

AMENDMENTS TO THE *MODEL CONSTITUTION FOR CONGREGATIONS*
APPROVED BY THE 2022 CHURCHWIDE ASSEMBLY
[WITH RATIONALES]

Prepared by the Office of the Secretary
Evangelical Lutheran Church in America
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Following are amendments to the *Model Constitution for Congregations* that were approved by the 2022 Churchwide Assembly. Additions are underlined; deletions are ~~struck through~~.

Provisions within the *Model Constitution for Congregations* are of two types:

- **Those provisions marked with an asterisk are required when a congregation amends its governing documents.** They must be used without alteration or amendment of the text in any manner (i.e., neither additions nor deletions are permissible). Such provisions go into effect immediately upon approval by a majority vote of those voting members present and voting at any legally called meeting of the congregation, provided that they have been presented to the congregation at least 30 days prior to the meeting.
- **Provisions not marked with an asterisk are non-required provisions.** These provisions represent wording recommended by the Churchwide Assembly. If the congregation chooses to incorporate them into the congregation's constitution exactly as presented here, these provisions require a majority vote of those voting members present and voting at any legally called meeting of the congregation, provided that they have been presented to the congregation at least 30 days prior to the meeting.

If the wording of non-required provisions is altered or amended from the text presented here, the provisions must be approved at one congregation meeting by a majority vote and then must be ratified *without change* by a two-thirds vote at the next regular meeting of the congregation. (See *Model Constitution for Congregations*, *C16.04. for more detail.)

For convenience, the rationale that was presented to the Churchwide Assembly for each amendment is provided in italics following the amendment. These rationales are *not* part of the amendments with which they are associated, they are *not* part of the *Model Constitution for Congregations*, and they are *not* intended to be incorporated into the constitutions of congregations. They are here only to give context for the amendments.

The Office of the Secretary would like to express gratitude for your faithful attention to your congregation's constitution!

Chapter 4: STATEMENT OF PURPOSE

- *C4.02. To participate in God's mission, this congregation as a part of the Church shall:
[...]
- d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity, and justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, embracing and welcoming racially and ethnically diverse populations, and standing in solidarity with the poor and powerless oppressed and committing itself to their needs.

Rationale: [This amendment was proposed on the assembly floor during the 2019 Churchwide Assembly; consequently, no rationale was provided prior to the assembly.]

Chapter 6: CHURCH AFFILIATION

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

Rationale: Inclusive language.

Chapter 9: ROSTERED MINISTER

- *C9.03. Consistent with the faith and practice of the Evangelical Lutheran Church in America,
- a. Every minister of Word and Sacrament shall:
[...]
- 8) calling for justice and proclaiming God's love for the world advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations.

Rationale: [This amendment was proposed on the assembly floor during the 2019 Churchwide Assembly; consequently, no rationale was provided prior to the assembly.]

- *C9.05.** The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:
- a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the pastor's death or, following consultation with the synod bishop, for any of the following reasons:
 - [...]
 - 4) inability to conduct the pastoral office effectively in view of physical disability or mental incapacity of the pastor;
 - [...]
 - b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop, in his or her who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - [...]
 - c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon removal resumption of the disability and the restoration of the pastor to health, ability to conduct the office effectively the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.

Rationale: These changes parallel changes being made elsewhere in the Constitutions, Bylaws, and Continuing Resolutions of the ELCA. Language related to disability has been changed to reflect current understandings and to clarify that inability and incapacity to conduct the pastoral office effectively are the standard to be considered. In addition, the words "any of" have been inserted for precision, and references to the synod bishop have been made inclusive.

- *C9.12.** The pastor of this congregation:
- a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from this congregation;

Rationale: The deletion of "parochial" is for consistency of usage.

- *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.

Rationale: Inclusive language

- *C9.14.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of this congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her the secretary's hands in good order by a departing pastor before the installation of that pastor in another call or approval of a request for change in roster status.

Rationale: These changes parallel changes being made elsewhere in the Constitutions, Bylaws, and Continuing Resolutions of the ELCA. The deletion of "parochial" is for consistency of usage. The second change is for inclusive language.

- *C9.23. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
- [...]
- c. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations;

Rationale: [This amendment was proposed on the assembly floor during the 2019 Churchwide Assembly; consequently, no rationale was provided prior to the assembly.]

