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# Rules of Organization and Procedure for the 2009 Churchwide Assembly

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## Introduction

These “Rules of Organization and Procedure” serve a number of purposes. First, they bring together in one place all of the provisions of the constitution, bylaws, and continuing resolutions, as well as “standing” rules that describe the composition, functions, and responsibilities of the Churchwide Assembly. Constitutional provisions and bylaws are highlighted in gray for convenience.

Bylaw 12.31.09, in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* specifies that parliamentary procedures shall be in accordance with *Robert’s Rules of Order*, latest edition, “unless otherwise ordered by the assembly.” Experience from past Churchwide Assemblies has demonstrated that plenary discussion and the conduct of the assembly’s business are best served by modifying certain parliamentary rules of *Robert’s Rules of Order*. These modifications, as well as numerous other procedural matters not covered by *Robert’s Rules of Order*, are a second purpose of these rules.

A third purpose is to adopt as part of the Rules of Organization and Procedure provisions from continuing resolutions related to the assembly. When adopted, a two-thirds vote will be required for their amendment or suspension as pertaining to business at this assembly.

Adoption of these rules will follow the procedure required by *Robert’s Rules of Order*. The Church Council’s recommendation to adopt will be the main motion before the assembly.

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*Recommended for  
Assembly Action:*

*Two-Thirds Vote Required*

To adopt the Rules of Organization and Procedure for the 2009 Churchwide Assembly (exclusive of quoted and highlighted constitutional provisions and bylaws that already are in force):

## **PART ONE: Authority and Duties**

### ***Authority of the Churchwide Assembly***

The legislative function of the churchwide organization shall be fulfilled by the Churchwide Assembly (ELCA churchwide constitutional provision 11.31.).

The Churchwide Assembly shall be the highest legislative authority of the churchwide organization and shall deal with all matters which are necessary in pursuit of the purposes and functions of this church. The powers of the Churchwide Assembly are limited only by the provisions of the Articles of Incorporation, this constitution and bylaws, and the assembly's own resolutions (ELCA 12.11.).

Any matter for which adoption by a vote of two-thirds of those voting in a prior Churchwide Assembly was required by the constitution or bylaws of the Evangelical Lutheran Church in America shall require a two-thirds vote to be amended or repealed by a subsequent Churchwide Assembly (ELCA 12.12.).

### ***Duties of the Churchwide Assembly***

The Churchwide Assembly shall:

- a. Review the work of the churchwide officers, and for this purpose require and receive reports from them and act on business proposed by them.
- b. Review the work of the churchwide units, and for this purpose require and receive reports from them and act on business proposed by them.
- c. Receive and consider proposals from synod assemblies.
- d. Establish churchwide policy.
- e. Adopt a budget for the churchwide organization.
- f. Elect officers, board members, and other persons as provided in the constitution or bylaws.
- g. Establish churchwide units to carry out the functions of the churchwide organization.
- h. Have the sole authority to amend the constitution and bylaws.
- i. Fulfill other functions as required in the constitution and bylaws.
- j. Conduct such other business as necessary to further the purposes and functions of the churchwide organization (ELCA 12.21.).

### ***Assembly Presiding Officer***

The presiding bishop shall preside at the Churchwide Assembly (ELCA 13.21.c.).

The vice president shall serve . . . in the event the bishop is unable to do so, as chair of the Churchwide Assembly (ELCA 13.31.).

### ***Assembly Secretary***

The secretary shall be responsible for the minutes and records of the Churchwide Assembly (ELCA 13.41.02.a.).

### ***Notice of Meeting***

The secretary shall give notice of the time and place of each regular assembly by publication thereof at least 60 days in advance in this church's periodical (ELCA 12.31.02.).

Written notice shall be mailed to all voting members not more than 30 days nor less than 10 days in advance of any meeting (ELCA 12.31.02.).

### ***Agenda***

The presiding bishop shall provide for the preparation of the agenda for the Churchwide Assembly (ELCA 13.21.c.).

### ***Program and Worship***

The arrangements for agenda, program, and worship shall be under the supervision of the presiding bishop (ELCA 12.31.04.).

### ***Arrangements***

Physical arrangements for churchwide assemblies shall be made by the secretary or by an assembly manager working under the secretary's supervision. Such committees as may be necessary to facilitate the planning for and operation of the assembly may be established by the secretary in consultation with the presiding bishop (ELCA 12.31.05.).

## **PART TWO: Members of Assembly**

### ***Assembly Voting Members***

Each synod shall elect one voting member of the Churchwide Assembly for every 5,800 baptized members in the synod. In addition, each synod shall elect one voting member for every 50 congregations in the synod. The synodical bishop, who is *ex officio* a member of the Churchwide Assembly, shall be included in the number of voting members so determined. There shall be at least two voting members from each synod. The secretary shall notify each synod of the number of assembly members it is to elect (ELCA 12.41.11.).

The officers of this church and the bishops of the synods shall serve as *ex officio* members of the Churchwide Assembly. They shall have voice and vote (ELCA 12.41.21.).

The total number of voting members at the 2009 Churchwide Assembly is 1,045.

### ***Eligibility to Serve as Voting Member***

Each voting member of the Churchwide Assembly shall be a voting member of a congregation of this church . . . [and] shall cease to be a member of the

assembly if no longer a voting member of a congregation of this church within the synod from which elected. The criterion for voting membership in the congregation from which the voting member is elected shall be in effect regarding minimum age for that voting member (ELCA 12.41.13.).

**Certification of Voting Members**

The secretary of each synod shall submit to the secretary of this church at least nine months before each regular Churchwide Assembly a certified list of the voting members elected by the Synod Assembly (ELCA 12.41.12.).

**Seating of Alternate Voting Members**

If a voting member elected by the Synod Assembly is unable to serve, the name of an eligible person chosen by the Synod Council shall be submitted by the secretary of the synod to the secretary of this church . . . . If a vacancy occurs or exists within 30 days or less of the convening of the Churchwide Assembly or during the meeting of the Churchwide Assembly, the synodical bishop may submit the name of an eligible person to the secretary of this church. The individual whose name is submitted to the secretary of this church shall be registered and seated by the Credentials Committee as a voting member from the synod (ELCA 12.41.12.).

**Inclusive Representation**

Except as otherwise provided in this constitution and bylaws, the churchwide organization, through the Church Council, shall establish processes that will ensure that at least 60 percent of the members of its assemblies . . . be laypersons; that as nearly as possible, 50 percent of the lay members of these assemblies . . . shall be female and 50 percent shall be male, and that, where possible, the representation of ordained ministers shall be both female and male. At least 10 percent of the members of these assemblies . . . shall be persons of color and/or persons whose primary language is other than English (ELCA 5.01.f.).

The term, “persons of color and/or persons whose primary language is other than English,” shall be understood to mean African American, Black, Arab and Middle Eastern, Asian and Pacific Islander, Latino, American Indian, and Alaska Native people. This definition, however, shall not be understood as limiting this church’s commitment to inclusive participation in its life and work (ELCA 5.01.C00.).

