the*

vice president allows additional time for compelling reasons. The record on appeal will consist of the following:

- 1) the citation and specific written charges as served upon the accused member(s) prior to the hearing before the Congregation Council;*
 - 2) the congregation's constitution, bylaws, and continuing resolutions and a copy of any rules governing the hearing before the Congregation Council;*
 - 3) identities of the person(s) who prepared the written charges and of the members of the Congregation Council who heard the case;*
 - 4) the verbatim record made by the stenographer or court reporter or the audio or video recording of the hearing before the Congregation Council;*
 - 5) all documents or physical evidence presented at the hearing before the Congregation Council;*
 - 6) the written decision of the Congregation Council;*
 - 7) proof that the written decision was delivered to the accused member(s); and*
 - 8) certification that the successive steps required by Matthew 18:15-17 were followed, as specified in bylaw 20.41.02. in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.*
- d. If the Synod Council has reason to believe or doubt that a required action was taken by the Congregation Council, but the action is not revealed in the record on appeal, the Synod Council may solicit, by written request to the chair of the Congregation Council with copies to the accused member(s), written confirmation of the action. Copies of the confirmation shall be supplied to the accused member(s).*
- e. The party making an appeal must present a written statement of reasons why the decision of the Congregation Council should be reversed or set aside. The Congregation Council will then submit a written response to the Synod Council. The party making an appeal may present a brief written rebuttal. Appropriate page limitations and due dates for these statements will be established by the vice president of the synod. Parties shall promptly give each other copies of any written statements filed with the Synod Council.*
- f. Members of the Congregation Council and the accused members shall refrain from discussing appeals made to the Synod Council, except as required to discharge their duties under these rules. Members of the Synod Council shall refrain from discussing appeals, except as required to discharge their duty to decide the appeal. Members of the Congregation Council and the accused member(s) will not communicate with Synod Council members concerning the appeal unless all parties are included in the communication.*

- g. *No member of the Synod Council may participate in any appeal if such a member is related to the accused member(s), to any witness who testified before the Congregation Council, or to a member of the Congregation Council, or where such Synod Council member is a current or recent member of the congregation. For good cause, a member of the Synod Council may voluntarily disqualify himself or herself from participation.*
- h. *The Synod Council will meet in executive session and consider the appeal solely on the basis of the record and written statements. Normally, the Synod Council will meet and render its written decision within 60 days from the due date for the last written statement to be submitted by the parties.*
- i. *The Synod Council will affirm the decision of the Congregation Council unless it finds that:*
 - 1) *the requirements of due process or fundamental procedural fairness were not met;*
 - 2) *the Congregation Council's decision was not supported by any evidence in the record; or*
 - 3) *the record on appeal is insufficient to make a determination.*
- j. *Final decisions of the Synod Council require an affirmative vote by at least two-thirds of those present and voting. The decision of the Synod Council shall be delivered in writing to the accused member(s), the chair of the Congregation Council, the congregation's pastor, the synodical bishop, and the secretary of this church.*

20.50. RECALL OR DISMISSAL

20.51. The recall or dismissal of the presiding bishop, vice president, or secretary of this church and the vacating of office may be effected:

- a. **for willful disregard or violation of the constitution and bylaws of this church;**
- b. **for such physical or mental disability as renders the officer incapable of performing the duties of office; or**
- c. **for such conduct as would subject the officer to disciplinary action as an ordained minister or as a member of a congregation of this church.**

20.52. Proceedings for the recall or dismissal of such an officer shall be instituted by petition by:

- a. **the Church Council on a vote of at least two-thirds of its elected members; or**
- b. **the Churchwide Assembly on a vote of at least two-thirds of its members.**

The petition shall be filed with the chair of the Committee on Appeals and shall set forth the specific charge or charges.

20.52.A05. Recall or Dismissal of a Churchwide Officer

- a. *The petition for recall or dismissal described in 20.52. shall be filed with the chair of the Committee on Appeals (in care of the secretary of the Evangelical Lutheran Church in America, 8765 West Higgins Road, Chicago, Illinois 60631, except if the subject of the petition is the secretary, the petition shall be in care of the presiding bishop of this church at the same address).*
- b. *In the case of alleged physical or mental incapacity of the officer,*
 - 1) *with respect to the officer the procedures outlined in 13.63. shall first be followed, and if such officer does not accept the decision of the Church Council, the Church Council may proceed to petition for proceedings for recall or dismissal.*
 - 2) *in the event of such petition, four members of the Committee on Appeals, designated by the committee chair and consisting of two ordained ministers and two laypersons, shall*
 - a) *investigate such conditions in person;*
 - b) *seek competent medical testimony;*
 - c) *seek the counsel and advice of the other officers of this church; and*
 - d) *submit a written report of their findings to the other members of the Committee on Appeals.*
 - 3) *the members of the Committee on Appeals, other than those who investigated the conditions and other than those who are disqualified, shall review the findings of the investigation committee and by an affirmative vote of at least two-thirds of those present and voting may adopt the findings and grant the petition.*
- c. *If the officer is an ordained minister, grounds for recall or dismissal include those set forth in 20.21.01. and as defined under the process described in 20.71.11. and 20.71.12. for discipline of ordained ministers. If the officer is a layperson, grounds for recall or dismissal include those set forth in 20.41.01.*
- d. *In the case of alleged willful disregard or violation of the constitution and bylaws of this church or of alleged conduct as would subject the officer to disciplinary action, the following procedures shall apply:*
 - 1) *The petition shall be referred to the Committee on Appeals which shall function as the discipline hearing committee that shall conduct a hearing in accordance with the rules provided for in 20.21.16., except to the extent that those rules are in conflict with 20.51., 20.52., 20.53., or with the provisions of this continuing resolution; and*

- 2) *the members of the Committee on Appeals, other than those who are disqualified, may grant the petition by an affirmative vote of at least two-thirds of those present and voting.*
- e. *Upon the filing of a written petition, the Executive Committee of the Church Council may temporarily suspend the officer from service without prejudice, but with continuation of compensation, including benefits, if the officer is a salaried employee. Appeals from such temporary suspension shall be provided in 13.63.*

20.53. Notice of a decision by the Committee on Appeals that the charges have been sustained shall be given to the accused person, the Church Council shall be notified of the entry of such judgment, and the office shall be vacated.

20.53.11. The Church Council shall appoint three members from the Committee on Appeals who shall recommend a similar process for the recall or dismissal of an officer of a synod, which process shall become operative when ratified by the Church Council.

20.53.A92. Recall or Dismissal of a Synod Officer

- a. *The recall or dismissal of the bishop, vice president, secretary, or treasurer of a synod of this church and the vacating of office may be effected:*
 - 1) *for willful disregard or violation of the constitution and bylaws of this church or the constitution and bylaws of the synod;*
 - 2) *for such physical or mental disability as renders the officer incapable of performing the duties of office; or*
 - 3) *for such conduct as would subject the officer to disciplinary action as an ordained minister or as a member of a congregation of this church.*
- b. *Proceedings for the recall or dismissal of a synodical bishop shall be instituted by written petition by:*
 - 1) *the Synod Council on an affirmative vote of at least two-thirds of its elected members present and voting;*
 - 2) *the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting;*
 - 3) *at least 10 synodical bishops; or*
 - 4) *the presiding bishop of this church.*

The petition shall be filed with the chair of the Committee on Appeals (in care of the secretary of the Evangelical Lutheran Church in America, 8765 West Higgins Road, Chicago, Illinois 60631) and shall set forth the specific charge or charges.
- c. *Proceedings for the recall or dismissal of an officer of a synod, other than the synodical bishop, shall be instituted by written petition by:*

- 1) *the Synod Council on an affirmative vote of at least two-thirds of its elected members present and voting;*
- 2) *the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting; or*
- 3) *the synodical bishop.*

The petition shall be filed with the chair of the Committee on Appeals (in care of the secretary of the Evangelical Lutheran Church in America, 8765 West Higgins Road, Chicago, Illinois 60631) and shall set forth the specific charge or charges.

- d. *In the case of alleged physical or mental incapacity of an officer of a synod,*
 - 1) *the procedures outlined in ¶S8.56. shall first be followed, and if such officer does not accept the decision of the Synod Council, the Synod Council may proceed to petition for proceedings for recall or dismissal.*
 - 2) *four members of the Committee on Appeals, designated by the committee chair and consisting of two ordained ministers and two laypersons, shall*
 - a) *investigate such conditions in person;*
 - b) *seek competent medical testimony;*
 - c) *seek the counsel and advice of the presiding bishop of this church if such officer is the synodical bishop;*
 - d) *seek the counsel and advice of the synodical bishop if such officer is the vice president, secretary, or treasurer of the synod; and*
 - e) *submit a written report of their findings to the other members of the Committee on Appeals.*
 - 3) *the members of the Committee on Appeals, other than those who investigated the conditions and other than those who are disqualified, shall review the findings of the investigation committee and by an affirmative vote of at least two-thirds of those present and voting shall adopt the findings and grant the petition.*
- e. *If the synod officer is an ordained minister, grounds for recall or dismissal include those set forth in 20.21.01. and as defined under the process described in 20.71.11. and 20.71.12. for discipline of ordained ministers.*
- f. *If the synod officer is a layperson, grounds for recall or dismissal include those set forth in 20.41.01.*
- g. *If the case of alleged willful disregard or violation of the constitution and bylaws of this church or the constitution and bylaws of the synod or of alleged conduct as would subject the officer to disciplinary action, the following procedures shall apply:*

- 1) *if the proceedings were instituted by the presiding bishop of this church, the synodical bishop, or at least 10 other synodical bishops, the petitioner shall first meet with the Executive Committee of the Synod Council in which the officer serves. The Executive Committee shall function as a consultation panel to give advice to the petitioner;*
 - 2) *if as a result of the consultation the petition is not filed, no further proceedings shall be required;*
 - 3) *if as a result of the consultation the petition is filed or if the proceedings were instituted by the Synod Assembly or the Synod Council, the petition shall be referred to the Committee on Appeals, which shall function as the discipline hearing committee that shall conduct a hearing in accordance with the rules provided for in 20.21.16. except to the extent that those rules are in conflict with the provisions of this continuing resolution; and*
 - 4) *the members of the Committee on Appeals, other than those who are disqualified, may grant the petition by an affirmative vote of at least two-thirds of those present and voting.*
- h. Upon the filing of a written petition, the Executive Committee of the Synod Council may temporarily suspend the officer from service in the synod without prejudice, but with continuation of compensation, including benefits, if the officer is a salaried employee of the synod. Appeals from such temporary suspension shall be provided in †S8.56.*
- i. Written notice of a decision by the Committee on Appeals that the charges have been sustained shall be given to the affected officer. The Synod Council shall be notified of such decision and the office shall be vacated if the charges have been sustained.*

20.60. COMMITTEE ON APPEALS

20.61. There shall be a Committee on Appeals to which may be referred appeals from disciplinary proceedings and petitions for the recall of an officer. The Church Council shall appoint three members from the Committee on Appeals who shall recommend rules of procedure for the performance of its duties. The rules shall become effective when ratified by the Church Council.

