

Guide for Congregation Constitution Committees

"The basic commitments of the Evangelical Lutheran Church in America (ELCA) as well as its organizational outline, structural patterns, and rubrics or governance are reflected by this church's constitutions, bylaws, and continuing resolutions. These documents govern our life together as congregations, synods, and churchwide organization.

"We find ourselves consulting these documents again and again to guide, direct, and assist us. They express for us, as a church body, our understanding of the nature of the Church. They contain our statement of purpose and our principles of organization. They define our membership, our relationship, and our operating patterns."

The Rev. Lowell G. Almen, Past Secretary of the ELCA
Day of Commemoration for Henry Melchior Muhlenberg
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The constitution of a congregation is its most important governing document and the most difficult to amend. It sets forth in general, brief terms our confessional statements, the congregation's relationship with the ELCA and the Upper Susquehanna Synod. It defines basic structure. By its very nature some sections [i.e. confessional, relational and structural] are required and CANNOT be changed. Amending the changeable sections is a difficult and time-consuming procedure. Therefore, day-to-day and specific items for a congregation are contained in *bylaws* and *continuing resolutions*. *Bylaws* address details specific to a congregation's operation and serve as instruction to the congregation council and committees. *Continuing resolutions* address the day-to-day operations of the congregation, council and committees.

1. Why should a congregation keep the congregation up-to-date?

Congregations are a 501c3 non-profit that operate in accordance with the laws of the Commonwealth of Pennsylvania. Hence the Commonwealth oversees certain corporate functions. This includes such items as tax-exception status. As a matter of good governance, documents such as the constitution need to be kept up to date. If, for example, a congregation were sued, an out of date constitution might be seen as a sign of general neglect.

2. How often should congregation constitutions be updated?

Constitutions should be reviewed **annually**. Following the churchwide assembly, check the ELCA web site (www.elca.org/constitution), after a reasonable amount of time, for any changes made to the congregation model constitution. Other changes should be made as needed.

3. How are amendments made to the constitution?

Instructions to amend are found in Chapter 17 of the model constitution. Note there are two different methods to amendment the constitution. *C 17.01, .02 and .03 describe how to implement changes not made to the model by churchwide in assembly. *C17.04 describes amendments necessary because of changes to the model at the churchwide assembly.

4. How are amendments made to the bylaws of the constitution?

Instructions to amend are found in Chapter 16 of the model constitution. Note the preferred method to number bylaws is to position the bylaw in the section of the constitution to which it refers. For example, C10.01 specifies that the “specific time” for the annual meeting shall be stated in a bylaw. The bylaw in reference would be positioned as C10.01.01. Some congregations will also print bylaws in *italics*.

5. How are amendments made to the continuing resolutions?

Instructions to amend continuing resolutions are found in Chapter 18 of the model constitution. Note the preferred method to number continuing resolutions is to position the resolution in the section of the constitution that is referenced. Resolutions are numbered by using the section number and then adding a capital letter and the year in which it is adopted, such as A09, B09, etc.

6. What does the “*” denote in front of a section of the constitution?

Sections of this constitution marked by an asterisk [*] are **required** when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (neither additions nor deletions). This is in keeping with provision 9.52. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This provision stipulates that when a congregation of this church “wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b.” in the churchwide constitution. The provisions herein marked by an asterisk are those that are indicated as required in ELCA constitutional provision 9.25.b. **THE ONLY EXCEPTION** to this is changing the word “State” in the model to “Commonwealth” because Pennsylvania is not a state but Commonwealth.

7. Why are some numbers missing from the model?

This is intentional to leave room for future changes to the model.

8. Our congregation has not reviewed or changed the constitution for 10 years. How do we go about updating our constitution?

The easiest method is a motion to substitute one constitution for another. Start with the current model of the constitution for the congregation. Make the necessary choices where noted, add your bylaws and continuing resolutions. At the congregation meeting, adopt the newly prepared constitution in place of the current constitution.

9. We are amending the constitution with changes which do not fall under Section *C17.04. What is the proper procedure?

Prepare the changes. Submit a copy of the changes to the synod Constitution committee. The committee meets in **February, May, August and November**. All items for the meeting should be sent to the committee by the **15th of the prior month**. The committee will either approve, suggest changes, or request further work on the constitution. **After** the constitution is approved by the synod constitution committee, it is presented to the congregation for a vote of approval as noted in Section 17.

10. Please read the Introduction section of the model constitution before starting your work.

11. After the congregation votes on changes to a constitution, please remember to send a copy of the constitution to the synod office to be included in your congregational file.

12. Questions may be direct to the synod Constitution Committee via the chair at any time. A committee member is willing to meet with congregation constitution committees needing assistance.