**Additional Voting Members Provided**

Additional voting members have been allocated by the Church Council as follows:

	<i>Additional</i>
	<i>Members</i>
<i>Synod</i>	
Caribbean . . . . .	2

*Stipulation:* Both persons must be persons of color or whose primary language is other than English (total voting members from synod would be four: two clergy, including bishop, one lay woman and one lay man)

Alaska . . . . .	1
<i>Stipulation:</i> Must be an Alaska Native person	
Arkansas-Oklahoma . . . . .	1
<i>Stipulation:</i> Must be a person of color or a person whose primary language is other than English	
West Virginia-Western Maryland . . . . .	1
<i>Stipulation:</i> Must be a person of color or a person whose primary language is other than English	
Slovak Zion . . . . .	1
<i>Stipulation:</i> Must be a lay person	

**Assembly Properly Constituted**

Each assembly . . . of the churchwide organization . . . shall be conclusively presumed to have been properly constituted, and neither the method of selection nor the composition of any such assembly . . . may be challenged in a court of law by any person or be used as the basis of a challenge in a court of law to the validity or effect of any action taken or authorized by any such assembly . . . (ELCA 5.01.j.).

**Advisory Members**

Members of the Church Council and board chairpersons and program committee chairpersons or their designees, unless elected as voting members, shall serve as advisory members of the Churchwide Assembly. Executive directors of churchwide units, executives for sections related to the officers, presidents of separately incorporated churchwide units, the executive for administration, and executive assistants to the presiding bishop shall serve as advisory members of the Churchwide Assembly (ELCA 12.41.31.).

Advisory members shall have voice but not vote (ELCA 12.41.32.).

The president of the Lutheran Youth Organization or a designee, unless elected as a voting member, shall serve as an advisory member of the Churchwide Assembly.

**Other Non-Voting Members**

Other categories of non-voting members may be established by the Churchwide Assembly (ELCA 12.41.41.).

Presidents of the colleges, universities, and seminaries of this church, unless elected as voting members of the assembly, shall have voice but not vote (ELCA 12.41.A89.).

In addition, one faculty member of each seminary of the Evangelical Lutheran Church in America, appointed by the president, and one teaching theologian appointed by the Association of Teaching Theologians in the ELCA, shall serve as faculty resource persons with voice but not vote (ELCA 12.31.B07.).

An individual whose term of office as a bishop of a synod commences within one month of the assembly, unless elected as a voting member of the assembly, shall have the privilege of seat and voice, but not vote, during the assembly.

An individual whose term of office as a bishop of a synod either commences or expires during the course of the assembly shall have the privilege of seat and voice, but not vote, during that portion of the assembly before commencement or after termination of such term.

An individual who served as a churchwide or presiding bishop in a predecessor church body or this church, unless elected as a voting member of the assembly, shall have voice but not vote.

An individual who is an advisory member of the Church Council, unless elected as a voting member of the assembly, shall have voice but not vote (ELCA 12.41.31.).

### **Resource Members**

Resource members shall be persons recommended by the presiding bishop of this church or by the Church Council who, because of their position or expertise, can contribute to the work of the Churchwide Assembly. Resource members shall have voice only with respect to matters within their expertise, but not vote.

### **Congregation Observers**

Each congregation of the Evangelical Lutheran Church in America may register with the secretary of this church one congregation observer for the Churchwide Assembly prior to May 31 in the year of a Churchwide Assembly. Such observers shall have neither voice nor vote (ELCA 12.41.C04.).

### **Official Visitors**

Official visitors shall be persons invited by the presiding bishop of this church or the Church Council to address the Churchwide Assembly. They shall not have vote.

### **Access to Seating**

A person will be admitted to restricted seating areas only upon display of proper credentials.

### **Assembly Costs**

The churchwide organization shall be responsible for the costs of the Churchwide Assembly, including the reasonable costs for travel, housing, and board for voting and advisory members (ELCA 12.31.06.).

## **PART THREE: Quorum and Procedure**

### **Quorum**

At least one-half of all persons elected as voting members must be present at a meeting to constitute a quorum for the legal conduct of business. If such a quorum is not present, those voting members present may adjourn the meeting to another time and place, provided that only those persons eligible to vote at the original meeting may vote at the adjourned meeting (ELCA 12.31.07.).

### **Absence of Members**

Members shall not absent themselves from any session of the assembly without valid excuse, under penalty of forfeiture of the meal allowance for the day of absence and proportionate reimbursement of travel expenses.

### **Parliamentary Procedure**

The Churchwide Assembly shall use parliamentary procedures in accordance with *Robert's Rules of Order*, latest edition, unless otherwise ordered by the assembly (ELCA 12.31.09.).

(Note: the 10th edition of *Robert's Rules of Order Newly Revised*, is, therefore, the governing parliamentary law of this church, except as otherwise provided.)

No motion shall be out of order because of conflict with federal, state, or local constitutions or laws.

### **Proxy and Absentee Voting Precluded**

Proxy and absentee voting shall not be permitted at a Churchwide Assembly (ELCA 12.31.08.).

### **Obtaining the Floor**

In plenary sessions of the Churchwide Assembly, the voting members, including the *ex officio* members, have prior right to obtain the floor, unless the chair determines that it is in the best interests of the assembly to call upon an advisory member, a resource member, or another individual with voice.

### **Speeches**

Unless otherwise determined by a majority vote of the assembly, all speeches during discussion shall be limited to three minutes. A signal shall be given one minute before the speaker's time ends. A second signal shall be given one minute later, and the speaker shall then sit down.

### **Alternating Speeches**

Insofar as is possible during discussion, a speaker on one side of the question shall be followed by a speaker on the other side.

To facilitate alternating speeches, assembly members awaiting recognition at the floor microphones shall approach the appropriate microphone (marked green for those in favor of the pending matter on the floor; marked red for those opposed to the pending matter on the floor).

### **Purpose and Use of 'White Card'**

A white card, provided in the registration packet of voting members, is to be used to identify a member who wishes to offer an amendment to the pending matter, or some other motion that would be in order. Except when authorized to interrupt a speaker by *Robert's Rules of Order*, voting members seeking to bring a motion shall line up at any microphone and await recognition by the chair.

### **Motion to Rescind or Amend Something Previously Adopted at This Assembly**

A two-thirds vote of the voting members present and voting shall be required to rescind or to amend something previously adopted during this Churchwide Assembly. This rule does not apply to constitutional or bylaw amendments previously adopted by this assembly (see PART FIFTEEN: Amendments to Governing Documents *below*).

### ***Suspending or Revising the Rules***

After the adoption of the Rules of Organization and Procedure and any amendments thereto offered prior to the adoption of the Rules, any further amendment to, revision in, or suspension of; the Rules shall always require for adoption a two-thirds vote of the members present and voting.

### ***Moving the Previous Question***

A member who has spoken on the pending question(s) may not move the previous question(s).

### ***Applause***

In the give-and-take of debate on issues before the Churchwide Assembly, members of the assembly and visitors shall refrain from applause.

### ***Departing from Agenda***

With the consent of a majority of the voting members, the chair shall have the authority to call items of business before the assembly in whatever order he or she considers most expedient for the conduct of the assembly's business.

A motion to alter the agenda shall require for adoption a two-thirds vote of the voting members present and voting.

### ***Unfinished Business***

Upon adjournment of the Churchwide Assembly, all remaining unfinished items of business shall be referred to the Church Council of the Evangelical Lutheran Church in America for disposition.

### ***Audit of Credentials Report***

At the request of the chair of the Credentials Committee or of the assembly, the chair may order an audit of the report of the Credentials Committee. When so ordered, the Credentials Committee will provide the bishop of each synod with a list of the registered voting members from such synod. Each bishop (or other voting member duly appointed by the bishop) shall then make appropriate corrections on such list and certify the accuracy of the list with such corrections as may be indicated. Each bishop (or other voting member duly appointed by the bishop) shall promptly return the certified list to the chair of the Credentials Committee.