20.61.A09. Rules of the Committee on Appeals

- a. Any appeal to the Committee on Appeals shall be made in writing within 30 days after the decision of the discipline hearing committee has been delivered to the accused and the accuser(s). Appeals may be made only by the accused or the accuser(s) or their respective designated representative. Notice of the appeal shall be given by certified or registered letter addressed to the Committee on Appeals (in care of the secretary of this church, 8765 West Higgins Road, Chicago, Illinois 60631), with a copy to the other party.*

- b. *The Committee on Appeals shall normally render its written decision within 60 days from the due date for the last written statement to be submitted under item h. below.*
- c. *The material that shall be reviewed by the Committee on Appeals (herein referred to as the record on appeal) shall consist of the following:*
 - 1) *a copy of the specific charges referred to the discipline hearing committee;*
 - 2) *copy of any rules governing the hearing before the discipline hearing committee;*
 - 3) *information concerning the composition of the discipline hearing committee that heard the case;*
 - 4) *the verbatim record made by the stenographer or court reporter or the audio or video recording of the hearing before the discipline hearing committee;*
 - 5) *all documents or physical evidence presented at the hearing before the discipline hearing committee;*
 - 6) *the written decision of the discipline hearing committee; and*
 - 7) *proof that the written decision was delivered to the accused and the accuser(s).*
- d. *It shall be the responsibility of the chair of the discipline hearing committee to furnish the record on appeal to the Committee on Appeals (in care of the secretary of this church, 8765 West Higgins Road, Chicago, Illinois 60631), certifying to the completeness and accuracy of the record on appeal, within 30 days of the receipt of the appeal, unless the chair of the Committee on Appeals grants additional time for compelling reasons.*
- e. *If the Committee on Appeals has reason to believe that a required action was taken by a discipline hearing committee, but such action is not revealed in the record on appeal, the Committee on Appeals may, by written request to the chair of the discipline hearing committee, with copies to the accused and the accuser(s), solicit written confirmation of such action. Copies of such confirmation shall be supplied to the accused and the accuser(s).*
- f. *The persons or entities who may appeal to the Committee on Appeals are set forth in 20.63.*
- g. *The circumstances for which the Committee on Appeals may reverse or set aside the decision of a discipline hearing committee are set forth in 20.62.01., and consequences of such circumstances are set forth in 20.62.02.*
- h. *The party taking an appeal may present a written statement of reasons why the decision of a discipline hearing committee should be reversed or set aside. The other party shall have an opportunity to make a written response to the Committee on Appeals. The party*

taking an appeal then may present a written rebuttal. Appropriate limitations and due dates for these statements may be established by the committee chair. In the event of cross appeals, the committee chair may permit the filing of additional statements so that both parties have adequate opportunity to present their respective appeals and respond to the statement of each other. Parties shall promptly give to each other copies of any written statement filed with the Committee on Appeals.

- i. Final decisions of the Committee on Appeals require an affirmative vote by at least two-thirds of those present and voting.*
- j. Notice of decisions of the Committee on Appeals shall be given in writing to the accused, the accuser(s), the chair of the discipline hearing committee, the synodical bishop, and the secretary of this church.*
- k. The Committee on Appeals also shall prepare a brief summary of each appeal, which shall be presented to the Churchwide Assembly. Such summary shall not disclose the names of the accused, the accuser(s), or any witness. If the decision of the discipline hearing committee was reversed or remanded, the summary shall indicate the reasons for such reversal or remand.*
- l. The Committee on Appeals shall elect the following officers: chair, vice-chair, secretary, and assistant secretary. In addition to the duties prescribed in Chapter 20, the chair shall schedule and preside at committee meetings. In the absence of the chair, the vice-chair shall act as chair. The secretary, or assistant secretary, shall keep such record of proceedings of the committee as is necessary.*
- m. Meetings of the Committee on Appeals may be held in person or by conference telephone call.*
- n. A majority of the members of the Committee on Appeals who are not disqualified shall constitute a quorum for the conduct of its business at a scheduled meeting, and three-fourths of the members of the Committee on Appeals who are not disqualified shall constitute a quorum for the conduct of its business by conference telephone call.*
- o. Members of the Committee on Appeals shall refrain from discussing appeals made to the committee, except as required to discharge the duties of the committee membership.*
- p. No member of the Committee on Appeals shall serve on any case if such a member is related (as defined in 19.61.04.) to the accused, the accuser(s), any witness who testified before the discipline hearing committee, or a member of the consultation or discipline hearing committee that considered the case, or where such member is a member or former member of a congregation that was an accuser or an accused. A member of the Committee on Appeals also may voluntarily disqualify himself or herself.*

q. See 20.52.A92. and 20.53.A92. for additional rules of procedure applicable in proceedings for recall or dismissal.

r. See 20.61.B95. for additional rules of procedure applicable to stays.

20.61.B95. Any party who has appealed to the Committee on Appeals for review of a decision of a discipline hearing committee may request a stay in the effective date or other provision contained in said decision pending the appeal. Such request shall be in writing and shall set forth the reasons why the requested stay is advisable. The request shall be forwarded to the Committee on Appeals, c/o ELCA Secretary, 8765 West Higgins Road, Chicago, Illinois 60631, with copy to the other party. The Committee on Appeals may grant the other party an opportunity to respond in writing. The Committee on Appeals may grant a stay for such period, and may renew the stay for such further periods, as it determines to be appropriate. The Committee on Appeals may make the grant of a stay subject to such conditions as it determines to be appropriate. Such determinations shall be final.

20.62. The circumstances for which the Committee on Appeals may reverse or set aside the decision of a discipline hearing committee and the consequences of such action shall be set forth in the bylaws.

20.62.01. The judgment of a discipline hearing committee must be sustained unless the Committee on Appeals finds that one of the following conditions exists:

a. The discipline hearing committee abused its discretion. The discipline hearing committee may not be found to have abused its discretion unless at least one of the following is true:

- 1) The discipline hearing committee's Determination was not supported by any evidence in the record.
- 2) One or more of the discipline hearing committee's Findings of Fact is clearly erroneous. A Finding of Fact is clearly erroneous when, although there is evidence to support it, the Committee on Appeals on the entire evidence is left with the definite and firm conviction that a mistake has been committed. The Committee on Appeals may not reverse a finding of the discipline hearing committee simply because the Committee on Appeals concludes that it would have found differently had it been the discipline hearing committee. The Committee on Appeals must give due regard to the opportunity of the discipline hearing committee to judge the credibility of the witnesses.
- 3) Although the Findings of Fact are not clearly erroneous, the discipline hearing committee's Determination is nevertheless one with which no reasonable person, acting objectively, could agree. The committee's Determination may not be reversed simply because the Committee on Appeals, had it been the discipline hearing committee, would have reached a different con-

- clusion. The discipline hearing committee's Determination must be sustained if reasonable people can disagree as to its propriety.
- b. Due process has not been followed.
 - c. New evidence has been submitted by one of the parties, which evidence, in the judgment of the Committee on Appeals, should be considered.
 - d. The record of the proceedings before the discipline hearing committee is insufficient to permit the Committee on Appeals to determine whether the committee abused its discretion or followed due process.
- 20.62.02.** When the Committee on Appeals has decided to reverse or set aside the decision of the discipline hearing committee, the Committee on Appeals shall proceed as follows:
- a. If the Committee on Appeals has determined that one of the conditions listed in 20.62.01.a.1) or 20.62.01.a.2) exists, the Committee on Appeals may return the matter to the discipline hearing committee for further proceedings or render its own decision, which shall be final and unappealable.
 - b. If the Committee on Appeals has determined that the condition listed in 20.62.01.a.3) exists, it shall render its own decision, which shall be final and unappealable.
 - c. If the Committee on Appeals has determined that one of the conditions listed in 20.62.01.b., 20.62.01.c., or 20.62.01.d. exists, it shall return the matter to the discipline hearing committee for further proceedings.
- 20.63.** **The decision of a discipline hearing committee may be appealed to the Committee on Appeals by:**
- a. the accuser(s) who brought charges upon which a discipline hearing committee has acted;
 - b. an ordained minister upon whom discipline has been imposed by a discipline hearing committee;
 - c. a congregation upon whom discipline has been imposed by a discipline hearing committee; or
 - d. other persons on the official rosters of this church upon whom discipline has been imposed by a discipline hearing committee.
- 20.64.** The Committee on Appeals shall be comprised of six ordained ministers and six laypersons, elected by the Churchwide Assembly for a term of six years, without consecutive reelection.
- 20.65.** The Committee on Appeals shall elect its own officers.
- 20.66.** Decisions of the Committee on Appeals shall be final; an affirmative vote by at least two-thirds of those present and voting shall be necessary to render a decision or opinion. Each decision or opinion shall be reported as soon as practical in writing to the parties con-

cerned, and a summary of action taken shall be reported to the Churchwide Assembly.

20.70. DEFINITIONS AND GUIDELINES

- 20.71.11.** The Committee on Appeals shall establish definitions and guidelines, subject to approval by the Church Council, to enable clear and uniform application of the grounds for discipline in each of the above categories.
- 20.71.12.** The Committee on Appeals shall present to the Church Council for consideration and recommendation a process and definitions, as required in bylaw 20.71.11.

20.80. ADJUDICATION

- 20.81.** The presiding bishop and the Executive Committee of the Church Council shall be available to give counsel when disputes arise within this church.
- 20.82.** When there is disagreement on a substantive issue among churchwide units or between or among synods of this church that cannot be resolved by the parties, the aggrieved party or parties may appeal to the presiding bishop and the Executive Committee of the Church Council for consultation. If this consultation fails to resolve the issue, a petition may be addressed by the parties to the Church Council requesting it to mediate the matter.
- 20.83.** When a component or beneficiary of a churchwide unit has a disagreement on a substantive issue which it cannot resolve with the board of its unit, it may address an appeal to the presiding bishop and the Executive Committee of the Church Council. In this case, the decision of the Executive Committee shall prevail, except that upon the motion of a member of the Church Council, the decision shall be referred to the Church Council for final action.
- 20.84.** When there is disagreement on a substantive issue between a synod or synods and the churchwide organization that cannot be resolved by the parties, the aggrieved party or parties may appeal to the Committee on Appeals for consultation and adjudication. If this appeal fails to resolve the issue, a petition may be addressed by the parties to the Churchwide Assembly, whose decision shall be final.
- 20.85.** When there is disagreement among factions within a congregation on a substantive issue which cannot be resolved by the parties, members of a congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

Chapter 21.

INDEMNIFICATION

- 21.01.** Except as otherwise provided in this constitution, indemnification of any person who is or was made or threatened to be made a party to any proceeding is prohibited. For purposes of this chapter, the term, “proceeding,” means a threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding, including a proceeding in the right of this church, any other churchwide unit, or any other organization, but excluding (a) a proceeding by this church and (b) a disciplinary hearing or other proceeding described in Chapter 20. For purposes of this chapter, the term, “indemnification,” includes advances of expenses.
- 21.02.** To the full extent permitted from time to time 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 Church Council member, officer, employee, or committee member of this church shall be indemnified against judgments, penalties, fines, settlements, excise taxes, and reasonable attorneys’ fees and disbursements incurred by that person in connection with the proceeding. While indemnification of any person by reason of that person’s capacity as a director, officer, employee, or committee member of a separately incorporated churchwide unit may be made by such separately incorporated unit, indemnification of such person by this church is prohibited. Indemnification of any person by reason of that person’s capacity as a director, officer, employee, or committee member of any other organization is subject to the provisions of section 21.03.
- 21.03.** Where a person who, while a member of the Church Council, officer, employee of the churchwide organization, member of the Conference of Bishops, or committee member of this church, is or was serving at the request of this church as (or whose duties in that position involve or involved service in the capacity of) a director, officer, partner, trustee, employee, or agent of another organization, is or was made or threatened to be made a party to a proceeding by reason of such capacity, then such person shall not be entitled to indemnification unless (a) the Church Council has established a process for determining whether a person serving in the capacity described in this section shall be entitled to indemnification in any specific case, and (b) that process has been applied in making a specific determination that such person is entitled to indemnification.
- 21.04.** This church 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 church or by such other person in or arising from a capacity described in section 21.02. or section 21.03.

