

# Procedures for Changing a Congregation Constitution

Track 1: Summary of steps to update a constitution to be in conformity with the Model Constitution for Congregations per \*C16.04.

1. A congregation's council reviews the provisions that may be amended to bring any section of the congregation's constitution 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.
2. If the church council recommends adoption of the above, it follows the steps below.
  - a. The Church Council communicates its recommendation to the congregation and makes the provisions available for review by members at least 30 days prior to the congregational meeting.
  - b. At the duly called congregation meeting a vote on only the changes to the constitution as listed in item one (1) is taken. A simple majority is required to move forward.
  - c. The changes to bring a congregation's constitution 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 "become effective upon adoption by the congregation, \*C16.04."<sup>1</sup>
  - d. The congregation secretary forwards the newly amended constitution to the synod office.

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<sup>1</sup> Page i in the Introduction to the Model Constitution for Congregations states that, "While synod approval is not required, it is wise to work with the synod in preparing to present these amendments to the congregational meeting." While the last two sentences of \*C16.04 state, "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 a vote of approval," the sentence in the introduction makes it clear that "following a vote approval" refers to the congregation and not the Synod Council.

\*C16.04 is a bit confusing in light of \*C16.03 which requires a vote of the Synod Council to approve amendments to a congregational constitution apart from the conformity issues of \*C16.04 and that those amendments go into effect "upon notification that the synod has approved them."

Track 2: Summary of steps to update a constitution to include items not required by the Model Constitution of Congregations of the ELCA.

1. At least sixty days prior to a congregation meeting to approve a change apart from \*C16.04 a written proposal is presented to the Congregational Council.
2. If the proposal is approved by the designated number of voting members or the Congregational Council, then the steps below are followed:
  - a. The effective date of the resolution is calculated by working with the synod staff to determine an appropriate timeline for the approval process.<sup>2</sup>
  - b. The effective date is then included in the resolution and will be noted in the constitution (a footnote would be appropriate).
  - c. The Congregation Council shall notify the congregation's members of the proposal together with the council's recommendations at least 30 days in advance of a congregational meeting.
  - d. If the amendment is approved at the congregational meeting by a majority vote of those present and voting; then,
  - e. The amendment, unmodified, must be ratified at the congregation's annual meeting called in accordance with C10.01 by two-thirds vote of those voting members present and voting; then,
  - f. The amended constitution is forwarded to the synod staff which ushers it through the approval review.
  - g. The recommendation of the synod representative who reviews constitutions is forwarded to the Synod Council for approval.
  - h. Upon vote by the Synod Council, the synod staff, notifies the congregation of the Synod Council's decision to approve or disapprove the proposed changes.
  - i. If the amendments are approved, the changes shall go into effect upon notification of the synod's approval.

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<sup>2</sup> Appropriate time must be set aside for the synod to read through the amendment and review the congregation's constitution. The item will then appear on the agenda of the next Synod Council meeting. As soon as the result of the vote is known, the synod staff notifies the congregation through normal channels.

## Chart for Steps to Change a Congregation's Constitution

	To Amend to Conform to the Model Constitution	All other amendments
Written Proposal	Completed by Churchwide. Available at elca.org	A written proposal is presented to the Congregation Council at least 60 days prior to any congregation action
Action by Congregational Council?	Yes. Majority Vote	Yes. Majority vote.
Coordination with Synod		The effective date of the resolution is calculated by working with the synod staff to determine an appropriate timeline for the approval process
Effective Date Included		The effective date is included in the resolution.
Congregation notified	The Congregation Council communicates its recommendation to the congregation and makes the provisions available for review by members at least 30 days prior to the congregational meeting.	The Congregation Council shall notify the congregation's members of the proposal together with the council's recommendations at least 30 days in advance of a congregational meeting.
Congregation Meeting	At the duly called congregation meeting a vote on only the "conformity" changes to the constitution as listed  A simple majority is required to move forward.	The amendment(s) are approved at the congregation meeting.  A simple majority is required to move forward.
Next Annual Meeting of the Congregation		The amendment, unmodified, must be ratified at the annual meeting called in accordance with C10.01.  Approved by a two-thirds vote of those voting members present and voting.
To Synod Staff		The amended constitution is forwarded to the synod staff which ushers it through the approval review.
To Synod Council		The recommendation of the synod representative who reviews constitutions is forwarded to the Synod Council for approval.
Synod Council Vote		The Synod Council votes, and the result is communicated by synod staff to the congregation.
Effective Date	Upon adoption by the congregation	Upon notification of synod approval
Final Copy Forwarded to Synod Office	Congregation secretary forwards the newly amended constitution to the synod office.	Already on file