## **PART FOUR: Committees of Assembly**

### ***Mandated Committees***

The Churchwide Assembly shall have a Reference and Counsel Committee, a Memorials Committee, and a Nominating Committee (ELCA 12.51.).

### ***Reference and Counsel Committee***

A Reference and Counsel Committee, appointed by the Church Council, shall review all proposed changes or additions to the constitution and bylaws and other items submitted that are not germane to items contained in the stated agenda of the assembly (ELCA 12.51.11.).

### ***Memorials Committee***

A Memorials Committee, appointed by the Church Council, shall review memorials from synodical assemblies and make appropriate recommendations for assembly action (ELCA 12.51.21.).

### ***Nominating Committee***

A Nominating Committee, elected by the Churchwide Assembly, shall nominate two persons for each position for which an election will be held by the Churchwide Assembly and for which a nominating procedure has not otherwise been designated in the constitution and bylaws of this church (ELCA 12.51.31.).

The Nominating Committee shall strive to ensure that at least two of the voting membership of the Church Council shall have been younger than 30 years of age at the time of their election (ELCA 19.21.A98.).

The Church Council shall place in nomination the names of two persons for each position [on the Nominating Committee] (ELCA 19.21.01.).

### ***Other Committees***

The Churchwide Assembly may authorize such other committees as it deems necessary (ELCA 12.51.).

Such committees as may be necessary to facilitate the planning for and operation of the assembly may be established by the secretary in consultation with the presiding bishop (ELCA 12.31.05.).

### ***Elections Committee***

The Elections Committee shall oversee the conduct of elections in accordance with election procedures approved by the Churchwide Assembly. (See PART THIRTEEN: Elections, *below*.)

In the election for presiding bishop, vice president, or secretary, the Elections Committee shall report the results of any balloting by announcing the number of votes received by each nominee and the names of those nominees qualified to remain on the next ballot or the name of the nominee who is elected.

The Elections Committee shall report the results of balloting in other elections by announcing the name of the person elected or by announcing the names of nominees qualified to remain on the ballot. Vote totals shall be reported to the secretary of this church and recorded in the minutes of the assembly. Based on the written report of the Elections Committee, the chair shall declare elected those who received the required number of votes.

A written report showing the results of a ballot shall be distributed to the voting members concurrently with, or as soon as possible after, the announced report of the Elections Committee.

### ***Credentials Committee***

The Credentials Committee shall oversee the registration of voting members and shall report periodically to the Churchwide Assembly the number of voting members registered.

### ***Churchwide Assembly Planning Committee***

The Churchwide Assembly Planning Committee shall assist officers of this church in planning the agenda, program, worship, and arrangements at the Churchwide Assembly.

### **Minutes Committee**

The Minutes Committee shall review minutes of the Churchwide Assembly prepared under the supervision of the secretary of this church. The Minutes Committee shall review and recommend approval of the minutes to the secretary and presiding bishop. The presiding bishop and secretary shall then have the authority to approve the minutes on behalf of the Churchwide Assembly and shall deposit in the archives of this church the protocol copy of the assembly's minutes.

### **Additional Appointments**

Additional officials or committees (sergeants-at-arms, parliamentarians, chairs for hearings, chairs for unit lunches, tellers, pages, etc.) of the Churchwide Assembly shall be appointed by the presiding bishop.

## **PART FIVE: Voting Procedures**

### **Various Methods of Voting**

As directed by the chair, voting may be by electronic device, by voice, by show of hands, by standing, or by written ballot.

Each voting member's registration packet contains a ballot pad of numbered ballots. Each voting member is responsible for this pad. No replacement of ballot pads or of any numbered ballot will be made. When directed by the chair, one of the numbered ballots from the ballot pad shall be used. The chair will announce the number of the ballot from the ballot pad that is to be used for a particular vote. Failure to use the correctly numbered ballot will result in an invalid ballot. These ballots should not be folded and will be collected at the voting member's table in accordance with instructions from the Elections Committee or from the chair.

When a vote is taken by standing, those persons voting affirmative shall rise, if able to do so, when requested by the chair and remain standing until counted and told to be seated by the chair. Thereafter, those voting negatively shall respond in the same manner, followed by those who wish to abstain.

Any member who because of physical limitation cannot stand to vote should contact the Elections Committee for assistance.

### **Voting by Electronic Device**

Voting generally shall occur through use of an electronic device at each voting member's seat.

Each member shall vote only by the electronic device at his or her assigned seat.

The vote by electronic device shall be recorded by entering #1 for yes, #2 for no.

On each vote by electronic device, the member must select her or his vote by entering the appropriate key number, which number will then be shown on the display panel of the device.

A member's vote by electronic device shall be recorded before the chair orders the voting closed.

A member's vote by electronic device can be recorded and transmitted only when the green light on the device is illuminated.

While the green light on the electronic device remains illuminated and prior to transmission of the vote, a member can change his or her vote by pressing the CLEAR-ERASE key.

The member's vote by electronic device will be shown on the display panel of the device prior to the transmission of the vote. Once the vote is transmitted, it cannot be changed or corrected.

Any member who has an electronic device on which the green light does not illuminate when the chair has called for members to test their electronic devices should notify immediately the Elections Committee.

Any member who because of a physical limitation has difficulty in using the electronic device or in seeing the visual display on which voting instructions are projected should contact the Elections Committee for assistance.

Voting by electronic device shall be in accordance with instructions from the chair or the Elections Committee.

### **Division of the House**

When a division of the house is ordered, the vote shall be by electronic device, by standing vote, or by written ballot as directed by the chair. No division of the house is in order when a vote has been taken by electronic device, by a counted standing vote, or by written ballot.

## **PART SIX: Relation of Assembly to Church Council and Churchwide Units**

### **Relationship to Church Council**

This church shall have a Church Council which shall be the board of directors of this church and shall serve as the interim legislative authority between meetings of the Churchwide Assembly (ELCA 14.11.).

"Interim legislative authority" is defined to mean that between meetings of the Churchwide Assemblies, the Church Council may exercise the authority of the Churchwide Assembly so long as:

- a. the actions of the Church Council do not conflict with the actions of and policies established by the Churchwide Assembly; and
- b. the Church Council is not precluded by constitutional or bylaw provisions from taking action on the matter (ELCA 14.13.).

### **Responsibilities of Church Council**

The Church Council shall act on the policies proposed by churchwide units, subject to review by the Churchwide Assembly (ELCA 14.21.01.).

The Church Council shall review all recommendations from churchwide units for consideration by the Churchwide Assembly (ELCA 14.21.03.).

The Church Council, upon recommendation of the presiding bishop, shall submit budget proposals for approval by the Churchwide Assembly and authorize expenditures within the parameters of approved budgets (ELCA 14.21.05.).

The Church Council shall arrange the process for all elections as specified in this constitution and bylaws for churchwide units to assure conformity with established criteria (ELCA 14.21.22.).

The Church Council shall report its actions to the Churchwide Assembly (ELCA 14.21.08.).

## Status of Church Council Recommendations

The recommendation of the Church Council with respect to any proposal by a churchwide unit or any other matter shall be treated as a motion made and seconded, unless the Church Council shall otherwise determine.