Chapter 22.

AMENDMENTS, BYLAWS, AND CONTINUING RESOLUTIONS

22.10. AMENDMENTS TO CONSTITUTION

22.11. The constitution of this church may be amended only through either of the following procedures:

- a. The Church Council may propose an amendment, with an official notice to be sent to the synods at least six months prior to the next regular meeting of the Churchwide Assembly. The adoption of such an amendment shall require a two-thirds vote of the members of the next regular meeting of the Churchwide Assembly present and voting.**
- b. An amendment may be proposed by 25 or more members of the Churchwide Assembly. The proposed amendment shall be referred to the Committee of Reference and Counsel for its recommendation, following which it shall come before the assembly. If such an amendment is approved by a two-thirds vote of members present and voting, such an amendment shall become effective only if adopted by a two-thirds vote of the members present and voting at the next regular Churchwide Assembly.**

22.20. BYLAWS

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 members of the assembly shall immediately be submitted to the Committee of Reference and Counsel for its recommendation. In no event shall an amendment be placed before the assembly for action sooner than the day following its presentation to the assembly. A two-thirds vote of the members present and voting shall be necessary for adoption.

22.30. CONTINUING RESOLUTIONS

22.31. Continuing resolutions not in conflict with the constitution or bylaws of the Evangelical Lutheran Church in America may be adopted or amended by a majority vote of the Churchwide Assembly or by a two-thirds vote of the Church Council. Such continuing resolutions become effective immediately upon adoption. Matters related to the administrative functions of this church shall be set forth in the continuing resolutions.



**Evangelical Lutheran
Church in America**

God's work. Our hands.

**CONSTITUTION
for
SYNODS**

August 2009

Introduction

Placement together of those constitutional provisions, bylaws, and continuing resolutions that pertain to the same matter is recommended.

Each is separately codified, but all are preceded by the letter “S” denoting that they are part of the synodical constitution.

- a. Constitutional provisions are codified by two sets of numbers, as in S9.08. or †S10.01.
- b. A bylaw related to S9.08. would be codified as S9.08.01., and to †S10.01. as S10.01.01. A bylaw under a required provision would not carry the dagger “†” that designates a required constitutional provision.
- c. Continuing resolutions also are codified by three sets of numbers, except that the third set is preceded by a capital letter. Thus, a continuing resolution might be numbered †S6. to designate the chapter; †S6.04. to designate the subject matter within the chapter; and the third set might be numbered B09. in the codification †S6.04.B09. to indicate by the “B” that it is the second continuing resolution regarding that subject and by the “09” that it was adopted in 2009.

Types of constitutional provisions

Three types of constitutional provisions are found within each synod’s constitution.

- a. Required provisions are designated by a dagger “†”. Such required provisions:
 - (1) may only be adopted or amended by the Churchwide Assembly;
 - (2) may not be altered or amended by the Synod Assembly; and
 - (3) are to be introduced “at once” into the synod’s constitution upon notification of the amendment or adoption of the provision (†S18.11.).
- b. Recommended provisions are provided in this *Constitution for Synods*, as approved by the Churchwide Assembly. Such recommended provisions may be adopted by majority vote at one meeting of the Synod Assembly (†S18.12.).
- c. Other provisions may be initiated in and adopted by each respective synod (†S18.13.), but such provisions may not conflict with required constitutional provisions or with churchwide constitutional provisions and bylaws. Synodical constitutional amendments become effective upon ratification by the Church Council or Churchwide Assembly.

CONSTITUTION FOR SYNODS

Chapter 1.

NAME AND INCORPORATION

- †S1.01. The name of this synod shall be (*name of synod*) of the Evangelical Lutheran Church in America.
- †S1.02. For the purposes of this constitution and the accompanying bylaws, the (*name of synod*) of the Evangelical Lutheran Church in America is hereafter designated as “this synod” or “the synod.”
- †S1.11. This synod shall be incorporated. Amendments to the articles of incorporation of this synod shall be submitted to the Church Council for ratification before filing.
- †S1.21. The seal of this synod is (*describe*).

Chapter 2.

STATUS

- †S2.01. This synod possesses the powers conferred upon it, and accepts the duties and responsibilities assigned to it, in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (ELCA or “this church”), which are recognized as having governing force in the life of this synod.
- †S2.02. No provision of this constitution shall be inconsistent with the constitution and bylaws of this church.

Chapter 3.

TERRITORY

- †S3.01. The territory of this synod, as determined by the Churchwide Assembly, shall be: _____.
- †S3.02. “Determined by the Churchwide Assembly,” as stipulated by †S3.01., is understood to include the reported changes in synod relationship made by any congregation in a border area agreed under ELCA bylaws 10.01.11. and 10.02.02.

Chapter 4.

CONFESSION OF FAITH

- †S4.01. This synod confesses the Triune God, Father, Son, and Holy Spirit.
- †S4.02. This synod confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.

- a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
- b. The proclamation of God’s message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
- c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God’s Spirit speaking through their authors, they record and announce God’s revelation centering in Jesus Christ. Through them God’s Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.

†S4.03. This synod accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.

†S4.04. This synod accepts the Apostles’, Nicene, and Athanasian Creeds as true declarations of the faith of this synod.

†S4.05. This synod accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.

†S4.06. This synod accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.

†S4.07. This synod confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God’s mission in the world.

Chapter 5.

NATURE OF THE CHURCH

†S5.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this synod are to be carried out under his rule and authority.

†S5.02. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. This church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknow-

ledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

CHAPTER 6.

STATEMENT OF PURPOSE

- †S6.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God’s creative, redeeming, and sanctifying activity in the world.
- †S6.02. To participate in God’s mission, this synod as a part of the Church shall:
- a. Proclaim God’s saving Gospel of justification by grace for Christ’s sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - b. Carry out Christ’s Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - c. Serve in response to God’s love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless and committing itself to their needs.
 - d. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- †S6.03. To fulfill these purposes, this synod, in partnership with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in the territory of this synod. In fulfillment of this role, this synod shall:
- a. Provide for the pastoral care of congregations, ordained ministers, associates in ministry, deaconesses, and diaconal ministers of this church in this synod, including:
 - 1) approving candidates for the ordained ministry in cooperation with the appropriate seminaries of this church, which may be done through multi-synodical committees;
 - 2) authorizing ordinations and ordaining on behalf of this church;

- 3) approving associates in ministry, deaconesses, and diaconal ministers of this church, which may be done through multi-synodical committees;
 - 4) authorizing the commissioning of associates in ministry, the consecration of deaconesses, and the consecration of diaconal ministers of this church; and
 - 5) consulting in the calling process for ordained ministers, associates in ministry, deaconesses, and diaconal ministers.
- b. Provide for leadership recruitment, preparation, and support in accordance with churchwide standards and policies, including:
 - 1) nurturing and supporting congregations and lay leaders;
 - 2) seeking and recruiting qualified candidates for the rostered ministries of this church;
 - 3) making provision for pastoral care, call or appointment review, and guidance;
 - 4) encouraging and supporting persons on the rosters of this church in stewardship of their abilities, care of self, and pursuit of continuing education to undergird their effectiveness of service; and
 - 5) supporting recruitment of leaders for this church's colleges, universities, seminaries, and social ministry organizations.
 - c. Provide for discipline of congregations, ordained ministers, and persons on the official lay rosters; as well as for termination of call, appointment, adjudication, and appeals consistent with the procedures established by this church in Chapter 20 of the ELCA constitution and bylaws.
 - d. Foster organizations for youth, women, and men, and organizations for language or ethnic communities.
 - e. Plan for the mission of this church in this synod, initiating and developing policy and implementing programs, consistent with churchwide policy, including:
 - 1) ecumenical guidance and encouragement;
 - 2) development of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;
 - 3) leadership and encouragement of congregations in their evangelism efforts;
 - 4) development of relationships to and participation in planning for the mission of social ministry organizations and ministries;
 - 5) encouragement of financial support for the work of this church by individuals and congregations;
 - 6) provision for resources for congregational life;

- 7) assistance to the members of its congregations in carrying out their ministries in the world; and
 - 8) interpretation of social statements in a manner consistent with the interpretation given by the churchwide unit which assisted in the development of the statement, and suggestion of social study issues through (a) Synod Assembly memorials to the Churchwide Assembly or (b) resolutions for referral from the Synod Assembly through the Synod Council to the Church Council and (c) Synod Council resolutions addressed to the Church Council or for referral to a unit of the churchwide organization through the Church Council's Executive Committee.
- f. Promote interdependent relationships among congregations, synods, and the churchwide organization, and enter into partnership with other synods in the region.
 - g. Participate in churchwide programs and develop support for the ministry of the churchwide organization.
 - h. Foster the grouping of congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.
 - i. Support relationships with and provide partnership funding on behalf of colleges, universities, and campus ministries.
 - j. Foster relationships with and provide partnership funding on behalf of social ministry organizations.
 - k. Maintain relationships with and provide partnership funding on behalf of seminaries and continuing education centers.
 - l. Foster supporting relationships with camps and other outdoor ministries.
 - m. Foster supporting relationships with preschools, elementary schools, and secondary schools operated by congregations of this synod.
 - n. Interpret the work of this church to congregations and to the public.
 - o. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
 - p. Provide for archives in conjunction with other synods.
 - q. Cooperate with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of this synod which can best be done cooperatively with other synods and the churchwide organization.
 - r. Elect members of the Churchwide Assembly in accordance with bylaw 12.41.11. of the constitution and bylaws of the Evangelical Lutheran Church in America and according to procedures specified in the bylaws of this constitution.

†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, 50 percent of the lay members of assemblies, councils, committees, boards, or other organizational units shall be female and 50 percent shall be male; and that, where possible, the representation of ordained ministers shall be both male and female. 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.A01. *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.B09. *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.*

†S6.05. Each assembly, council, committee, board, commission, task force, or other body of this synod or any synodical units shall be conclusively presumed to have been properly constituted, and neither the method of selection nor the composition of any such assembly, council, committee, board, commission, task force, or other body may be challenged in a court of law by any person or be used as the basis of a challenge in a court of law to the validity or effect of any action taken or authorized by any such assembly, council, committee, board, commission, task force, or other body.

Chapter 7.

SYNOD ASSEMBLY

†S7.01. This synod shall have a Synod Assembly, which shall be its highest legislative authority. The powers of the Synod Assembly are limited only by the provisions in the Articles of Incorporation, this constitution and bylaws, the assembly’s own resolutions, and the constitutions and bylaws of the Evangelical Lutheran Church in America.

†S7.11. A regular meeting of the Synod Assembly shall be held at least biennially.

