



Office of the Secretary
Evangelical Lutheran Church in America
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Proposed Rules of Organization and Procedure for the 2009 Churchwide Assembly

This memorandum briefly explains the background of the proposed Rules of Organization and Procedure for the 2009 Churchwide Assembly and summarizes the history of Church Council actions in November 2008 and March 2009 with respect to the rules as they relate to the proposed recommended social statement, its implementing resolutions, and the ministry policies recommendation.

Bylaw 12.31.09. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* specifies that “[t]he Churchwide Assembly shall use parliamentary procedures in accordance with *Robert’s Rules of Order*, latest edition, unless otherwise ordered by the assembly.” Experience from previous Churchwide Assemblies has demonstrated that plenary discussion and the conduct of the assembly’s work are best served by modifying certain parliamentary rules. These modifications, as well as numerous other procedural matters not covered by *Robert’s Rules of Order*, are some of the reasons for the Rules of Organization and Procedure.

In each biennium, the Church Council submits a recommendation to the Churchwide Assembly on proposed Rules of Organization and Procedure. Voting members of the assembly act on the rules in the first plenary session. The Churchwide Assembly has the authority to accept, reject, or amend the proposed rules. The assembly’s practice has been to adopt as a group (*en bloc*) those rules that are uncontested. The contested rules then are considered by the assembly, one at a time. Individual amendments to proposed rules require a majority vote, but the adoption of rules (whether or not amended) requires a two-thirds vote, in accordance with *Robert’s Rules of Order*, which is the parliamentary authority specified in bylaw 12.31.09.

Most of the proposed Rules of Organization and Procedure have been developed and refined as a result of the experiences of the ten previous Churchwide Assemblies, as well as the experience of predecessor church bodies. Most of the suggested revisions in 2009 submitted to the Church Council in November 2008 by the Office of the Secretary through the Legal and Constitutional Review Committee were made to update or re-organize the document or to clarify an issue. Some substantive amendments were proposed, including in Part Ten: *Votes on and Amendments to Social Statements and Related Actions*.

At its November 2008 meeting, the Church Council considered draft Rules of Organization and Procedure for the 2009 Churchwide Assembly. Several proposed rules in Part Ten addressed vote margins for actions on the not-yet-released social statement and related matters. First, one rule in Part Ten references bylaw 12.12.01. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, which specifies that a

proposed social statement requires for adoption a two-thirds vote of those voting members present and voting at an assembly. This provision, because it is a bylaw, cannot be amended except through the procedures outlined in constitutional provision 22.21. Similarly, a second rule references Chapter 22 of the *Constitution, Bylaws and Continuing Resolutions* and provides that constitutional and bylaw amendments require a two-thirds vote for passage. In addition, a draft rule was included in Part Ten to require a two-thirds vote “to adopt recommendations or resolutions originating from or relating to the subject of a social statement task force report or amendments or substitute motions related to such recommendations or resolutions.” The Church Council voted to delete this provision, and also voted against another proposed amendment made from the floor to require a two-thirds vote on proposals that would change ELCA policies.

As a result of these actions taken in November 2008, the proposed Rules of Organization and Procedure for the 2009 Churchwide Assembly recommended by the Church Council do not contain provisions that address implementing resolutions or rostering recommendations. Therefore, under the parliamentary principles in *Robert's Rules of Order*, a majority vote of those members present and voting would be necessary for a Churchwide Assembly to adopt such actions, without a rule providing another vote margin or a constitutional or bylaw amendment (neither of which is proposed with respect to implementing resolutions or the ministry policies recommendation). Of course, the social statement would require a two-thirds vote under bylaw 12.12.01.

In mid-February, the text of the social statement on human sexuality, its implementing resolutions, and the ministry policies report and recommendation (consisting of four resolutions) were issued by the Task Force for ELCA Studies on Sexuality. The social statement itself was prepared and issued in response to an action of the 2001 Churchwide Assembly; its development and adoption are guided by “Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns” adopted by the 1997 Churchwide Assembly and revised by the Church Council in 2006. The ministry policies report and recommendation was prepared and will be transmitted to the Churchwide Assembly pursuant to an action taken at the 2007 Churchwide Assembly.

Since the November 2008 meeting of the Church Council, nineteen synods addressed resolutions regarding the vote required for adoption of implementing resolutions for a social statement or the ministry policies recommendation and its resolutions to the Office of the Secretary. Although the resolutions varied somewhat, most sought a two-thirds vote on some or all of the issues addressed in the social statement implementing resolutions or the ministry policies recommendation.

Upon receipt of the first five such resolutions, the Executive Committee of the Church Council assigned initial responsibility for responding to the synodical resolutions to the Legal and Constitutional Review Committee. At its meeting on March 27, 2009, the Legal and Constitutional Review Committee extensively discussed ways to respond to the synodical resolutions that the Executive Committee had referred to it and those subsequently received, and to present language for a proposed amendment to Part Ten of the Rules of Organization and Procedure for purposes of discussion by the Church Council.

The Legal and Constitutional Review Committee presented the following motion to amend something previously adopted (in accordance with Section 35 of *Robert's Rules of Order*) to the Church Council without recommendation:

To amend the action previously taken by the Church Council with respect to Part Ten of the Rules of Organization and Procedure for the 2009 Churchwide Assembly [CC08.11.37] by addition of the following paragraph:

Vote to Adopt Certain Recommendations, Resolutions, Memorials, or Other Motions Originating From or Relating to a Social Statement Task Force Report

A two-thirds vote of the voting members of the Churchwide Assembly present and voting shall be required to adopt recommendations, resolutions, memorials, or any other motions (including motions to amend or substitute motions) originating from, or relating to the subject of, a social statement task force report presented to this assembly.

After considerable discussion, the Church Council voted on March 28 against amending the proposed rules by approving this motion. The vote was 10-21 with two abstentions, Presiding Bishop Mark S. Hanson and Secretary David D. Swartling.

There were no further motions to amend Part Ten of the recommended Rules of Organization and Procedure for the 2009 Churchwide Assembly adopted or proposed by the Church Council at its March meeting. (Other amendments relating to editorial revisions and schedule changes were adopted as part of an *en bloc* action.)

The actions of the Church Council at its November 2008 and March 2009 meetings mean that the proposed Rules of Organization and Procedure for the 2009 Churchwide Assembly, which will be presented for consideration at the opening plenary of the assembly, will contain only two rules regarding vote margins in Part Ten: *Votes on and Amendments to Social Statements and Related Actions*. As indicated above, one rule references bylaw 12.12.01., which requires a two-thirds vote to adopt a social statement. The other rule synthesizes provisions in Chapter 22 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* that require a two-thirds vote to amend constitutional provisions and bylaws. Because neither of these provisions addresses the social statement implementing resolutions or the ministry policies recommendation and its four resolutions, passage of these resolutions will require a majority vote of those members present and voting under the general parliamentary principles prescribed in *Robert's Rules of Order*, unless the Churchwide Assembly adopts an additional rule requiring a two-thirds vote for them. Of course, the final form of the rules regarding vote margins in Part Ten, as well as other rules, will not be known until the Churchwide Assembly acts.

The proposed recommended Rules of Organization and Procedure for the 2009 Churchwide Assembly will be posted at the assembly Web site (www.elca.org/assembly) in early April.