## Relationship to Churchwide Units

Each unit shall be responsible to the Churchwide Assembly and will report to the Church Council in the interim. The policies, procedures, and operation of each unit shall be reviewed by the Church Council in order to assure conformity with the governing documents of this church and with Churchwide Assembly actions (ELCA 16.12.; see also 16.31.02., 16.41.03., 17.41.05., 17.51.03., 17.61.05., 17.61.A05.e.).

## Relationship to the Board of Pensions

The Churchwide Assembly shall:

- a. approve the documents governing the ELCA Pension and Other Benefits Program that have been referred by the Church Council; and
- b. refer any amendments to the ELCA Pension and Other Benefits Program initiated by the Churchwide Assembly to the Board of Pensions for recommendation before final action by the Church Council, assuring that no amendment shall abridge the rights of members with respect to their pension accumulations (ELCA 17.61.01.).

The Church Council shall: . . . refer, as it deems appropriate, proposed amendments to the ELCA Pension and Other Benefits Program to the Churchwide Assembly for final action (ELCA 17.61.02.d.).

The Board of Pensions shall manage and operate the Pension and Other Benefits Program for this church and plans for other organizations operated exclusively for religious purposes, and shall invest the assets according to fiduciary standards set forth in the plans and trusts (ELCA 17.61.A05.a.).

The Board of Pensions shall report to the Churchwide Assembly through the Church Council, with the Church Council making comments on all board actions needing approval of the Churchwide Assembly (ELCA 17.61.A05.e.).

## PART SEVEN: Resolutions and Motions

### Written Resolutions and Motions Required

Substantive resolutions or motions, or amendments to either, must be presented in writing to the secretary of this church or the secretary's deputy immediately after being moved. A form is provided for this purpose. This form is included in each voting member's registration packet; other forms are available on the tables of voting members.

### Nature of Resolutions and Motions

►**Germane Resolutions and Motions:** A germane resolution or motion is one closely related to or having bearing on the matter before the assembly. A resolution or motion that

is germane to the matter before the assembly may be offered when in order by any voting member from the floor by going to a microphone and being recognized by the chair.

►**Non-Germane Resolutions and Motions:** Any resolution or motion not germane to the matter before the Churchwide Assembly or on the assembly agenda must be submitted to the secretary of this church or the secretary's deputy in writing prior to the established deadline (see PART EIGHTEEN: Deadlines *below*). Each resolution or motion must be supported in writing by one other voting member. At least 24 hours must elapse before such resolution may be considered in plenary session. The secretary shall refer such resolution to the Reference and Counsel Committee, which may:

- (a) Recommend approval;
- (b) Recommend referral to a unit of this church;
- (c) Recommend a substitute motion to the assembly; or
- (d) Recommend that the assembly decline the proposed resolution.

►**Same or Similar Subjects:** The Reference and Counsel Committee may group together in a single recommendation resolutions or motions on the same or similar subjects. A resolution or motion on the same subject as a recommendation already on the agenda of the assembly, such as a memorial, will not be submitted to the assembly for separate action by the Reference and Counsel Committee. The chair of the committee will inform the voting member of the committee's decision.

►**Beyond Deadline for Submission:** Any resolution or motion not germane to the matter before the Churchwide Assembly or on the assembly agenda that a voting member submits because of circumstances that develop during the assembly and that cannot be submitted to the secretary of this church or the secretary's deputy prior to the established deadline (see PART EIGHTEEN: Deadlines *below*) must be submitted to the secretary in writing or the secretary's deputy and supported in writing by one other voting member. The secretary shall refer such resolutions or motions to the Reference and Counsel Committee, which may:

- (a) Decline to refer the resolution or motion to the assembly;
- (b) Recommend approval;
- (c) Recommend referral to a unit of this church;
- (d) Recommend a substitute motion to the assembly; or
- (e) Recommend that the assembly decline the proposed resolution or motion.

Consideration of a resolution or motion submitted beyond the deadline will require suspension of the rules prior to presentation of the matter to voting members by the Reference and Counsel Committee.

►**On Societal Issues:** In its recommendation, the Reference and Counsel Committee, following consultation with the Church in Society program unit, shall inform the Churchwide Assembly when a resolution or motion requires action on a societal issue for which this church does not have an established social policy. Should such resolution or motion be adopted by the Churchwide Assembly, the matter shall be referred to the Church in Society unit, which shall bring to the next regular meeting of the Church Council a plan for appropriate implementation.

### ***Substitute Motions***

When a substitute motion is made, secondary amendments may be offered first to the original motion. After all secondary amendments to the original motion have been disposed of, secondary amendments to the substitute motion may be offered. When all amendments to the substitute motion have been disposed of, the vote shall be taken on whether the substitute motion is to be substituted as the original motion or be rejected.

## **PART EIGHT: Memorials from Synodical Assemblies**

### ***Definition of Memorials***

Memorials are proposals for action involving broad policy issues submitted by synodical assemblies to the churchwide organization. Memorials from synodical assemblies are reviewed by the Memorials Committee, which makes appropriate recommendations for assembly action (ELCA 12.51.21.).

### ***Status of Committee's Recommendations***

When the Memorials Committee has recommended the passage of a memorial considered by the committee, the committee's recommendation and text of the memorial recommended for passage shall be the main motion before the assembly.

When the Memorials Committee has recommended the adoption of a substitute recommendation for the memorial(s) on a subject, the committee's recommendation shall be the main motion before the assembly.

When the Memorials Committee has recommended referral of a memorial(s), the committee's recommendation shall be the main motion before the assembly.

When the Memorials Committee has recommended that the assembly decline a memorial(s) without the committee making any other recommendation related to the same or closely related subject, the memorial, if then moved by a voting member from the synod originating the memorial and seconded, shall be the main motion, and the committee's recommendation shall be received as information.

### ***En Bloc Resolution in Response to Certain Memorials***

The responses to the synod memorials, as recommended by the Memorials Committee in a printed report distributed to assembly members prior to, or at, the first business session of the assembly, may be approved by *en bloc*<sup>1</sup> resolutions when so proposed by the Memorials Committee.

If a voting member desires the assembly to discuss a synodical memorial or the Memorials Committee's response that is proposed for *en bloc* consideration, she or he may request that it be removed from the proposed *en bloc* resolution, provided the member's request is supported by ten other voting members. Such request shall be made in accordance with the following paragraph. The assembly then will consider and vote separately on the proposed response of the Memorials Committee. After

removals, the *en bloc* resolution shall be voted upon without amendments or debate.

►**Separate Consideration:** To call for such separate consideration, a voting member must submit written notification to the secretary of this church or the secretary's deputy prior to the established deadline (*see* PART EIGHTEEN: Deadlines *below*) on the form entitled Notice Related to Recommendations of the Memorials Committee. A copy of that form is included on page three of the Report of the Memorials Committee. Additional forms will be available from the secretary's deputy.

### ***Substitute Proposal***

With respect to any recommendation made by the Memorials Committee in a printed report distributed to the assembly members prior to or at the first business session of the assembly, a voting member of the assembly may offer a substitute motion to the committee's recommendation only if such member has given written notice by the deadline. For such written notice, a voting member who desires to offer a substitute to the recommendation of the Memorials Committee must complete the form, Notice Related to Recommendations of the Memorials Committee, and submit it to the secretary of this church or the secretary's deputy prior to the established deadline (*see* PART EIGHTEEN: Deadlines *below*). In addition, the text of the proposed substitute should be submitted on a Motion Form to the secretary or the secretary's deputy.