- S7.12.** Special meetings of the Synod Assembly may be called by the bishop with the consent of the Synod Council, and shall be called by the bishop at the request of one-fifth of the voting members of the Synod Assembly.
- a. The notice of each special meeting shall define the purpose for which it is to be held. The scope of actions to be taken at such a special meeting shall be limited to the subject matter(s) described in the notice.
 - b. If the special meeting of the Synod Assembly is required for the purpose of electing a successor bishop because of death, resignation, or inability to serve, the special meeting shall be called by the presiding bishop of the Evangelical Lutheran Church in America in cooperation with the Synod Council.
- S7.13.** Notice of the time and place of all meetings of the Synod Assembly shall be given by the secretary of this synod.
- S7.14.** One-half 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 ordained ministers under call on the roster of this synod in attendance at this Synod Assembly shall be voting members.
 - b. All associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers, under call, on the official lay rosters of this synod shall have both voice and vote as lay voting members in the Synod Assembly, in addition to the voting membership of lay members of congregations provided in item †S7.21.c.
 - 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 this synod, normally one of whom shall be male and one of whom shall be female, 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, 50 percent of the lay members of the assembly shall be female and 50 percent shall be male. Additional members from each congregation normally shall be equally divided between male and female.
 - d. Voting membership shall include the officers of this synod.
- S7.22.** The synod may establish processes that permit retired ordained ministers, retired associates in ministry, retired deaconesses, and retired diaconal ministers on the roster of this synod to serve as voting members of the Synod Assembly, consistent with †S7.21.c. above. The synod may establish processes that permit ordained ministers, associates in ministry, deaconesses, and diaconal ministers who are on leave from call, or those

designated as disabled, on the roster of the synod to serve as voting members of the Synod Assembly, consistent with †S7.21.c. above. If the synod does not establish processes to permit the rostered leaders specified above to serve as voting members, they shall have voice but not vote in the meetings of the Synod Assembly.

S7.23. The presiding bishop of the Evangelical Lutheran Church in America and such other official representatives of this church as may be designated from time to time by the Church Council shall also have voice but not vote in the meetings of the Synod Assembly. Like privileges shall be accorded to those additional persons whom the Synod Assembly or the Synod Council shall from time to time designate.

S7.24. Ordained ministers under call on the roster 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 roster of ordained ministers of this synod. Associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers of this church serving under call on the roster 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 official lay roster of this synod. Lay members of the Synod Assembly representing congregations shall continue as such until replaced by the election of new members or until they have been disqualified by termination of membership. Normally, congregations will hold elections prior to each regular meeting of the Synod Assembly.

†**S7.25.** Except as otherwise provided in this constitution or in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, each voting member of the Synod Assembly shall be a voting member of a congregation of this synod.

S7.26. This synod may establish processes through the Synod Council that permit representatives of mission settings formed with the intent of becoming recognized congregations and authorized worshiping communities of the synod, which have been authorized under ELCA bylaw 10.02.03., 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 an ordained minister 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 ordained minister's service in a congregation of this church.

S7.28. Duly elected voting members of the Synod Council who are not otherwise voting members of the Synod Assembly under †S7.21. shall be granted the privilege of both voice and vote as members of the Synod Assembly.

- †S7.31. Proxy and absentee voting shall not be permitted in the transaction of any business of this synod.
- S7.32. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of the Synod Assembly, unless otherwise ordered by the assembly.
- S7.33. “*Ex officio*” as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

Chapter 8. OFFICERS

- †S8.01. The officers of this synod shall be a bishop, a vice president, a secretary, and a treasurer.
- S8.10. **Bishop**
- †S8.11. The bishop shall be elected by the Synod Assembly. The bishop shall be a pastor who is an ordained minister of the Evangelical Lutheran Church in America.
- †S8.12. As this synod's pastor, the bishop shall be an ordained minister of Word and Sacrament who shall:
- a. Preach, teach, and administer the sacraments in accord with the Confession of Faith of this church.
 - b. Have primary responsibility for the ministry of Word and Sacrament in this synod and its congregations, providing pastoral care and leadership for this synod, its congregations, its ordained ministers, and its other rostered leaders.
 - c. Exercise solely this church's power to ordain (or provide for the ordination by another synodical bishop of) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ordained ministry (and as provided in the bylaws of the Evangelical Lutheran Church in America).
 - d. Commission (or provide for the commissioning of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as associates in ministry; consecrate (or provide for the consecration of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as deaconesses; and consecrate (or provide for the consecration of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as diaconal ministers of this church.
 - e. Attest letters of call for persons called to serve congregations in the synod, letters of call for persons called by the Synod Council, and letters of call for persons on the rosters of this synod called by the Church Council.

- f. Install (or provide for the installation of):
 - 1) the pastors of all congregations of this synod;
 - 2) ordained ministers called to extraparish service within this church; and
 - 3) persons serving in the other rostered ministries within this synod.
- g. Exercise leadership in the mission of this church and in so doing:
 - 1) Interpret and advocate the mission and theology of the whole church;
 - 2) Lead in fostering support for and commitment to the mission of this church within this synod;
 - 3) Coordinate the use of the resources available to this synod as it seeks to promote the health of this church's life and witness in the areas served by this synod;
 - 4) Submit a report to each regular meeting of the Synod Assembly concerning the synod's life and work; and
 - 5) Advise and counsel this synod's related institutions and organizations.
- h. Practice leadership in strengthening the unity of the Church and in so doing:
 - 1) Exercise oversight of the preaching, teaching, and administration of the sacraments within this synod in accord with the Confession of Faith of this church;
 - 2) Be responsible for administering the constitutionally established processes for the resolution of controversies and for the discipline of ordained ministers, other rostered leaders, and congregations of this synod;
 - 3) Be the chief ecumenical officer of this synod;
 - 4) Consult regularly with other synodical bishops and the Conference of Bishops;
 - 5) Foster awareness of other churches throughout the Lutheran world communion and, where appropriate, engage in contact with leaders of those churches;
 - 6) Cultivate communion in faith and mission with appropriate Christian judicatory leaders functioning within the territory of this synod; and
 - 7) Be *ex officio* a member of the Churchwide Assembly.
- i. Oversee and administer the work of this synod and in so doing:
 - 1) Serve as the president of the synod corporation and be the chief executive and administrative officer of this synod, who is authorized and empowered, in the name of this synod, to sign deeds or other instruments and to affix the seal of this synod;

- 2) Preside at all meetings of the Synod Assembly and provide for the preparation of the agenda for the Synod Assembly, Synod Council, and the council's Executive Committee;
- 3) Ensure that the constitution and bylaws of the synod and of the churchwide organization are duly observed within this synod, and that the actions of the synod in conformity therewith are carried into effect;
- 4) Exercise supervision over the work of the other officers;
- 5) Coordinate the work of all synodical staff members;
- 6) Appoint all committees for which provision is not otherwise made;
- 7) Be a member of all committees and any other organizational units of the synod, except as otherwise provided in this constitution;
- 8) Provide for preparation and maintenance of synodical rosters containing:
 - a) the names and addresses of all ordained ministers of this synod and a record of the calls under which they are serving or the date on which they become retired or disabled; and
 - b) the names and addresses of all other rostered persons of this synod and a record of the positions to which they have been called or the date on which they become retired or disabled;
- 9) Annually bring to the attention of the Synod Council the names of all rostered persons on leave from call or engaged in approved graduate study in conformity with the constitution and bylaws of this church and pursuant to prior action of this synod through the Synod Council;
- 10) Provide for prompt reporting to the secretary of this church of:
 - a) additions to and subtractions from the rosters of this synod and the register of congregations;
 - b) the issuance of certificates of transfer for rostered persons in good standing who have received and accepted a properly issued, duly attested, regular letter of call under the jurisdiction of another synod; and
 - c) the entrance of the names of such persons for whom proper certificates of transfer have been received;
- 11) Provide for preparation and maintenance of a register of the congregations of this synod and the names of the laypersons who have been elected to represent them; and
- 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.

S8.14. The synodical bishop may have such assistants as this synod shall from time to time authorize.

†**S8.15.** The presiding bishop of this church, or the appointee of the presiding bishop, shall install into office, in accord with the policy and approved rite of this church, each newly elected synodical bishop.

†**S8.16** **Conflicts of Interest**

†**S8.16.01.** The following procedures shall govern matters of potential conflicts of interest for synodical bishops:

- a. Whenever a synodical bishop determines that a matter of the kind described in †S8.16.01.b. may require his or her determination or action with respect to a related individual as defined in †S8.16.01.c., the synodical bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synodical 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 provision 7.46. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (†S14.13.), candidacy, reinstatement, and similar matters where determinations or actions by the synodical bishop could change, limit, restrict, approve, authorize, or deny the related individual's ministry on one of the official rosters of this church.
- c. A related individual is one who, with respect to the synodical bishop, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, or in-law (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).

S8.20. **Vice President**

†**S8.21.** The vice president shall be elected by the Synod Assembly. The vice president shall be a layperson. The vice president shall be a voting member of a congregation of this synod. The vice president shall not receive a salary for the performance of the duties of the office.

S8.22. The vice president shall chair the Synod Council.

S8.23. In the event of the death, resignation, or disability of the bishop, the vice president 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.

S8.30. Secretary

†S8.31. The secretary shall be elected by the Synod Assembly. The secretary shall be a voting member of a congregation of this synod. The secretary may be either a layperson or an ordained minister.

†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.
- b. Be authorized and empowered, in the name of this synod, to attest all instruments which require the same, and which are signed and sealed by the bishop.
- c. In consultation with the bishop, classify and arrange all important papers and documents and deposit them in the archives of this synod.
- d. Submit to the secretary of this church at least nine months before each regular Churchwide Assembly a certified list of the voting members elected by the Synod Assembly.

S8.40. Treasurer

†S8.41. The treasurer shall be elected by the Synod Assembly. The treasurer shall be a voting member of a congregation of this synod. The treasurer may be either a layperson or an ordained minister.

S8.42. The treasurer shall provide and be accountable for:

- a. Management of the monies and accounts of this synod, its deeds, mortgages, contracts, evidences of claims and revenues, and trust funds, holding the same at all times subject to the order of this synod.
- b. Investment of funds upon the authorization of the Synod Council.
- 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.
- d. Maintenance of a regular account with each congregation of this synod and informing the congregation, at least quarterly, of the status of this account.
- e. Rendering at each regular meeting of the Synod Assembly a full, detailed, and duly audited report of receipts and disbursements in the several accounts of this synod for the preceding fiscal year, together with the tabulation, for record and publication in the minutes, of the contributions from the congregations.
- 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.

S8.50. General Provisions

- †S8.51. The terms of office of the officers of this synod shall be:
- a. The bishop of this synod shall be elected to a term of six years and may be reelected.
 - b. The vice president, secretary, and treasurer of this synod shall be elected to a term of _____ years and may be reelected.
- S8.52. The terms of the officers shall begin on the first day of the _____ month following election.
- †S8.53. Each officer shall be a voting member in a congregation of this synod, except that the bishop need not be a member of a congregation of this synod at the time of election.
- †S8.54. Should the bishop die, resign, or be unable to serve, the vice president shall convene the Synod Council to arrange for the appropriate care of the responsibilities of the bishop until an election of a new bishop can be held or, in the case of temporary disability, until the bishop is able to serve again. Such arrangements may include the appointment by the Synod Council of an interim bishop, who during the vacancy or period of disability shall possess all of the powers and authority of a regularly elected bishop. The term of the successor bishop, elected by the next Synod Assembly or a special meeting of the Synod Assembly called for the purpose of election, shall be six years with the subsequent election to take place at the Synod Assembly closest to the expiration of such a term and with the starting date of a successor term to be governed by constitutional provision S8.52.
- S8.55. Should the vice president, secretary, or treasurer die, resign, or be unable to serve, the bishop, with the approval of the Executive Committee of the Synod Council, shall arrange for the appropriate care of the responsibilities of the officer until an election of a new officer can be held or, in the case of temporary disability, until the officer is able to serve again. The term of the successor officer, elected by the next Synod Assembly, shall be _____ years.
- †S8.56. The Executive Committee of the Synod Council shall determine whether an officer is unable to serve; the officer may appeal the decision of the Executive Committee by requesting a hearing before the Synod Council. A meeting to determine the ability of an officer to serve shall be called upon the request of at least three members of the Executive Committee and prior written notice of the meeting shall be given to the officer in question at least ten calendar days prior to the meeting.
- †S8.57. The recall or dismissal of an officer may be effected in accordance with the procedure established by the Committee on Appeals of the Evangelical Lutheran Church in America.