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

Rationale: These changes parallel changes being made elsewhere in the Constitutions, Bylaws, and Continuing Resolutions of the ELCA. Language related to disability has been changed to reflect current understandings and to clarify that inability and incapacity to conduct the pastoral office effectively are the standard to be considered. In addition, the words "any of" have been inserted for precision, and references to the synod bishop have been made inclusive.

- *C9.31. The deacon(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

Rationale: Inclusive language

Chapter 10: CONGREGATION MEETING

C10.02. A special Congregation Meeting may be called by the [senior] pastor, the Congregation Council, or the president¹ of this congregation, and shall be called by the president of this congregation upon the written request of ___ [number][percent] of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synod bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.

[New footnote]

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

Rationale: Because there are congregations where the pastor is president of the congregation, a footnote is being inserted to suggest that the vice president of the congregation might be given authority to call a special Congregation Meeting.

C10.08. This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication **or its equivalent**. To the extent permitted by state law, notice of all meetings may be provided electronically.

Rationale: This change recognizes that there are other means of providing for simultaneous communication, for those with hearing disabilities, for example.

C10.09. “Ex officio” as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

Rationale: There is often confusion surrounding the term “ex officio.” The intended meaning is that someone who is a voting member ex officio has both voice and vote because of the office that person holds. The term is often misunderstood, however, to mean that the person cannot vote.

Chapter 12: CONGREGATION COUNCIL

C12.05. The Congregation Council shall be responsible for the financial and property matters of this congregation.

[...]

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

Rationale: Because synods have different systems for receipt of mission support monies from congregations, the elimination of the word “treasurer” allows for greater flexibility.

C12.11. The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president², 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.

[New footnote]

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

Rationale: Because there are congregations where the pastor is president of the congregation, a footnote is being inserted to suggest that the vice president of the congregation might be given authority to call a special meeting of the Congregation Council.

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

Rationale: This change recognizes that there are other means of providing for simultaneous communication, for those with hearing disabilities, for example.

Chapter 13: CONGREGATION COMMITTEES

- C13.04.** *Mutual Ministry Committee(s)* (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 president¹³] and the rostered minister. Term of office shall be two years, with three members to be appointed each successive year.

[Footnote number changed]

¹³ For use if the pastor is president of the congregation under two of the options in C11.02.

Rationale: Editorial change necessitated by the addition of earlier footnotes.

- C13.08.** The [senior] pastor of this congregation shall be *ex officio* a member of all committees and boards of this congregation. [The president⁴ **[vice president]** of this congregation shall be *ex officio* a member of all committees and boards of this congregation, except the Nominating Committee.]

[New footnote]

⁴ **If the pastor is the president of the congregation, the congregation may consider selecting the vice president.**

Rationale: Because there are congregations where the pastor is president of the congregation, a footnote is being inserted to suggest that the vice president of the congregation might be granted ex officio membership on committees and boards as described.

Chapter 15: DISCIPLINE OF MEMBERS AND ADJUDICATION

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

Rationale: Change for inclusion of both rosters.

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

Rationale: This change allows congregation members in situations in which the pastor is also president of the congregation to inform the vice president of their intent to petition the synod bishop for consultation.

Chapter 16: AMENDMENTS

- *C16.02. An amendment to this constitution, proposed under *C16.01., shall:
- be approved at any legally called meeting of this congregation by a majority vote of those voting members present and voting; and
 - be ratified without change at the next regular meeting of this congregation held pursuant to C10.01. by a two-thirds vote of those voting members present and voting; and
 - ~~have the effective date included in the resolution² and noted in the constitution.~~

[Footnote also deleted]

²~~Such an effective date must be stated in relation to the requirements of *C16.03. to allow time for the synod's review of the amendment.~~

Rationale: "Regular meeting" has already been defined elsewhere in the Constitutions, Bylaws, and Continuing Resolutions of the ELCA. In addition, C10.01 is not a required provision, so it is not advisable to make reference in a required provision to a non-required provision.

- *C16.04. This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at a prior meeting of this congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to this congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of this congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of this congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following the congregation's a vote of approval.

Rationale: Change for precision. This has often been incorrectly interpreted to mean that the synod must vote to approve amendments that are designed to bring the congregation's constitution into alignment with the Model Constitution. In fact, amendments to bring any section or sections, either required or not required, into conformity with the Model Constitution go into effect immediately upon the congregation's vote to amend.

Chapter 20: PARISH AUTHORIZATION

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

Rationale: Editorial change.

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

Rationale: Editorial change.