Consultation with at least one of the co-chairs of the Memorials Committee is required when a substitute will be moved and is recommended when any other amendment will be proposed to the response recommended by the Memorials Committee.

### ***Recommendation on Same Matter***

A voting member's resolution or motion dealing with the same or similar matter as a subject being reported by the Memorials Committee cannot be considered prior to the Memorials Committee's recommendation and motion with respect to that matter. This rule does not apply to a resolution or motion that proposes an amendment to a constitutional provision, bylaw, or continuing resolution.

## **PART NINE: Recommendations of the Reference and Counsel Committee**

### ***Status of Committee's Recommendations***

When the Reference and Counsel Committee has recommended the approval of a resolution or motion considered by the committee, the committee's recommendation and text of the resolution or motion recommended for passage shall be the main motion before the assembly.

When the Reference and Counsel Committee has recommended the adoption of a substitute recommendation for the resolution(s) or motion(s) on a subject, the committee's recommendation shall be the main motion before the assembly.

When the Reference and Counsel Committee has recommended referral of a resolution(s) or motion(s), the committee's recommendation shall be the main motion before the assembly.

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<sup>1</sup>Adoption of several motions by a single assembly resolution; sometimes known as an omnibus bill or resolution.

When the Reference and Counsel Committee has recommended that the assembly decline a proposed resolution or motion without the committee making any other recommendation related to the same or a closely related subject, the voting member's resolution or motion, if then moved by that voting member and seconded, shall be the main motion and the committee's recommendation shall be received as information.

## **PART TEN: Votes on and Amendments to Social Statements and Related Actions**

### ***Definition of Social Statements***

Social statements are major documents addressing significant social issues. They meet the criteria of and are prepared in accordance with "Policies and Procedures of the Evangelical Lutheran Church in America Addressing Social Concerns," adopted by the Churchwide Assembly in 1997.

### ***Deadline for Submission***

Any amendment to a social statement, or to recommendations or resolutions concerning a social statement, must be submitted in writing to the secretary of this church or the secretary's deputy prior to the established deadline (*see* PART EIGHTEEN: Deadlines *below*).

Voting members who submit amendments may be requested to meet with the staff of the unit that developed the statement.

If in the opinion of the chair of the assembly the amendments to a social statement, or to recommendations or resolutions concerning a social statement, are either too voluminous or too complex for the assembly to consider expeditiously, all amendments may be referred by the chair to either the Reference and Counsel Committee or to an *ad hoc* committee appointed by the chair with the consent of the assembly for its recommendations for the consideration of the statement or recommendations or resolutions and the proposed amendments by the assembly.

If a voting member wishes to offer a substantive amendment that was not submitted prior to the deadline, the assembly, by a majority vote, may consent to the consideration of such an amendment.

### ***Vote to Adopt Social Statements***

A two-thirds vote of the voting members present and voting in the Churchwide Assembly shall be required for adoption of a social statement.

A social statement, which is developed by the appropriate churchwide unit and presented to the Churchwide Assembly as a proposed social statement of the Evangelical Lutheran Church in America, shall require for adoption a vote of two-thirds of those voting members present and voting in a Churchwide Assembly. The text of a proposed social statement shall be approved and recommended to the assembly by the Church Council (ELCA 12.12.01.).

## ***Vote to Adopt Certain Recommendations or Resolutions from a Social Statement Task Force Requiring Amendment of Constitutional Provisions or Bylaws***

A two-thirds vote of the voting members of the Churchwide Assembly present and voting shall be required 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 that require amendment of a constitution or bylaw provision for implementation.

## **PART ELEVEN: Votes on Proposals for Church-to-Church Agreements**

This church may establish official church-to-church relationships and agreements. Establishment of such official relationships and agreements shall require a two-thirds vote of the voting members of the Churchwide Assembly (ELCA 8.71.).

Each church body votes on a relationship of full communion using the same resolution. Amendments to a resolution establishing full communion, therefore, are not in order.

## **PART TWELVE: Nominations**

### ***Nominations Desk***

Nominations from the floor at the Churchwide Assembly shall be made at the Nominations Desk, which shall be maintained under the supervision of the secretary of this church (ELCA 19.61.B98.a.).

A nomination from the floor shall be made by using the form provided by the secretary of this church. Nomination forms may be obtained from the Nominations Desk at times prescribed in the assembly's Rules of Organization and Procedure. This form also is included in each voting member's registration materials (ELCA 19.61.B98.b.). It also is available online at [www.elca.org/nominations](http://www.elca.org/nominations).

Information and additional forms may be obtained from the Nominations Desk on Monday, August 17, 2009, from NOON to 4:00 P.M. and from 5:45 P.M. to 7:30 P.M., on Tuesday, August 18, 2009, from 8:00 A.M. to 6:00 P.M., and on Wednesday, August 19, 2009, from 8:00 A.M. to 11:15 A.M.

### ***Congregational Membership***

Each nominee for an elected or appointed position in this church shall be a voting member of a congregation of this church (ELCA 19.05.).

### ***Term Limit***

Other than elections of officers and executive directors of units, elections shall be for one six-year term, without consecutive re-election, and with one-third of the members of the Church Council and of each board, program committee, or advisory committee elected each biennium (ELCA 19.04.).

## ***Nominations Form***

The required form to be used in making nominations from the floor shall include the nominee's name, address, phone number, gender, lay or clergy status, white or person of color or primary language other than English status, congregational membership, synodical membership, and affirmation of willingness to serve, if elected; the name, address, and synodical membership of the voting member who is making the nomination; and such other information as the secretary of this church shall require (ELCA 19.61.B98.c.). It also is available online at [www.elca.org/nominations](http://www.elca.org/nominations).

For purposes of nomination procedures, "synodical membership" means:

- 1) In the case of a layperson, the synod that includes the congregation in which such person holds membership; *and*
- 2) In the case of an ordained minister, the synod on whose roster such ordained minister's name is maintained (ELCA 19.61.B98.d.).

## ***Making Floor Nominations***

Floor nominations for positions on a board or committee of a churchwide unit require, in addition to the nominator, the written support of at least ten other voting members. Floor nominations for the Nominating Committee or other churchwide committee to be elected by the Churchwide Assembly require, in addition to the nominator, the written support of at least twenty other voting members (ELCA 19.61.C05.a.).

A nomination from the floor for any position (other than presiding bishop, vice president, and secretary) shall be made by filing the completed nomination form with the Nominations Desk at times prescribed in the assembly's Rules of Organization and Procedure (ELCA 19.61.C05.b.). It also is available online at [www.elca.org/nominations](http://www.elca.org/nominations).

Nominations from the floor for any position (other than presiding bishop, vice president, secretary) shall be made by filing the completed prescribed form with the Nominations Desk on Monday, August 17, 2009, from NOON to 4:00 P.M. and from 5:45 P.M. to 7:30 P.M., on Tuesday, August 18, 2009, from 8:00 A.M. to 6:00 P.M., or on Wednesday, August 19, 2009, from 8:00 A.M. to 11:15 A.M.

Nominations will be considered made in the order in which filed at the Nominations Desk (ELCA 19.61.C05.c.).