- †S8.58. If the bishop is to be temporarily absent from the synod for an extended period, the bishop, with the consent of the Synod Council, may appoint as acting bishop for such period an ordained minister of this church. Except as limited by action of the Synod Council, an acting bishop shall possess all of the powers and authority of a regularly elected bishop other than authority to ordain or to authorize the ordination of properly approved candidates for ordination.

Chapter 9.

NOMINATIONS AND ELECTIONS

- †S9.01. The Synod Assembly shall elect such officers of this synod and such other persons as the constitution and bylaws may require, according to procedures set forth in the bylaws.
- †S9.02. In all elections by the Synod Assembly, other than for the bishop, a majority of the legal votes cast shall be necessary for election.
- S9.03. There shall be a Nominating Committee consisting of _____ members who shall be appointed by the Synod Council to serve for each regular meeting of the Synod Assembly. Additional nominations may be made from the floor for all elections for which nominations are made by the Nominating Committee.
- S9.04. The bishop shall be elected by the Synod Assembly by ecclesiastical ballot. Three-fourths of the legal votes cast shall be necessary for election on the first ballot. If no one is elected, the first ballot shall be considered the nominating ballot. Three-fourths of the legal votes cast on the second ballot shall be necessary for election. The third ballot shall be limited to the seven persons (plus ties) who received the greatest number of legal votes on the second ballot, and two-thirds of the legal votes cast shall be necessary for election. The fourth ballot shall be limited to the three persons (plus ties) who receive the greatest number of legal votes on the third ballot, and 60 percent of the legal votes cast shall be necessary for election. On subsequent ballots a majority of the legal votes cast shall be necessary for election. These ballots shall be limited to the two persons (plus ties) who receive the greatest number of legal votes on the previous ballot.
- S9.05. The Nominating Committee shall nominate at least two persons for vice president; additional nominations may be made from the floor.
- S9.06. The Synod Council shall nominate two persons for secretary; additional nominations may be made from the floor.
- S9.07. The Synod Council shall nominate two persons for treasurer; additional nominations may be made from the floor.
- S9.08. In all elections, except for the bishop, the names of the persons receiving the highest number of legal votes, but not elected by a majority of the legal votes cast on a preceding ballot, shall be entered on the next ballot

to the number of two for each vacancy unfilled. On any ballot when only two names appear, a majority of the legal votes cast shall be necessary for election.

S9.09. The result of each ballot in every election shall be announced in detail to the assembly.

S9.11. The Synod Council shall elect or appoint representatives to the steering committee of its region.

†**S9.12.** Background checks and screening shall be required and completed for persons nominated as synodical officers prior to their election, if possible, or as soon as practical after their election. The specific procedures and timing of background checks and screening shall be determined by the Synod Council.

Chapter 10.

SYNOD COUNCIL

†**S10.01.** The Synod Council, consisting of the four officers of the synod, 10 to 24 other members, and at least one youth and at least one young adult, shall be elected by the Synod Assembly.

- a. Each person elected to the Synod Council shall be a voting member of a congregation of this synod, with the exception of ordained ministers on the roster of this synod who reside outside the territory of this synod. The process for election and the term of office when not otherwise provided shall be specified in the bylaws. A member of the Church Council of the Evangelical Lutheran Church in America, unless otherwise elected as a voting member of the Synod Council, may serve as an advisory member of the Synod Council with voice but not vote.
- b. The term of office of members of the Synod Council, with the exception of the officers and the youth member, shall be ____ years.

†**S10.02.** The Synod Council shall be the board of directors of this synod and shall serve as its interim legislative authority between meetings of the Synod Assembly. It may make decisions that are not in conflict with actions taken by the Synod Assembly or that are not precluded by provisions of this constitution or the constitution and bylaws of the Evangelical Lutheran Church in America.

S10.03. The functions of the Synod Council shall be to:

- a. Exercise trusteeship responsibilities on behalf of this synod.
- b. Recommend program goals and budgets to the regular meetings of the Synod Assembly.
- c. Carry out the resolutions of the Synod Assembly.
- d. Provide for an annual review of the roster of ordained ministers and of other official rosters, receive and act upon appropriate

recommendations regarding those persons whose status is subject to reconsideration and action under the constitution and bylaws of the Evangelical Lutheran Church in America, and make a report to the Synod Assembly of the Synod Council's actions in this regard.

- e. Issue letters of call to ordained ministers and letters of call to associates in ministry, deaconesses, and diaconal ministers as authorized by Chapter 7 of the constitution and bylaws of the Evangelical Lutheran Church in America.
- f. Fill vacancies until the next regular meeting of the Synod Assembly, except as may otherwise be provided in the constitution or bylaws of this synod, and determine the fact of the incapacity of an officer of this synod.
- g. Report its actions to the regular meeting of the Synod Assembly.
- h. Perform such other functions as are set forth in the bylaws of this synod, or as may be delegated to it by the Synod Assembly.

S10.04. Any proposal to appropriate funds, whether by amendment to the budget or otherwise, which is presented to a meeting of the Synod Assembly without the approval of the Synod Council, shall require a two-thirds vote for adoption.

S10.05. No elected member of the Synod Council shall receive compensation for such service.

S10.06. If a member of the Synod Council ceases to be a member in good standing on a roster of this synod, if an ordained minister, or to be a voting member of a congregation of this synod, if a layperson, the office filled by such member shall at once become vacant.

S10.07. The composition of the Synod Council, the number of its members, and the manner of their selection, as well as the organization of the Synod Council, its additional duties and responsibilities, and the number of meetings to be held each year shall be as set forth in the bylaws.

Chapter 11.

COMMITTEES

(names of other organizational units)

†**S11.01.** There shall be an Executive Committee, a Consultation Committee, a Committee on Discipline, a Mutual Ministry Committee, an Audit Committee, and such other committees as this synod may from time to time determine. The duties and functions of such committees, or any other organizational units created by this synod, and the composition and organizational structure of such units, shall be as set forth in this constitution or in the bylaws or continuing resolutions, and shall be subject to any applicable provisions or requirements of the constitution and bylaws of the Evangelical Lutheran Church in America.

†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 ordained ministers and half shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection. 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 ordained ministers and six shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection.

a. The functions of the Committee on Discipline of this synod are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

b. The terms of committee members shall be staggered so that the terms of four committee members (two clergy and two lay) expire every two years.

c. The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term.

†S11.04. The Mutual Ministry Committee shall be appointed by the Executive Committee of the Synod Council to provide support and counsel to the bishop.

†S11.05. The Audit Committee of this synod shall consist of three to six persons, none of whom are members of the synod staff. Up to half of the committee members may be Synod Council members. The Audit Committee members shall be elected by the Synod Council for a term of three years and be eligible for re-election to a second consecutive three-year term. The terms of the Audit Committee members shall be staggered. The Audit Committee shall be responsible for assisting the Synod Council in fulfilling its general oversight of the synod's accounting, financial reporting, internal control systems, and external audit processes as provided in †S15.31.

S11.10. General Provisions

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 ordained ministers on the roster 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 12.

CONFERENCES, CLUSTERS, COALITIONS, OR OTHER AREA SUBDIVISIONS

†S12.01. This synod shall establish conferences, clusters, coalitions, or other area subdivisions within its territory as specified in the bylaws. The purpose of such groupings shall be to foster interdependent relationships among congregations, institutions, and synodical and churchwide units for mission purposes.

Chapter 13.

CONGREGATIONS

†S13.01. Each congregation, except those certified as congregations of the Evangelical Lutheran Church in America by the uniting churches, prior to being listed in the register of congregations of this synod, shall adopt the *Model Constitution for Congregations* or one acceptable to this synod that is not in contradiction to the constitution and bylaws of the Evangelical Lutheran Church in America.

- a. **New congregations.** A congregation newly formed by this church and any congregation seeking recognition and reception by this church shall:
 - 1) Accept the criteria for recognition and reception as a congregation of this church, fulfill the functions of the congregation, and accept the governance provisions as provided in Chapter 9 of the ELCA constitution and bylaws.
 - 2) Adopt governing documents that include fully and without alterations the Preamble, Chapter 1, where applicable, and all required provisions of Chapters 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, and 19 in the *Model Constitution for Congregations* consistent with requirements of this constitution and the constitution of this church. Bylaws and continuing resolutions, appropriate for inclusion in these chapters and not in conflict with these required provisions in the *Model Constitution for Congregations*, the constitution of this synod, or the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, may be adopted as described in Chapters 16 and 18 of the *Model Constitution for Congregations*.
 - 3) Accept the commitments expected of all congregations of the ELCA as stated in *C6.01., *C6.02., and *C6.03. of the *Model Constitution for Congregations*.
- b. **Congregations from another church body.** If a congregation is a member of another church body, the leaders of the congregation first should consult with the appropriate authorities of that church body before taking action to leave its current church body. After such

consultation, leaders of the congregation should make contact with the ELCA synod bishop or staff where the congregation is located.

- c. **Recognition and reception.** Recognition and reception into this church of transferring or independent congregations by the Evangelical Lutheran Church in America is based on the judgment of the synod and action by the synod through the Synod Council and Synod Assembly. The synod bishop shall provide for prompt reporting of such additions to the secretary of this church for addition to the register of congregations.

†S13.02. It shall be the responsibility of each congregation of this synod annually to 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. The number of persons to be elected by each congregation and other qualifications shall be as prescribed in guidelines established by this synod.

S13.11. When a pastor or when an associate in ministry, deaconess, or diaconal minister resigns, the Congregation Council shall receive the letter of resignation, report it to the congregation, and at once notify the bishop of this synod.

S13.12. A congregation under financial obligation to its former pastor or associate in ministry, deaconess, or diaconal minister shall make satisfactory settlement of the obligation before calling a successor.

†S13.19. A congregation considering a relocation shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.

†S13.20. A congregation considering development of an additional site to be used regularly for worship shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the churchwide organization before any steps are taken leading to such action.

S13.21. The alignment of congregations in pastoral charges, and all alterations in any alignment, shall be subject to approval by the Synod Assembly or by the Synod Council.

†S13.22. Each congregation of the Evangelical Lutheran Church in America within the territory of this synod, except those which are in partnership with the Slovak Zion Synod, shall establish and maintain a relationship with this synod.

†S13.23. Provision 9.71. of the ELCA constitution shall govern the relationship of this synod and a congregation of this synod regarding the property of the congregation. This synod may transfer or convey property to a congregation of the synod, subject to restrictions accepted by the congregation,

including provision that if the Synod Council, in its sole and exclusive discretion, determines (1) that the property is not being used to serve the mission and ministry needs of this church, or (2) that the congregation has transferred, encumbered, mortgaged, or in any way burdened or impaired any right, title, or interest in the property without the prior approval of the Synod Council, then title to the property shall revert to the synod, and the congregation, upon written demand, shall reconvey the property to the synod.

