

**AMENDMENTS TO THE CONSTITUTION FOR SYNODS  
AS APPROVED BY THE 2011 CHURCHWIDE ASSEMBLY**  
OFFICIAL NOTICE OF REQUIRED PROVISIONS

Prepared by the Office of the Secretary  
Evangelical Lutheran Church in America  
September 16, 2011

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

Under †S18.11., required provisions are to be introduced at once into the synod's constitution upon this formal certification by the secretary of the Evangelical Lutheran Church in America.

Required provisions become effective immediately upon their adoption by the Churchwide Assembly and this subsequent formal notification of their adoption. Therefore, no vote of the Synod Assembly is needed for such required provisions; neither is such a vote to be taken.

Required provisions are those that are marked by a dagger (†) in this summary of amendments adopted by the 2011 Churchwide Assembly. Such required provisions may be amended only by the Churchwide Assembly.

Required provisions adopted by the 2011 Churchwide Assembly are now in force; the text of the amendments of required provisions should be incorporated immediately into your synod's constitution.

Amendments that are not required (*i.e.*, those not marked by a dagger) may be adopted by the Synod Assembly on a majority vote at one assembly under †S18.12. The Church Council, through the secretary of this church, shall be given prompt notification of adoption.

***Constitution for Synods***

†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. The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three 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 may be made herein.

†S2.02-03. No provision of this constitution shall be inconsistent with the constitution and bylaws of this church.

†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:

...

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 of the churchwide organization~~.

†S6.06. References herein to the nature of the relationship between the three 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 this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

- 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 Synod Council after consultation with the presiding bishop of the Evangelical Lutheran Church in America in cooperation with the Synod Council.
- †**S8.12.** As this synod's pastor, the bishop shall be an ordained minister of Word and Sacrament who shall:
- ...
- 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 synod; and
    - 3) persons serving in the other rostered ministries within this synod.
  - i. Oversee and administer the work of this synod and in so doing:
 

...

    - 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, and continuing resolutions of this church and pursuant to prior action of this synod through the Synod Council; . . .
- S8.23.** In the event of the death, resignation, or disability of the bishop, the vice president, after consultation with the presiding bishop of the Evangelical Lutheran Church in America, shall convene the Synod Council to arrange for the conduct of the duties of the bishop until a new bishop shall be elected or, in the case of temporary disability, until the bishop resumes full performance of the duties of the office.
- †**S8.41.** The treasurer may shall be elected by the Synod Assembly or may be appointed by the Synod Council. The treasurer shall be a voting member of a congregation of this synod. The treasurer may be either a layperson or an ordained minister.
- †**S8.51.** 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; and secretary; and treasurer of this synod shall be elected to a term of \_\_\_\_\_ years and may be reelected.
  - c. The treasurer of this synod shall be [elected] [appointed] to a \_\_\_\_\_-year term and may be reelected or reappointed.
- S8.52.** The terms of the officers shall begin on the first day of the \_\_\_\_\_ month following election or, in special circumstances, at a time designated by the Synod Council.
- †**S8.54.** Should the bishop die, resign, or be unable to serve, the vice president, after consultation with the presiding bishop of the Evangelical Lutheran Church in America, shall convene the Synod Council to arrange for the 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.
- S9.05.** The Nominating Committee shall nominate at least one two persons for vice president; additional nominations may be made from the floor.
- S9.06.** The Synod Council shall nominate at least one two persons for secretary; additional nominations may be made from the floor.
- S9.07.** If the treasurer is elected, theThe Synod Council shall nominate at least one two persons for treasurer; additional nominations may be made from the floor.

- S10.06.** If a member of the Synod Council ceases to meet the requirements of the position to which she or he was elected 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.
- S10.07.01.** To the extent permitted by state law, meetings of the Synod Council and its committees may be held electronically or by telephone conference, and notice of all meetings may be provided electronically.
- †**S12.01.** This synod ~~shall~~ may establish conferences, clusters, coalitions, ~~or other~~ area subdivisions, and networks as appropriate within its territory and in collaboration with other synods and partners as specified in the bylaws and continuing resolutions. The purpose of such groupings shall be to foster interdependent relationships for missional purposes among congregations, synods, the churchwide organization, and other partners institutions, and synodical and churchwide units for mission purposes.
- †**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: . . .
- 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 the constitutions, bylaws, and continuing resolutions 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*. . . .
- †**S14.15.** The parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members transferred or dismissed, members who have become inactive, or members excluded from the congregation shall be kept accurately and permanently. They shall remain the property of each congregation. At the time of the closure of a congregation, such records shall be sent to the regional archives 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.
- †**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.
- †**S16.02.01.** To the full extent permitted from time to time Subject to the limitations and duties imposed by law, each person who is or was made or threatened to be made a party to any proceeding by reason of the present or former capacity of that person as a Synod Council member, officer, employee, or committee member of this synod shall be indemnified against judgments, penalties, fines, settlements, excise taxes, and reasonable attorney's fees and disbursements all costs and expenses incurred by that person in connection with the proceeding. Indemnification of any person by reason of that person's capacity as a director,

officer, employee, or committee member of any other organization, regardless of its form or relationship to this synod, is subject to the provisions of section †S16.03-02.

a. The term “proceeding” means a threatened, pending, or completed lawsuit, whether civil or criminal, an administrative or investigative matter, arbitration, mediation, alternative dispute resolution, or any other similar legal or governmental action. Except as otherwise required by law, the term “proceeding” does not include (a) any action by this synod against the individual seeking indemnification, or (b) subject to †16.04., a disciplinary hearing or related process described in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

b. The term “indemnification” includes reimbursement and advances of costs and expenses for judgments, penalties, fines, settlements, excise taxes, reasonable attorneys’ fees, disbursements, and similar required expenditures.

†S16.03-02. 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 only if~~ (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.

†S16.04-03. This synod may purchase and maintain insurance on behalf of itself or any person entitled to indemnification pursuant to this chapter against any liability asserted against and incurred by this synod or by such other person in or arising from a capacity described in section †S16.02-01. or section †S16.03-02.

†S16.05-04. 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 in disciplinary proceedings under Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* by the synodical bishop or when written charges against a congregation are made in disciplinary proceedings by the Synod Council or the synodical bishop, and the discipline hearing committee determines that no discipline shall be imposed, and then if such determination is not reversed or set aside if an on 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.

†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~~ the Churchwide Assembly, 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.

†S18.21. This synod may adopt bylaws not in conflict with this constitution ~~nor~~ with the constitution and bylaws of ~~this church~~ the churchwide organization. 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.

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