## ***For Boards and Committees: Restrictions on Nominations***

The Nominating Committee shall nominate two persons for each board or committee position, according to the process described in continuing resolutions, for which an election will be held by the Churchwide Assembly. Nominations from the floor, where permitted in the nomination process, shall be presented as an alternative to a specific category named by the Nominating Committee and shall therefore meet the same criteria as the persons against whom the nominee is nominated. In the materials provided in advance to each member of the assembly, the Nominating

Committee shall set forth the criteria applicable to each category that must be met by persons nominated from the floor (ELCA 19.21.02.).

It shall be the responsibility of the Church Council to make certain that every synod has at least one person serving on the churchwide boards or committees. Among those persons elected by the assembly, no more than two persons from any one synod shall serve on any one board or committee (ELCA 19.21.04.).

Nominations from the floor for positions on churchwide boards or committees shall comply with criteria and restrictions established by the Nominating Committee and set forth in materials provided to each voting member of the assembly (ELCA 19.61.D05.a.) [See Section VII, page 2, for details on restrictions].

A former full-time or part-time employee of the churchwide organization shall not be eligible, for a minimum of six years subsequent to such employment, for nomination or election to the board or committee related to the churchwide unit in which the employee served (ELCA 19.61.J00.).

So long as the number of incumbent members from a given synod serving on a board or committee with terms not expiring plus the number of positions on the same board or committee to which individuals from the same synod already have been nominated (whether by the Nominating Committee or from the floor) total less than the maximum number of two individuals from the same synod who may serve on that board or committee, an individual from the same synod may be nominated for another position on that board or committee, provided other criteria and restrictions are met. Individuals from the same synod may be nominated for a position on a board or committee to which individuals from the same synod already have been nominated, provided other criteria and restrictions are met (ELCA 19.61.D05.b.).

## ***For Church Council: Restrictions on Nominations***

Each biennium the Church Council shall determine how this church's commitment to inclusive representation will affect the next election to the Church Council. The Nominating Committee shall invite each eligible synod to submit suggested nominees and shall then nominate persons who fulfill the categories assigned by the Church Council. Excluding the churchwide officers, there shall not be more than one member of the Church Council from a synod nor shall more than two-thirds of the synods in a region have members on the Church Council at the same time. The Church Council shall have at least one member from each region. The terms of office of persons elected to regular terms on the Church Council by the Churchwide Assembly shall begin at the conclusion of the Churchwide Assembly at which such persons were elected (ELCA 19.02.).

The Nominating Committee shall nominate two persons for each council position, according to the process described in continuing resolutions, for which an election will be held by the Churchwide Assembly. Nominations from the floor, where permitted in the nomination process, shall be presented as an alternative

to a specific category named by the Nominating Committee and shall therefore meet the same criteria as the persons against whom the nominee is nominated. In the materials provided in advance to each member of the assembly, the Nominating Committee shall set forth the criteria applicable to each category that must be met by persons nominated from the floor (ELCA 19.21.02.).

Nominations for positions on the Church Council shall comply with criteria and restrictions established by the Church Council and Nominating Committee and set forth in materials provided to each voting member of the assembly (ELCA 19.61.E05.).

On behalf of the Nominating Committee, the secretary of the Evangelical Lutheran Church in America—in the first half of the biennium preceding each regular meeting of the Churchwide Assembly—shall solicit from eligible synods on a rotating basis the names of two persons in specified categories, in keeping with the representation principles of this church, for possible election to the Church Council. Upon their selection by the assemblies of the respective synods, the names of the two persons shall be presented to the Nominating Committee for submission to the Churchwide Assembly. In the event that any nominee withdraws or is disqualified from possible service, the Nominating Committee shall submit a replacement name from the same synod as the original nominee. In the event that the vacancy occurs subsequent to the preparation of the report of the Nominating Committee to the Churchwide Assembly, a floor nomination shall be provided from the same synod as the original nominee. Except as provided herein, no floor nominations for positions on the Church Council shall be permitted at the Churchwide Assembly (ELCA 19.21.B05.) [See Section VII, page 2, for details on restrictions].

### ***For Nominating Committee: Restrictions on Nominations***

The Church Council shall place in nomination the names of two persons for each position. The committee shall consist of at least one member but no more than three members from any region. Nominations from the floor shall also be permitted, but each floor nomination shall be presented as an alternative to a specific category named by the Church Council and shall therefore meet the same criteria as the persons against whom the nominee is nominated. In the materials provided in advance to each member of the assembly, the Church Council shall set forth the criteria applicable to each category that must be met by persons nominated from the floor (ELCA 19.21.01.).

Nominations from the floor for positions on the Nominating Committee shall comply with criteria and restrictions established by the Church Council and set forth in materials provided to each voting member of the assembly (ELCA 19.61.F98.a.).

So long as the number of incumbent members from a given region serving on the Nominating Committee with terms not expiring plus the number of Nominating Committee positions to which individuals from the same region have already been nominated (whether by the Church Council or from the floor) total less than the maximum number of three individuals from the same region who may serve on the Nominating Committee, an individual from the same region may be nominated for another Nominating Committee position, provided other criteria and restrictions are met. Provided other criteria and restrictions

are met, individuals may be nominated for a Nominating Committee position for which someone from the same region has already been nominated (ELCA 19.61.F98.b.).

## **PART THIRTEEN: Election Procedures**

### ***Election Procedures Utilizing the Common Ballot***

The common ballot is used in those elections when the ecclesiastical or nominating ballot is not used (ELCA 19.61.G02.a.).

In each case in which there are floor nominations, there shall be a preliminary ballot that shall include the names of the nominees presented by the Nominating Committee or the Church Council, and the person or persons nominated from the floor. The names of the two persons receiving the highest number of votes cast shall be placed on the final ballot (ELCA 19.21.03.).

For the first common ballot, the exact number of ballot forms equal to the number of voting members from each synod will be given to the bishop of that synod. The bishop of the synod, or his or her designee, will be responsible for distributing the ballot forms to each of the voting members from the synod (ELCA 19.61.G02.b.).

Upon recommendation of the chair and with the consent of the assembly, the second common ballot may be conducted by electronic device. Unless the second common ballot is conducted by electronic device, the distribution of ballot forms for the second common ballot will be in the same manner as the first common ballot (ELCA 19.61.G02.c.).

Any discrepancy between the number of ballots given to a synodical bishop and the number of voting members (including the synod bishop) from such synod must be reported by the synodical bishop to the Elections Committee (ELCA 19.61.G02.d.).

Each ticket for which an election is held will be considered a separate ballot (ELCA 19.61.G02.e.).

A voting member may vote for only one nominee on each ticket (ELCA 19.61.G02.f.).

Failure to vote for a nominee for every ticket does not invalidate a ballot for the tickets for which a nominee is marked (ELCA 19.61.G02.g.).

Ballots must be marked in accordance with the instructions presented in plenary session (ELCA 19.61.G02.h.).

Ballot forms shall not be folded (ELCA 19.61.G02.i.).

Marked ballot forms must be deposited at the designated Ballot Stations at certain exits of the hall in which plenary sessions are held (ELCA 19.61.G02.j.).

If a ballot is damaged so that it cannot be scanned, a replacement ballot may be obtained at the Ballot Station upon surrender of the damaged ballot (ELCA 19.61.G02.k.).

Unless otherwise ordered by the assembly, polls for the first common ballot close at the time designated in the assembly's Rules of Organization and Procedure (ELCA 19.61.G02.l.) (see PART EIGHTEEN: Deadlines *below*).