S13.24. If any congregation of this synod has disbanded, or if the members of a congregation agree that it is no longer possible for it to function as such, or if it is the opinion of the Synod Council that the membership of a congregation has become so scattered or so diminished in numbers as to make it impractical for such a congregation to fulfill the purposes for which it was organized or that it is necessary for this synod to protect the congregation's property from waste and deterioration, the Synod Council, itself or through trustees appointed by it, may take charge and control of the property of the congregation to hold, manage, and convey the same on behalf of this synod. The congregation shall have the right to appeal the decision to the Synod Assembly.

S13.25. This synod may temporarily assume administration of a congregation upon its request or with its concurrence.

S13.30. Discipline

†**S13.31.** Congregations and members of congregations are subject to discipline in accordance with the provisions of Chapter 20 of the ELCA constitution and bylaws.

S13.40. Synodically Authorized Worshiping Communities

S13.41. Authorized worshiping communities, acknowledged under criteria, policies, and procedures approved by the Church Council of the Evangelical Lutheran Church in America, shall accept and adhere to the Confession of Faith and Statement of Purpose of this church, shall be served by leadership under the criteria of this church, and shall be subject to the discipline of this church.

Chapter 14.

ORDAINED MINISTERS AND LAY ROSTERED MINISTERS

†**S14.01.** The time and place of the ordination of those persons properly called to congregations or extraparish service of this synod shall be authorized by the bishop of this synod.

†**S14.02.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,

a. Every ordained minister shall:

1) preach the Word;

- 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care; and
 - 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
- b. Each ordained minister with a congregational call shall, within the congregation:
- 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) supervise all schools and organizations of the congregation;
 - 3) install regularly elected members of the Congregation Council; and
 - 4) with the council, administer discipline.
- c. Every pastor shall:
- 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
 - 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
 - 4) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of this ELCA synod.

S14.03. 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.

S14.04. Whenever members of a congregation move to such a distance that regular attendance at its services becomes impractical, it shall be the duty of the pastor to commend them, upon their consent, to the pastoral care of a Lutheran congregation nearer to their place of residence.

S14.05. Each ordained minister 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.

†**S14.11.** When a congregation of this church desires to call a pastor or a candidate for the pastoral office in the ordained ministry of this church:

- a. Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective pastor.
- b. For issuance of a letter of call to a pastor or pastoral candidate by a congregation of this synod in accord with ELCA constitutional provision 7.41., a two-thirds majority ballot vote shall be required of members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.
- c. When the congregation has voted to issue a call to a prospective pastor, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.

S14.12. No ordained minister shall accept a call without first conferring with the bishop of this synod. An ordained minister shall respond with an answer of acceptance or declination to a letter of call within 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the chair of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.

- †**S14.13.**
- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in that congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
 - 4) the physical or mental incapacity of the pastor;
 - 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
 - 6) the dissolution of the congregation or the termination of a parish arrangement; or
 - 7) suspension of the congregation as a result of discipline proceedings.
 - b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of this synod, the bishop in his or her sole discretion may, or when such allegations have been brought to this synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting

members of the congregation, the bishop shall investigate such conditions personally in company with a committee of two ordained ministers and one layperson.

- c. In case of alleged physical or mental incapacity competent medical testimony shall be obtained. When such disability is evident, the bishop of this synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of this synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of this synod together with the committee described in †S14.13.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by this synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- e. If, in the course of proceedings described in †S14.13.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.
- f. If, following the appointment of the committee described in †S14.13.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of this synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).

†S14.14. Ordained ministers shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the pastor, or if there is no duly called pastor, then by the interim pastor in consultation with the Congregation Council.

†S14.15. The parochial records of each congregation shall be kept in a separate book which shall remain its property. The secretary of the congregation

shall attest to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before:

- a. installation in another field of labor, or
- b. the issuance of a certificate of dismissal or transfer.

†S14.16. The pastor shall make satisfactory settlement of all financial obligations to a former congregation before:

- a. installation in another field of labor, or
- b. the issuance of a certificate of dismissal or transfer.

†S14.17. 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 ordained ministers 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 parochial records, for the period for which the interim pastor was responsible, are in order.

†S14.18. With the approval of the synodical bishop expressed in writing, which sets forth a clear statement of the purpose to be served by such a departure from the normal rule of permanency of the call as expressed in †S14.13., a congregation may call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop of this synod or a representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of †S14.13.

S14.21. All ordained ministers under a call shall attend meetings of the Synod Assembly, and the pastors of congregations shall also attend the meetings of the conference, cluster, coalition, or other area subdivision to which the congregation belongs.

S14.30. Official Rosters of Laypersons

†S14.31. The provisions in the churchwide documents and such provisions as may be developed by the appropriate churchwide unit governing associates in ministry, deaconesses, and diaconal ministers of this church shall apply in this synod.

- a. When a congregation of this synod desires to call an associate in ministry, deaconess, or diaconal minister or a candidate for these official rosters of laypersons of this church:
 - 1) Such a congregation of this synod shall consult the synodical bishop before taking any steps leading to extending such a call.
 - 2) Issuance of such a letter of call shall be in accord with criteria, policies, and procedures developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.

- 3) When the congregation has voted to issue a call to an associate in ministry, deaconess, or diaconal minister, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.
- b. An associate in ministry, deaconess, or diaconal minister shall confer with the bishop of this synod before accepting a call within this synod.
- c. The call of a congregation, when accepted by an associate in ministry, deaconess, or diaconal minister, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the individual, shall be terminated only following consultation with the synodical bishop in accordance with policy developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.
- d. Associates in ministry, deaconesses, and diaconal ministers on the roster of this synod who are serving under call shall attend meetings of the Synod Assembly.

Chapter 15.

FINANCIAL MATTERS

- †S15.01. The fiscal year of this synod shall be February 1 through January 31.
- †S15.11. Since the congregations, synods, and churchwide organization are interdependent units that share responsibly in God's mission, all share in the responsibility to develop, implement, and strengthen the financial support program 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 and thus partnership in this church should be evidenced in determining each part's share of the gifts and offerings. Therefore:
- a. The mission of this church beyond the congregation is to be supported by such a proportionate share of each congregation's annual budget as each congregation determines. This synod shall develop guidelines for determining "proportionate share," and shall consult with congregational leaders to assist each congregation in making its determination.
 - b. This synod shall receive the proportionate share of the mission support from its congregations, and shall transmit that percentage of each congregation's mission support as determined by the Churchwide Assembly to the treasurer of the Evangelical Lutheran Church in America.
- †S15.12. The annual budget of this synod shall reflect the entire range of its own activities and its commitment to partnership funding with other synods and the churchwide organization. Unless an exception is granted upon the

request of this synod by the Church Council, each budget shall include the percentage of congregational mission support assigned to it by the Churchwide Assembly.

- S15.13.** On the basis of estimated income, the Synod Council shall authorize expenditures within the budget for the fiscal year. Expenditure authorizations shall be subject to revision, in light of changing conditions, by the Synod Council.
- S15.14.** Except when such procedure would jeopardize current operations, a reserve amounting to no more than 16 percent of the sum of the amounts scheduled in the next year's budget for regular distribution to synodical causes shall be carried forward annually for disbursement in the following year in the interest of making possible a more even flow of income to such causes. The exact number of dollars to be held in reserve shall be determined by the Synod Council.
- S15.21.** No appeal to congregations of this or any other synod of the Evangelical Lutheran Church in America for the raising of funds shall be conducted by congregations or organizations related to or affiliated with this synod without the consent of the Synod Assembly or the Synod Council.
- †**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.
- †**S15.32.** This synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.

Chapter 16.

INDEMNIFICATION

- †**S16.01.** Except as otherwise provided in this constitution, indemnification of any person who is or was made or threatened to be made a party to any proceeding is prohibited. For purposes of this chapter, the term, "proceeding," means a threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding, including a proceeding in the right of this synod or any other organization. Except as otherwise required by law, (a) the term, "proceeding," does not include a proceeding by this synod and (b) indemnification for expenses incurred in a disciplinary hearing or other proceeding described in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* shall be permitted only as provided in

†S16.05. For purposes of this chapter, the term, “indemnification,” includes advances of expenses.

- †S16.02. To the full extent permitted from time to time 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 judgments, penalties, fines, settlements, excise taxes, and reasonable attorney’s fees and disbursements 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 †S16.03.
- †S16.03. Whenever a person who, while a Synod Council member, officer, committee member, or employee of this synod, is or was serving at the request of this synod as (or whose duties in that position involve or involved service in the capacity of) a director, officer, partner, trustee, employee, or agent of another organization, is or was made or threatened to be made a party to a proceeding by reason of such capacity, then such person shall not be entitled to indemnification unless (a) the Synod Council has established a process for determining whether a person serving in the capacity described in this section shall be entitled to indemnification in any specific case, and (b) that process has been applied in making a specific determination that such person is entitled to indemnification.
- †S16.04. 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 †S16.02. or section †S16.03.
- †S16.05. When in proceedings under Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* written charges against an ordained minister or a layperson on an official roster of this church are made by the synodical bishop or written charges against a congregation are made by the Synod Council or the synodical bishop, and the discipline hearing committee determines that no discipline shall be imposed, and such determination is not reversed or set aside if an appeal is taken, then 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 decided by the Synod Council.

Chapter 17. ADJUDICATION

- †S17.01. The synodical bishop and the Executive Committee of the Synod Council shall be available to give counsel when disputes arise within this synod.
- †S17.02. The synodical bishop and the Executive Committee of the Synod Council shall receive expressions of concern from ordained ministers, associates in ministry, or other persons on the official lay rosters of this church, congregations, and organizations within this synod; provide a forum in which the parties concerned can seek to work out matters causing distress or conflict; and make appropriate recommendations for their resolution. When the matter at issue cannot be resolved in this manner, the prescribed procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to the discipline of an ordained minister or a person on the official lay rosters of this church shall not be addressed by the Executive Committee but shall be resolved through the disciplinary process set forth in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- †S17.03. When there is disagreement among units of this synod on a substantive issue that cannot be resolved by the parties, the aggrieved party or parties may appeal to the synodical bishop and the Executive Committee of the Synod Council for a consultation. If this consultation fails to resolve the issue, a petition may be addressed by the parties to the Synod Council requesting it to arbitrate the issue. The decision of the Synod Council shall be final.
- †S17.04. When a component or beneficiary of a synod has a disagreement on a substantive issue that it cannot resolve, it may address an appeal to the synodical bishop and the Executive Committee of the Synod Council. In this case the decision of the Executive Committee shall prevail, except that upon the motion of a member of the Synod Council, the decision shall be referred to the Synod Council for final action.
- †S17.10. **Adjudication in a Congregation**
- †S17.11. When there is disagreement among factions within a congregation on a substantive issue that cannot be resolved by the parties, members of a congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of this synod shall consider the matter. If the Consultation Committee of this synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

Chapter 18.

AMENDMENTS, BYLAWS, AND CONTINUING RESOLUTIONS

†S18.10. Amendments to Constitution

†S18.11. Certain sections of this constitution incorporate and record therein required provisions of the constitution and bylaws of this church. If such provisions are amended by this church, corresponding amendments shall be introduced at once into this constitution by the secretary of this synod upon receipt of formal certification thereof from the secretary of the Evangelical Lutheran Church in America.

†S18.12. Whenever the secretary of the Evangelical Lutheran Church in America officially informs this synod that the Churchwide Assembly has amended the *Constitution for Synods*, this constitution may be amended to reflect any such amendment by a simple majority vote at any subsequent meeting of the Synod Assembly without presentation at a prior Synod Assembly. An amendment that is identical to a provision of the *Constitution for Synods* shall be deemed to have been ratified upon its adoption by this synod. The Church Council, through the secretary of this church, shall be given prompt notification of its adoption.

