

Constitutional Updates Without Tears

Resources

- **ELCA Model Constitution for Congregations:**
http://download.elca.org/ELCA%20Resource%20Repository/Model_Constitution_for_Congregations_2019.docx
- **ELCA Guide for the use of the model:**
http://download.elca.org/ELCA%20Resource%20Repository/Guide_for_Use_of_the_Model.pdf
- **Our synod's secretary, Jeff Pennington:**
synodsecretary@spselca.org

Kinds of Updates

- Adopting Required Provisions from the Model Constitution for Congregations *C16.04.
- Adopting Optional Provisions from the Model Constitution for Congregations *C16.04.
- Adopting Bylaws *C17.03.
- Adopting Continuing Resolutions *C18.02.
- Adopting "customized" (non-model) amendments *C16.01 - *C16.03.

Minimal Process part 1

- for non-model provisions or bylaws: proposal to council 60 days prior to congregational meeting
- for any provision or bylaw: council recommendation distributed at least 30 days before congregational meeting
- vote at congregational meeting:
 - simple majority for vote on ***model*** constitutional provisions, effective immediately (likewise CRs)
 - 2/3 vote for bylaws, effective immediately
 - simple majority on ***non-model*** constitutional provision, subsequent ratification vote and approval needed

Minimal Process part 2

- Congregation's secretary sends update to synod secretary
- For non-model constitutional provisions
 - a second "ratification" vote, with a 2/3 majority required, must take place at the ***next annual*** congregational meeting
 - changes, "tweaks", "edits" of the proposal are ***not*** permitted
 - ***cannot take effect until approved*** by the Synod Council - generally through consent calendar, on recommendation of constitution review team

Reality Sets In

"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."

(Introduction to the Model Constitution)

What do we look for in model text?

- are the required provisions present **verbatim**?
- are the blanks filled in correctly?
- has a coherent set of bracketed options been selected?
- if it's an optional provision, has it been copied **verbatim**? If not...

How do we handle "custom" text?

- if we can't figure out how the proposal differs from the model, we'll recommend using the model. This can burn a lot of time.
- Does the proposal address all the issues covered by the model? If not, we'll probably recommend addressing them.
- Frequently, the same operational goal would be more easily reached by adopting the model and then elaborating on it in bylaws. But if your congregation needs something truly different, that's your right, too.

What do we do with Bylaws?

- Are the bylaws numbered according to the convention spelled out in the *Introduction*?
- Are there bylaws corresponding to all the provisions in the proposed constitution which call for elaboration in bylaws?
- Is each bylaw consistent with the constitutional provision on which it purports to elaborate, and not in conflict with other bylaws or constitutional provisions?

Stupid Stuff that Wastes Time

- required provisions not copied verbatim
- options not selected / brackets left in
- bizarre bylaw numbering and missing provisions
- combinations of options at odds with the grammar of options
- size of council underspecified, terms of office unspecified
- inconsistent terminology / naming

Subtler Stuff

- Congregational meeting cycle other than annual
- How exactly does (e.g.) the financial secretary (if you have one) fit into the organizational structure?
- Micromanagement through the governing documents (e.g. setting meeting agenda in the constitution or bylaws, "balanced budget" rules)
- Over-constrained staggered classes of committee or council members

We're here to help!

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