On each ticket for which balloting is conducted by electronic device, the polls will remain open for a reasonable time, as determined by the chair, to permit members to record their votes (ELCA 19.61.G02.m.).

Unless the second ballot is conducted by electronic device, polls for the second common ballot close at the time designated in the assembly's Rules of Organization and Procedure or as otherwise ordered by the assembly (ELCA 19.61.G02.n.) (see PART EIGHTEEN: Deadlines *below*).

On the second ballot, whether by common ballot or by electronic device, the first position on each ticket shall be given to the nominee who received the greatest number of votes on the first ballot. If two nominees are tied for the highest vote, the first position on the ticket shall be determined by draw by the chair of the Elections Committee (ELCA 19.61.G02.o.).

### **Majority Required for Election**

Other than in elections of presiding bishop, vice president, and secretary, a majority of votes cast on the first ballot shall be necessary for election. If an election does not occur on the first ballot, the names of the two persons receiving the highest number of votes cast shall be placed on the second ballot. On the second ballot, a majority of legal votes cast shall be necessary for election (ELCA 19.11.01.b.).

### **Breaking Ties**

On the first common ballot, the blank ballots of the treasurer and vice president shall be held by the chair of the Elections Committee to be presented to the treasurer for her or his vote only in those elections where a tie would otherwise exist, and to be presented to the vice president for his or her vote only in those elections to break a tie remaining after the ballot of the treasurer has been counted (ELCA 19.61.I98.b.).

On the second common ballot, the marked ballot of the treasurer shall be held by the chair of the Elections Committee and shall be counted only where necessary to break a tie that would otherwise exist (ELCA 19.61.I98.c.).

## **PART FOURTEEN: Budget Proposals**

### **Budget Procedures**

The presiding bishop shall provide for the preparation of the budget for the churchwide organization (ELCA 13.21.f.).

At the direction of the presiding bishop, the executive for administration shall develop the budget for the churchwide organization and report to the Church Council and the Churchwide Assembly through the Budget and Finance Committee of the Church Council with regard to the preparation of the budget (ELCA 15.11.A04.d.).

A Budget and Finance Committee shall be composed of members of the Church Council elected by the council and the treasurer of this church as an *ex officio* member with voice but not vote in the committee. This committee shall have staff services provided by the Office of the Presiding Bishop and the Office of the Treasurer (ELCA 14.41.A05.).

The Church Council, upon recommendation of the presiding bishop, shall submit budget proposals for approval by the Churchwide Assembly and authorize expenditures within the parameters of approved budgets (ELCA 14.21.05.).

The Churchwide Assembly shall adopt a budget for the churchwide organization (ELCA 12.21.e.).

Each synod shall remit to the churchwide organization a percentage of all donor-unrestricted receipts contributed to it by the congregations of the synod, such percentage to be determined by the Churchwide Assembly. Individual exceptions may be made by the Church Council upon request of a synod (ELCA 10.71.).

Proposed amendments to the budget must be submitted to the secretary of this church or the secretary's deputy in writing prior to the established deadline (see PART EIGHTEEN: Deadlines *below*). Each amendment must be supported in writing by one other voting member. The secretary shall refer such proposed amendments to the Budget and Finance Committee. During the consideration of the budget by the assembly, the Budget and Finance Committee shall report on the implication of each proposed amendment.

Any amendment to the budget that increases a current program proposal of, or adds a current program proposal to, a churchwide unit must include a corresponding decrease in some other current program proposal of the same or another churchwide unit(s) and/or increase in revenues. Any amendment to the budget that proposes an increase in revenues shall require an affirmative vote by at least two-thirds of those present and voting.

The assembly may refer to the Church Council for final action any amendment to the budget that has been presented in accordance with these Rules of Organization and Procedure. Such referral shall not preclude the assembly from acting on other budget amendments or from adopting the budget.

### **Appropriations**

When a motion calling for an appropriation comes before the Churchwide Assembly from any source other than the Church Council or a memorial from a synod, it shall be referred at once to the Reference and Counsel Committee. The Reference and Counsel Committee shall refer the proposed appropriation to the Budget and Finance Committee of the Church Council. The Budget and Finance Committee may consult with the churchwide unit(s) affected by the proposed appropriation. The Budget and Finance Committee may conclude that it cannot evaluate adequately the proposed appropriation prior to assembly adjournment and may request that the Church Council be designated to receive the evaluation later and to determine whether or not the proposed appropriation shall be authorized. The findings of the Budget and Finance Committee shall be forwarded to the Reference and Counsel Committee, which shall then make its recommendation to the Churchwide Assembly. If the report of the Reference and Counsel Committee is negative, a two-thirds vote of the voting members present and voting shall be required for adoption.

A proposed appropriation that originates with a synod through a memorial will be handled in the same way as in this preceding rule, except that reference shall be to the Memorials Committee rather than to the Reference and Counsel Committee.

### ***New Studies or Research Proposals***

Each proposal by a voting member for a study or research project shall be made as a main motion and shall be referred to the Reference and Counsel Committee. The Reference and Counsel Committee shall refer the proposal to the Research and Evaluation section of the Office of the Presiding Bishop. This section, in consultation with the churchwide unit to which the proposal is directed, will seek to determine the purpose, relationship to existing studies and research projects or current programs, potential value, overall costs including staff requirements, and availability of budget and staff. The Research and Evaluation section may conclude that it cannot evaluate adequately the proposal prior to assembly adjournment and request that the Church Council be designated to receive the evaluation at a later time and determine whether or not the study or research project should be initiated. The findings of the Research and Evaluation section shall be submitted to the Reference and Counsel Committee, which may make its recommendation to the assembly. If the recommendation calls for a new appropriation, the matter also shall be referred at once to the Budget and Finance Committee for consideration and report to the Reference and Counsel Committee. If the report of the Reference and Counsel Committee is negative, a two-thirds vote of the voting members present and voting shall be required for adoption.

A proposal that originates with a synod through a memorial shall be handled the same way, except that reference shall be to the Memorials Committee, rather than to the Reference and Counsel Committee.

### ***Process for Initiation or Reconsideration of Social Statements***

The process for initiating the preparation of a social statement or commencing a revision or removal of a social statement adopted at a prior Churchwide Assembly shall be governed by the document, "Policy and Procedures for Addressing Social Concerns," which was adopted by the 1997 Churchwide Assembly (CA97.05.21) and revised by the Church Council in 2006 (CC06.11.51).

## **PART FIFTEEN: Amendments to Governing Documents**

### ***Constitutional Amendments***

The constitution of this church may be amended only through either of the following procedures:

- a) The Church Council may propose an amendment, with an official notice to be sent to the synods at least six months prior to the next regular meeting of the Churchwide Assembly. The adoption of such an amendment shall require a two-thirds vote of the members of the next regular meeting of the Churchwide Assembly present and voting.
- b) An amendment may be proposed by 25 or more members of the Churchwide Assembly. The proposed amendment shall be referred to the Committee of Reference and Counsel for its recommendation, following which it shall come before

the assembly. Adoption of such an amendment shall require passage at two successive regular meetings of the Churchwide Assembly by a two-thirds vote of the members present and voting (ELCA 22.11.).

A constitutional amendment may only be proposed by a main motion.

A proposed constitutional amendment must be submitted in writing to the secretary of this church or the secretary's deputy prior to the established deadline (*see PART EIGHTEEN: Deadlines below*).

