Congregation Constitution 101

The Rev. Keith Fry, Executive for Office of the Secretary Administration

Mr. Dan Eppley, Manager for Official Documentation

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Constitutions of the ELCA

- *Constitution, Bylaws, and Continuing Resolutions of the ELCA*
- *Constitution for Synods*
- *Model Constitution for Congregations*

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Why a “model” constitution?

- Commitment to seeing ourselves with others as part of the one, holy, catholic, and apostolic Church
- Shared commitments
- Recognition that context matters—and context varies

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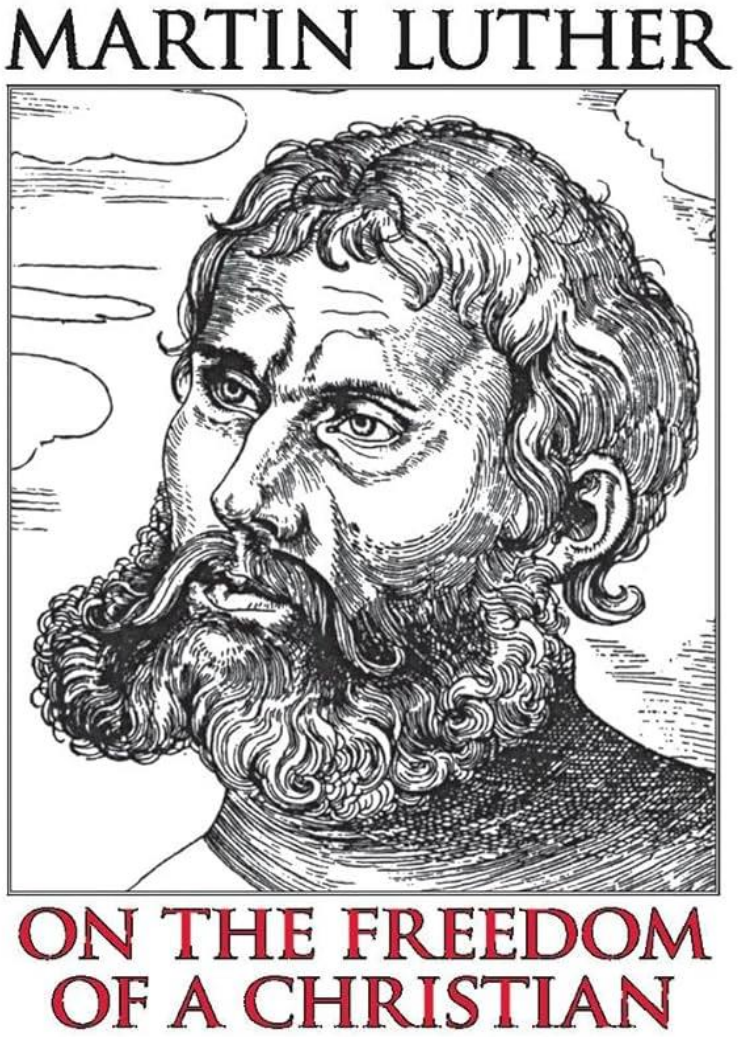
Shared commitments

- Confession of Faith
- Nature of the Church
- Statement of Purpose
- Powers of the Congregation
- Church Affiliation
- Property Ownership
- Membership
- Rostered Minister
- Discipline of Members and Adjudication
- Amendments
- Indemnification
- Parish Authorization

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Contextual Freedom

- Congregation Meeting
- Officers
- Congregation Council
- Congregation Committees
- Organizations within the Congregation



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Three Types of Constitutional Provisions

- **Required Provisions in the *Model Constitution***
  - Are preceded by an asterisk(*) and must be included as written in the *Model Constitution*
- **Recommended Provisions in the *Model Constitution***
  - Do not have an asterisk and may be used as worded in the *Model Constitution*
- **Other provisions in each congregation's constitution**
  - Not in the *Model Constitution*—Local provisions and/or altered recommended provisions to meet the needs of the local congregation

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Parts of a Constitution in Addition to Constitutional Provisions

- **Constitutional Provisions**—broadest, most basic, and most difficult to adopt or amend
- **Bylaws**—more detailed, relate to and flesh out provisions, somewhat easier to adopt or amend
- **Continuing Resolutions**—most specific, most likely to change as circumstances change, easiest to adopt and amend

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Example Showing Proper Numbering and Organization of Provisions, Bylaws, and Continuing Resolutions in a Congregation's Constitution

Chapter 10.
CONGREGATION MEETING

C10.01. This congregation shall have at least one regular meeting per year. The regular meeting of the congregation shall be held at the time specified in the bylaws. Consistent with the laws of the State of _____, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation.