†S18.13. Other amendments to this constitution may be adopted by this synod through either of the following procedures:

- a. An amendment may be adopted by a two-thirds vote at a regular meeting of the Synod Assembly after having been presented in writing at the previous regular meeting of the Synod Assembly over the signatures of at least _____ members and having been approved by a two-thirds vote of the voting members present and voting at such a regular meeting of the Synod Assembly.
- b. The Synod Council may propose an amendment, with notice to be sent to the congregations of this synod at least six months prior to the next regular meeting of the Synod Assembly. Such an amendment shall require for adoption a two-thirds vote of the voting members present and voting at such a regular meeting of the Synod Assembly.

All such amendments shall become effective upon ratification by the Churchwide Assembly or by the Church Council.

†S18.20. Amendments to Bylaws

†S18.21. This synod may adopt bylaws not in conflict with this constitution nor with the constitution and bylaws of this church. This synod may amend its bylaws at any meeting of the Synod Assembly by a two-thirds vote of voting members of the assembly present and voting. Newly adopted bylaws and amendments to existing bylaws shall be reported to the secretary of this church.

†**S18.30. Amendments to Continuing Resolutions**

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



**Evangelical Lutheran
Church in America**

God's work. Our hands.

**MODEL CONSTITUTION
FOR
CONGREGATIONS
OF THE
EVANGELICAL LUTHERAN
CHURCH IN AMERICA®**

2009

INTRODUCTION

The *Model Constitution for Congregations of the Evangelical Lutheran Church in America* originally was adopted by the Constituting Convention of this church in Columbus, Ohio, on April 30, 1987. This was done as required by the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

This current edition of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* contains changes adopted by the 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, 2005, 2007, and 2009 Churchwide Assemblies.

The model is consistent with the requirements of the constitutional governing documents of the ELCA's churchwide organization and synods.

► **Required provisions:** Sections of this constitution marked by an asterisk [*] are required when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (neither additions nor deletions). This is in keeping with provision 9.52. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This provision stipulates that when a congregation of this church “wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b.” in the churchwide constitution. The provisions herein marked by an asterisk are those that are indicated as required in ELCA constitutional provision 9.25.b.

► **Review by synod:** In keeping with provisions that apply to all congregations of this church, each congregation is to provide a copy of its governing documents to the synod. As specified by ELCA bylaw 9.53.03. (numbering as listed in the 1991 and subsequent editions):

All proposed changes in the constitution or incorporation documents of a congregation shall be referred to the synod with which the congregation is affiliated. The synod shall approve or

disapprove the proposed changes within 120 days of receipt thereof, and shall notify the congregation of its decision; in the absence of a decision, the changes shall go into effect.

► **Codification explanation:** A numerical codification indicates (a) general subject, (b) constitutional provisions, (c) bylaws, and (d) continuing resolutions.

- a. Major sectors are designated as chapters. The chapter designation becomes the first number in the codification sequence and is followed by a period. Thus, provisions in “Chapter 8. Membership” are preceded by “8.”
- b. Constitutional provisions are codified with two sets of numbers: the chapter number and a two-digit number preceding the second period in the codification. Thus, one constitutional provision related to “Membership” is codified *C8.02.
- c. Bylaw provisions are codified with three sets of numbers: the chapter number, the related constitutional provision number, and a two-digit number. Thus, one bylaw provision related to “Membership” would be codified C8.02.01. Because bylaws and continuing resolutions normally are so specifically related to details of each congregation’s organization, operation, and life, no model set of bylaws or continuing resolutions is provided. Each congregation may develop its own bylaws and continuing resolutions, but no such bylaws or continuing resolutions may conflict with this constitution, the constitution and bylaws of the Evangelical Lutheran Church in America, and the constitution of the synod, as indicated in *C6.03.e.
- d. The Congregation Council may adopt “continuing resolutions,” which may provide descriptions of operational patterns or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation. Within the governing documents of a congregation, continuing resolutions are the provisions most easily amended. Unlike constitutional provisions and bylaws, continuing resolutions may be updated regularly by the Congregation Council without the necessity of calling a regular or special Congregation Meeting. Continuing resolutions also are codified with three sets of numbers except that the third set is preceded by a capital letter. Thus, a continuing resolution might be numbered C13. to designate the chapter; C13.07. to designate the subject matter within the chapter; and the third set might be numbered A07. in the codification C13.07.A07. to indicate by the “A” that it is the first continuing resolution regarding that subject and to indicate by the “07” that it was adopted in 2007.

► **Ease of use:** The provisions of your congregation’s constitution, the bylaws, and the continuing resolutions that pertain to the same matter should be placed together for clarity and ease in use.

If chapter numbers are considered the major sequence number, constitution numbers as a fraction of the chapter number, and bylaw numbers as a fraction of the constitution number, then the codification can be said to provide a progressive sequence. Thus, *C5.01. will precede C5.03.10., and C9.11.16. will precede *C9.13.

All provisions in the *Model Constitution for Congregations* are prefaced with “C” to distinguish these provisions from comparable ones in the synodical and churchwide constitutions.

► **Missing numbers:** As you work with the *Model Constitution for Congregations*, you may notice that certain numbers seem to be missing from the numbering sequence in some chapters. That is intentional. In the style followed here, the number “.10.” and multiples thereof have been reserved for possible use as section headings in future editions. Therefore, in the sequence, for example, of Chapters 1, 9, and 12, these “.10.” numbers do not appear.

► **Selection of options:** Alternatives are provided in certain places within the model. Those are noted by square brackets. For example, *C9.01. offers the alternative of election of a call committee by the congregation or by the Congregation Council. One alternative should be chosen in each instance where square brackets appear in the text.

Optional texts are provided in separate paragraphs in Chapters 11 and 12 regarding the Congregation Council and its membership. Each congregation will need to select one of those options for council membership or a variation thereof, subject to approval through the synod’s constitutional review process.

► **References to church:** In the governing documents, “Church” with a capital letter is used in references to the one, holy, catholic, and apostolic Church. In references to the Evangelical Lutheran Church in America, the words “church” and “this church” in lower case letters are employed, although, for clarity in this constitution, the full name or “ELCA” normally is used.

The specific congregation may be identified, as provided in C1.02., as “this congregation.”

► **Guidelines:** A list of guidelines for a congregation engaging in review and amendment of its constitution is available through each synod office and on the ELCA Web site (www.elca.org/secretary/Constitutions/ModelGuide.pdf).

The task of amending a constitution is not easy. It is, however, an important endeavor that merits thoughtful work. In your constitutional responsibilities, God grant you wisdom, mutual love, clear understanding of good order, and commitment to the unity of this church in faithful witness to our Lord and Savior, Jesus Christ.

DAVID D. SWARTLING
Secretary
Evangelical Lutheran Church in America

September 4, 2009

MODEL CONSTITUTION
for
CONGREGATIONS
of the
EVANGELICAL LUTHERAN
CHURCH IN AMERICA®

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***PREAMBLE**

We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit through the Gospel, desiring to unite together to preach the Word, administer the sacraments, and carry out God’s mission, do hereby adopt this constitution and solemnly pledge ourselves to be governed by its provisions. In the name of the Father and of the Son and of the Holy Spirit.

Chapter 1.

NAME AND INCORPORATION

- C1.01.** The name of this congregation shall be _____.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of _____ (*Insert full legal name*) is hereinafter designated as “this congregation.”
- C1.11.** This congregation shall be incorporated under the laws of the State of _____.

Chapter 2.

CONFESSION OF FAITH

- *C2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- *C2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
- a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.

* Required provision

- b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
 - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- *C2.03. This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
 - *C2.04. This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
 - *C2.05. This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
 - *C2.06. This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
 - *C2.07. This congregation confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 3.

NATURE OF THE CHURCH

- *C3.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- *C3.02. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

Chapter 4.

STATEMENT OF PURPOSE

- *C4.01.** The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- *C4.02.** To participate in God's mission, this congregation as a part of the Church shall:
 - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- *C4.03.** To fulfill these purposes, this congregation shall:
 - a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
 - b. Provide pastoral care and assist all members to participate in this ministry.
 - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
 - d. Teach the Word of God.
 - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
 - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.

- g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
 - h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
 - i. Foster and participate in ecumenical relationships consistent with churchwide policy.
- *C4.04.** This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. [Such descriptions shall be contained in continuing resolutions in the section on the Congregation Council.]
- *C4.05.** This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.

Chapter 5.

POWERS OF THE CONGREGATION

- *C5.01.** The powers of this congregation are those necessary to fulfill its purpose.
- *C5.02.** The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.
- *C5.03.** Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:
- a. call a pastor as provided in Chapter 9;
 - b. terminate the call of a pastor as provided in Chapter 9;
 - c. call or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
 - d. adopt amendments to the constitution, as provided in Chapter 17, and amendments to the bylaws, as specified in Chapter 16.
 - e. approve the annual budget;
 - f. acquire real and personal property by gift, devise, purchase, or other lawful means;
 - g. hold title to and use its property for any and all activities consistent with its purpose;
 - h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
 - i. elect its [officers][,] [and] Congregation Council, [boards, and committees,] and require [them] [the members of the council] to carry

out their duties in accordance with the constitution[,], [and] bylaws[,]
[and continuing resolutions]; and

- j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

***C5.04.** This congregation shall choose from among its voting members laypersons to serve as voting 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. The number of persons to be elected by the congregation and other qualifications shall be as prescribed in guidelines established by the (insert name of synod) of the Evangelical Lutheran Church in America.

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

Chapter 6.

CHURCH AFFILIATION

***C6.01.** This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the (insert name of synod) Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.

***C6.02.** This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.

***C6.03.** This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:

- a. This congregation agrees to be responsible for its life as a Christian community.
- b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
- c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod.
- d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that

all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.

- *C6.04.** Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:
- a. This congregation takes action to dissolve.
 - b. This congregation ceases to exist.
 - c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
 - d. This congregation follows the procedures outlined in *C6.05.
- *C6.05.** This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:
- a. A resolution indicating the desire of this congregation to terminate its relationship must be adopted at a legally called and conducted special meeting of this congregation by a two-thirds majority of the voting members present.
 - b. The secretary of this congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the resolution to voting members of this congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
 - c. The bishop of the synod shall consult with this congregation during a period of at least 90 days.
 - d. If this congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the bishop of the synod or an authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.
 - e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between this congregation and the Evangelical Lutheran Church in America shall be terminated.
 - f. Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.
 - g.¹ Since this congregation was a member of the Lutheran Church in America, it shall be required, in addition to the foregoing provisions

¹ *This provision is to be used in the constitutions of all congregations that formerly were a part of the Lutheran Church in America, in accord with provision 9.62.g. in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.*

in *C6.05., to receive synodical approval before terminating its membership in the Evangelical Lutheran Church in America.

h.² Since this congregation was established by the Evangelical Lutheran Church in America, it shall be required, in addition to the foregoing provisions in *C6.05., to receive synodical approval before terminating its membership in the Evangelical Lutheran Church in America.

***C6.06.** If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.

***C6.07.** If this congregation considers developing an additional site to be used regularly for worship, it shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the churchwide organization before any steps are taken leading to such action.

Chapter 7.

PROPERTY OWNERSHIP

***C7.01.** If this congregation ceases to exist, title to undisposed property shall pass to the (insert name of synod) Synod of the Evangelical Lutheran Church in America.

