

Congregational Constitution and Bylaw Amendments

Each congregation of this church is to provide a copy of its governing documents, and any amendments thereto, to its synod. In accordance with ELCA bylaw 9.53.03., amendments to a congregation constitution become effective only when approved by the synod. This bylaw provides: 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 notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them. The synod shall recognize that congregations may organize themselves in a manner which they deem most appropriate. No governing document amendment will be approved by a synod if it conflicts with the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America. In order to meet constitutional requirements and to avoid potential problems, all proposed amendments to a congregation's constitutional provisions, bylaws, and continuing resolutions should be submitted to the synod for review.

Each synod has a process to review proposed amendments to congregational constitutions. The work of both congregations in amending their governing documents and the synod in reviewing proposed amendments is facilitated by consultation and cooperation before proposed amendments are acted upon by the congregation. In addition, each congregation should establish a process for periodic review of its governing documents. You are encouraged to contact your synod office to assist your congregation in its periodic review of governing document provisions and to assess whether problems may exist with respect to proposed amendments.

According to the Model Constitution for Congregations of the Evangelical Lutheran Church in America, these are the provisions given for bylaws (Chapter 16); amendments (Chapter 17); and continuing resolutions (Chapter 18):

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 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. The Congregation Council shall notify the congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.
- *C16.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 17. Amendments

- *17.01. 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 of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.

- *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 resolution 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 synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.
- *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. Such amendments may be approved 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 or electric means, as permitted by state law, 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 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.

Amending Your Congregational Constitution & Bylaws

(According to the Model Constitution for Congregations of the
Evangelical Lutheran Church in America)

Constitutional Amendments:

- 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 the congregation at a regular or special Congregation Meeting called for that purpose.
- 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 the meeting. Notification may take place by mail or electronic means, as permitted by state law.
- Constitutional amendments shall be approved at a legally called Congregation Meeting by a majority vote of those present and voting.
- Upon approval by the congregation, the church council secretary shall send any constitutional amendments to the synod.
- The synod shall notify the congregation of its decision to approve or disapprove the proposed changes and the changes shall go into effect upon notification that the synod has approved them.
- Upon receiving synod approval, amendments must be ratified without change at the next annual meeting by a two-thirds vote of those present and voting and have the effective date included in the resolution and noted in the constitution.

Constitutional Amendments which conform to the ELCA Model Constitution:

- Amendments may be made to bring any section into conformity with a section or sections of the Model Constitution for Congregations of the Evangelical Lutheran Church in America may be approved by a simple majority vote of 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 or electronic means as permitted by state law, notice to the congregation of such 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 church council secretary shall submit a copy to the synod.
- Such provisions become effective immediately following a vote of approval.

Bylaw Amendments:

- Bylaws may be adopted or amended at any legally called meeting of the congregation with a quorum present by a majority vote of those voting members present and voting.
- No bylaw may conflict with the constitution.
- Changes to the bylaws may be proposed by any voting member, provided 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.
- The Congregation Council shall notify the congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.

- Approved changes to the bylaws shall be sent by the church council secretary to the synod.

Continuing Resolutions:

- The congregation in a legally called meeting or the Congregation Council may enact continuing resolutions.
- Continuing resolutions may not conflict with the constitution or bylaws of the congregation.
- 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.