C10.01.01 This is the first bylaw associated with general rules about the congregation's meetings, perhaps specifying the time at which meetings are held (for which provision **C10.01.** calls).

C10.01.02 This is the second bylaw associated with general rules about the congregation's meetings. There is no set rule for the order in which bylaws associated with a provision appear—put them in any order that seems logical to you.

C10.01.03 This is the third bylaw associated with general rules about the congregation's meetings, perhaps specifying where meetings typically are held.

C10.01.A22. This is the first continuing resolution that specifies a more detailed facet of the congregation meeting. A continuing resolution might, for example, say that the congregation's treasurer or their designee must be present at a congregation meeting if budget matters are discussed. The "A" specifies that this is the first continuing resolution associated with this provision. The "22" indicates the year in which the continuing resolution was adopted (in this case, 2022).

C10.01.B07. This is the second continuing resolution (thus "B") that specifies a more detailed facet of the congregation meeting. This continuing resolution was adopted in 2007. Note that continuing resolutions do not need to be in chronological order. Like bylaws, they can be organized in any manner that seems logical to you. Note that the bylaws are all together and come before all of the continuing resolutions. [continued on next slide]

[continued]

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 this congregation upon the written request of 10 percent of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synod bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.**

C10.02.01 This is the first bylaw associated with the calling of a special Congregation Meeting.

C10.02.02 This is the second bylaw associated with the calling of a special Congregation Meeting.

C10.02.A19. There is only one continuing resolution associated with the calling of a special Congregation Meeting. Many provisions do not have any continuing resolutions associated with them.

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 or electronic means, as permitted by state law, to all voting members at least 10 days in advance of the date of the meeting.**

C10.04. **30 percent of the 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 this congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.**

C10.06.01 This is a bylaw associated with provision **C10.06.**

C10.07. ***Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of meetings of this congregation.**

C10.07.A21. This is a continuing resolution associated with **C10.07.**

Note that a provision may have only bylaws associated with it, or only continuing resolutions, or both, or neither.

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Is your congregation's constitution up to date?

- The Churchwide Assembly meets every three years, and typically amends the *Model Constitution*
- Amending your congregation constitution following each Churchwide Assembly is recommended
- Changing context: It is wise to review your constitution periodically to make sure it still serves the needs of your current situation

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How does our congregation approve amendments to the constitution?

- Chapter 16 (provisions)
- Chapter 17 (bylaws)
- Chapter 18 (continuing resolutions)



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Adopting or Amending Provisions

- Required or Recommended Provisions used exactly as in the *Model Constitution for Congregations*
  1. Propose to voting members of the congregation at least 30 days prior to a vote
  2. Majority vote at a legally called Congregation Meeting, and new provisions are immediately in effect
  3. Notify synod

- All Other Provisions (including altered Recommended Provisions):
  1. Propose to Congregation Council at least 60 days prior to a vote and to voting members of the congregation at least 30 days prior to a vote
  2. Majority vote at initial legally called Congregation Meeting
  3. If passed, 2/3 ratification vote without change at the next regularly scheduled Congregation Meeting
  4. Send to synod for approval, and new provisions go into effect when approved by synod

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Adopting or Amending Bylaws

- All bylaws are local (There are no recommended or required bylaws in the *Model Constitution*)
- May not contradict any constitutional provision
- Must be proposed to the Congregation Council at least 60 days before a vote
- Must be proposed to voting members of the congregation at least 30 days before a vote
- 2/3 vote required at any legally called Congregation Meeting, and new bylaws are immediately in effect
- Notify synod

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Adopting or Amending Continuing Resolutions

- All continuing resolutions are local (There are no recommended or required continuing resolutions in the *Model Constitution*)
- No notice required
- May be adopted or amended by majority vote at any legally called Congregation Meeting or by 2/3 vote of the Congregation Council
- New continuing resolutions go into effect immediately
- Notify synod

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Questions



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