***C7.02.** If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.

***C7.03.** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the (insert name of synod) Synod.

***C7.04.** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become

² *This provision is to be used in the constitutions of all congregations that have been established by the Evangelical Lutheran Church in America, in accord with provision 9.62.h. in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.*

independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.

C7.05. Notwithstanding the provisions of *C7.02. and *C.7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:

- a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
- b. Shall—upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the (insert name of synod)—reconvey and transfer all right, title, and interest in the property to the synod.

Chapter 8. MEMBERSHIP

***C8.01.** Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.

***C8.02.** Members shall be classified as follows:

- a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
- b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
- c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation.
- d. **Associate** members are persons holding membership in other [Lutheran] [Christian] congregations who wish to retain such membership but

desire to participate in the life and mission of this congregation, or persons who wish to retain a relationship with this congregation while being members of other congregations. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.

- *C8.03. All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.
- *C8.04. It shall be the privilege and duty of members of this congregation to:
 - a. make regular use of the means of grace, both Word and sacraments;
 - b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and
 - c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.
- *C8.05. Membership in this congregation shall be terminated by any of the following:
 - a. death;
 - b. resignation;
 - c. transfer or release;
 - d. disciplinary action by the Congregation Council; or
 - e. removal from the roll due to inactivity as defined in the bylaws.Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.

Chapter 9.

THE PASTOR

- *C9.01. Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by [this congregation][the Congregation Council] to recommend the call, shall seek the advice and help of the bishop of the synod.
- *C9.02. Only a member of the clergy roster of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.
- *C9.03. Consistent with the faith and practice of the Evangelical Lutheran Church in America,
 - a. Every ordained minister shall:
 - 1) preach the Word;
 - 2) administer the sacraments;

- 3) conduct public worship;
 - 4) provide pastoral care; and
 - 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
- b. Each ordained minister with a congregational call shall, within the congregation:
- 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) supervise all schools and organizations of this congregation;
 - 3) install regularly elected members of the Congregation Council; and
 - 4) with the council, administer discipline.
- c. Every pastor shall:
- 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
 - 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
 - 4) endeavor to increase the support given by the congregation to the work of the churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the (insert name of synod) Synod of the ELCA.

***C9.04.** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.

- *C9.05.** a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:
- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
 - 4) the physical or mental incapacity of the pastor;
 - 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;

- 6) the dissolution of the congregation or the termination of a parish arrangement; or
 - 7) suspension of the congregation as a result of discipline proceedings.
- b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of the synod, the bishop in his or her sole discretion may, or when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop shall, investigate such conditions personally in company with a committee of two ordained ministers and one layperson.
 - c. In case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of the synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
 - d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of the synod together with the committee described in *C9.05.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
 - e. If, in the course of proceedings described in *C9.05.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop, who may bring charges in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.
 - f. If, following the appointment of the committee described in *C9.05.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a

joint synodical and churchwide fund and with housing provided by the congregation(s).

- *C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.
- *C9.07.** During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.
- *C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.
- *C9.09.** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- *C9.11.** With the approval of the bishop of the synod, the congregation may depart from *C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.05.a.
- *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 the congregation;
 - b. shall submit a summary of such statistics annually to the synod; and
 - c. shall become a member of this 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.
- *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 the 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 hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.

C9.20. Ecumenical pastoral ministry

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

Chapter 10.

CONGREGATION MEETING

C10.01. The [annual][semi-annual][quarterly] meeting of this congregation shall be held at a time specified in the bylaws.

C10.02. A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of _____ [number][percent] of the voting members. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.

C10.03. Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail to all [voting] members at least 10 days in advance of the date of the meeting. The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient.

C10.04. _____ voting members shall constitute a quorum.

C10.05. Voting by proxy or by absentee ballot shall not be permitted.

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

C10.07. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

Chapter 11.

OFFICERS

C11.01. The officers of this congregation shall be a president, vice president, secretary, and treasurer.

a. Duties of the officers shall be specified in the bylaws.

- b. The officers shall be voting members of the congregation.
- c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
- d. If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council. [If the treasurer is not selected from the elected membership of the Congregation Council, the treasurer shall have voice but not vote at the meetings of the Congregation Council.]

C11.02. The [congregation][Congregation Council] shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot and shall serve for one year or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.

or

The pastor shall be *ex officio* president of the congregation and the Congregation Council. The [congregation][Congregation Council] shall elect by written ballot the other officers of the congregation who shall serve for one year or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.

or

The pastor shall be *ex officio* president of the congregation and the Congregation Council. The [congregation][Congregation Council] shall elect by written ballot the other officers of the congregation who shall serve for one year or until their successors are elected. Their terms shall begin on _____ (month and day) and end on _____ (month and day).

or

The officers shall be elected by the [congregation] [Congregation Council] by written ballot and shall serve for one year. The term shall begin on _____ (month and day) and end on _____ (month and day).

C11.03. No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

Chapter 12.

CONGREGATION COUNCIL

C12.01. The voting membership of the Congregation Council shall consist of the pastor(s)[, the officers of the congregation,] and [_____ members] [not more than _____ nor fewer than _____ members] of the congregation, at least one of whom shall be a youth and at least one of whom shall be a young adult. Any voting member of the congregation may be elected,

subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

- C12.02.** The members of the Congregation Council except the pastor(s) shall be elected by written ballot to serve for _____ years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at which they are elected.

or

The members of the Congregation Council except the pastor(s) shall be elected at a legally called meeting of the congregation during the month of _____. Their term of office shall be for _____ years, with the term of office beginning on _____ (month and day) and ending on _____ (month and day). Newly elected Congregation Council members shall be installed at worship the Sunday prior to the date they assume office.

- C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting.

- C12.04.** The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
- e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
- f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.

- g. To arrange for pastoral service during the sickness or absence of the pastor.
- h. To emphasize partnership with the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
- i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
- j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

C12.05. The Congregation Council shall be responsible for the financial and property matters of this congregation.

- a. The Congregation Council shall be the board of [trustees] [directors] of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of _____, except as otherwise provided herein.
- b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
- c. The Congregation Council may enter into contracts of up to \$ _____ for items not included in the budget.
- d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than \$ _____ in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.
- 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 benevolence monies to the synodical treasurer.
- f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.

C12.06. The Congregation Council shall see that the provisions of this constitution[,] [and] its bylaws[,] [and the continuing resolutions] are carried out.

C12.07. The Congregation Council shall provide for an annual review of the membership roster.

- C12.08.** The Congregation Council shall be responsible for the employment and supervision of the salaried lay workers of this congregation.
- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, 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.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.

Chapter 13.

CONGREGATION COMMITTEES

- C13.01.** The officers of this congregation and the pastor shall constitute the *Executive Committee*.
- C13.02.** A *Nominating Committee* of six voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive reelection.
- C13.03.** An *Audit Committee* of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for reelection.
- C13.04.** A *Mutual Ministry Committee* (in the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee) shall be appointed jointly by the president [vice president³] and the pastor. Term of office shall be two years, with three members to be appointed each successive year.
- C13.05.** When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by [this congregation] [the Congregation Council]. Term of office will terminate upon installation of the newly called pastor.

³ For use if the pastor is president of the congregation under two of the options in C11.02.

- C13.06.** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.
- C13.07.** Duties of committees of this congregation shall be specified in the [bylaws][continuing resolutions].
- C13.08.** The [senior] pastor of this congregation shall be *ex officio* a member of all committees and boards of the congregation. [The president of this congregation shall be *ex officio* a member of all committees and boards of the congregation, except the Nominating Committee.]

Chapter 14.

ORGANIZATIONS WITHIN THE CONGREGATION

- C14.01.** All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.
- C14.02.** Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council [and specified in a continuing resolution].

Chapter 15.

DISCIPLINE OF MEMBERS AND ADJUDICATION

- *C15.01.** Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in this congregation are sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps: a) private admonition by the pastor, b) admonition by the pastor in the presence of two or three witnesses, and c) citation to appear before the Congregation Council. If, for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the president (if not the pastor) or vice president shall administer such admonitions.
- *C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the cong-

regation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused. The written citation that specifies the time and place of the hearing before the Congregation Council and requests the presence of a member charged with the offense shall be sent at least ten days prior to the meeting. If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member's absence.

***C15.03.** Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of the guilt of the accused member. Should the allegations be sustained by a two-thirds majority vote of the members of the Congregation Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:

- a. censure before the council or congregation;
- b. suspension from membership for a definite period of time; or
- c. exclusion from membership in this congregation.

Disciplinary actions b. and c. shall be delivered to the member in writing.

***C15.04.** The member against whom disciplinary action has been taken by the Congregation Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.

***C15.05.** Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt of a) evidence that injustice has been done or b) evidence of repentance and amendment.

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

***C15.07.** No member of a congregation shall be subject to discipline for offenses that the Congregation Council has previously heard and decided, unless so ordered by the Synod Council after an appeal.

***C15.10. Adjudication**

***C15.11.** When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the

synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

Chapter 16.

BYLAWS

- *C16.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- *C16.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those voting members present and voting.
- *C16.03. Changes to the bylaws may be proposed by any voting member provided, however, that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose and that the Congregation Council notify the congregation's members by mail of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting.
- *C16.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 17.

AMENDMENTS

- *C17.01. Unless provision *C17.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least _____ voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members by mail of the proposal together with the council's recommendations at least 30 days in advance of the meeting.
- *C17.02. An amendment to this constitution, proposed under *C17.01., shall:
 - a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;
 - b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and

c. have the effective date included in the resolution⁴ and noted in the constitution.

***C17.03.** Any amendments to this constitution that result from the processes provided in *C17.01. and *C17.02. shall be sent by the secretary of this congregation to the synod. The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America or the constitution of the (insert name of synod) Synod of the ELCA.

***C17.04.** 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—by a simple majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail notice to the congregation of such an amendment or amendments, together with the council’s recommendations, at least 30 days prior to the meeting. Upon the request of _____ voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Chapter 18.

CONTINUING RESOLUTIONS

***C18.01.** The congregation in a legally called meeting or the Congregation Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.

***C18.02.** Continuing resolutions shall be enacted or amended by a majority vote of a meeting of the congregation or a two-thirds vote of all voting members of the Congregation Council.

Chapter 19.

INDEMNIFICATION

***C19.01.** Consistent with the provisions of the laws under which this congregation is incorporated, this congregation may adopt provisions providing

⁴ *Such an effective date must be stated in relation to the requirements of *C17.03. to allow time for synodical review of the amendment.*

indemnification for each person who, by reason of the fact that such person is or was a Congregation Council member, officer, employee, agent, or other member of any committee of this congregation, was or is threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding.

Chapter 20.

PARISH AUTHORIZATION

[Required provisions when congregation is part of a parish]*

- *C20.01.** This congregation may unite in partnership with one or more other congregations recognized by the synod named in *C6.01. to form a parish. Except as provided in *C20.02. and *C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to a Parish Council.
- *C20.02.** Whenever a letter of call is being recommended for extension to an ordained minister of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended to the congregation by the synodical bishop to serve the congregations of a parish, such letter of call shall be first approved by a two-thirds vote at congregational meetings of each of the congregations forming the parish. If any congregation of the parish should fail to approve extending this call, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.
- *C20.03.** Any one of the congregations of a parish may terminate the call of a pastor as provided in †S14.13.d. of the synodical constitution of the synod named in *C6.01. In such case, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.
- *C20.04.** Whenever a parish arrangement is terminated, the call of any rostered person serving that parish is terminated. Should any congregation that formerly was part of the parish arrangement desire to issue a new call to that rostered person, it may do so in accordance with the call process of this church.