### ***Bylaw Amendments***

Bylaws not in conflict with the constitution may be adopted or amended at any regular meeting of the Churchwide Assembly when presented in writing by the Church Council or by at least 15 members of the assembly. An amendment proposed by members of the assembly shall immediately be submitted to the Committee of Reference and Counsel for its recommendation. In no event shall an amendment be placed before the assembly for action sooner than the day following its presentation to the assembly. A two-thirds vote of the members present and voting shall be necessary for adoption (ELCA 22.21.).

A bylaw amendment may be proposed only by a main motion.

A proposed bylaw amendment must be submitted in writing to the secretary of this church or the secretary's deputy prior to the established deadline (*see PART EIGHTEEN: Deadlines below*). The secretary first shall report to the assembly any bylaw amendments so submitted and the amendments then shall be referred to the Reference and Counsel Committee.

Any floor amendment that is to be offered to a bylaw amendment proposed by the Church Council must be submitted in accordance with the requirement for bylaw amendments that are proposed by voting members.

### ***Continuing Resolutions***

Matters related to the administrative functions of this church shall be set forth in the continuing resolutions. Continuing resolutions not in conflict with the constitution or bylaws of the Evangelical Lutheran Church in America may be adopted or amended by a majority vote of the Churchwide Assembly or by a two-thirds vote of the Church Council (ELCA 22.31.).

Should the board or standing committee in question disagree with the action of the Church Council in amending a continuing resolution, it may appeal the decision to the Churchwide Assembly (ELCA 15.31.03., 16.31.04., 16.41.07., and 17.61.07.).

A continuing resolution amendment may be proposed only by a main motion.

A proposed continuing resolution amendment must be submitted in writing to the secretary of this church or the secretary's deputy prior to the established deadline (*see PART EIGHTEEN: Deadlines below*).

## Amendments to the Constitution for Synods

The *Constitution for Synods* contains mandatory provisions that incorporate and record therein provisions of the constitution and bylaws of this church. Amendments to mandatory provisions incorporating constitutional provisions of this church shall be made in the same manner as prescribed in ELCA Chapter 22 for amendments to the constitution of this church. Amendments to mandatory provisions incorporating bylaw provisions of this church and amendments to non-mandatory provisions shall be made in the same manner as prescribed in ELCA Chapter 22 for amendments to the bylaws of this church. Non-mandatory provisions shall not be inconsistent with the constitution and bylaws of this church (ELCA 10.13.).

An amendment to the *Constitution for Synods* may be proposed only by a main motion.

A proposed amendment to the *Constitution for Synods* must be submitted in writing to the secretary of this church or the secretary's deputy prior to the established deadline (see PART EIGHTEEN: Deadlines *below*).

## Amendments to the Model Constitution for Congregations

A *Model Constitution for Congregations* shall be provided by this church. Amendments to the *Model Constitution for Congregations* shall be made in the same manner as prescribed in ELCA Chapter 22 for amendments of the bylaws of this church (ELCA 9.53.02.).

An amendment to the *Model Constitution for Congregations* may be proposed only by a main motion.

A proposed amendment to the *Model Constitution for Congregations* must be submitted in writing to the secretary of this church or the secretary's deputy prior to the established deadline (see PART EIGHTEEN: Deadlines *below*).

## En Bloc Resolution for Amendments to Governing Documents

Amendments to the constitutions, bylaws, and continuing resolutions as recommended by the Church Council in a printed report distributed to assembly members prior to, or at, the first business session of the assembly, may be approved by *en bloc*<sup>2</sup> resolutions when so proposed by the Church Council.

If a voting member desires the assembly to discuss a particular amendment that is included in the *en bloc* resolutions, she or he may request that the particular amendment be removed from the proposed *en bloc* resolutions, provided the member's request is supported by ten other voting members. Such request shall be made in accordance with the following paragraph. The assembly then will consider and vote separately on the particular proposed amendment. After removals, the *en bloc* resolutions shall be voted upon without amendments or debate.

To call for such separate consideration, a voting member, with the support of ten other voting members, must submit written notification to the secretary of this church or the secretary's deputy prior to the established deadline (see PART

<sup>2</sup>Adoption of several motions by a single assembly resolution; sometimes known as an omnibus bill or resolution.

EIGHTEEN: Deadlines *below*) on the form entitled "Notice Related to Proposed Amendment to the Governing Documents." This form may be obtained from the secretary's deputy seated to the side of the speakers' platform.

Notice shall be given by the secretary of this church to the assembly of which constitutional provisions or bylaw proposals have been removed from the *en bloc* resolutions by specific voting members.

## Reconsideration or Rescission Prohibited

After the adoption by the assembly of a constitutional or bylaw amendment, a motion for reconsideration or a motion to rescind or amend such action is not in order.

## PART SIXTEEN: Elections of Officers

### Election Procedures

Set forth hereafter are the procedures for the elections of the presiding bishop, the vice president, and the secretary, whether or not there will be an election at this assembly for any of these positions. Elections are required because of completion of the specified term for a position or when a vacancy otherwise occurs.

### Restrictions on Nominations for Officers

The presiding bishop shall be an ordained minister of this church. The presiding bishop may be male or female, as may other officers of this church (ELCA 13.21.).

The presiding bishop shall be elected by the Churchwide Assembly to a six-year term (ELCA 13.22.).

The presiding bishop shall be a full-time, salaried position (ELCA 13.22.02.).

The vice president of this church shall be a layperson (ELCA 13.31.).

The vice president shall be elected by the Churchwide Assembly to a six-year term and shall be a voting member of a congregation of this church (ELCA 13.32.).

The vice president shall serve without salary (ELCA 11.33. and 13.32.02.).

The secretary shall be elected by the Churchwide Assembly to a six-year term and shall be a voting member of a congregation of this church (ELCA 13.42.).

The secretary shall be a full-time, salaried position (ELCA 13.42.02.).

The secretary may be either an ordained minister or a lay person.

### Ecclesiastical Ballot Defined

An "ecclesiastical ballot" for the election of officers (other than treasurer) of the churchwide organization of the Evangelical Lutheran Church in America is an election process:

- a. In which on the first ballot the name of any eligible individual may be submitted for nomination by a voting member of the assembly;
- b. Through which the possibility of election to office exists on any ballot by achievement of the required number of

votes cast by voting members of the assembly applicable to a particular ballot;

- c. That precludes spoken floor nominations;
- d. In which the first ballot is the nominating ballot if no election occurs on the first ballot;
- e. In which the first ballot defines the total slate of nominees for possible election on a subsequent ballot, with no additional nominations;
- f. That does not preclude, after the reporting of the first ballot, the right of persons nominated to withdraw their names prior to the casting of the second ballot;
- g. In which any name appearing on the second ballot may not be subsequently withdrawn;
- h. That does not preclude an assembly's adoption of rules that permit, at a defined point in the election process and for a defined period of time, speeches to the assembly by nominees or their representatives and/or a question-and-answer forum in which the nominees or their representatives participate; and
- i. In which the number of names that appear on any ballot subsequent to the second ballot shall be determined in accordance with provisions of the governing documents (ELCA 19.61.A94.).

### ***Election Procedures Utilizing the Ecclesiastical Ballot***

For each election by ecclesiastical or nominating ballot, the exact number of appropriate ballot sets equal to the number of voting members from each synod will be given to the bishop of that synod. The bishop of the synod, or his or her designee, will be responsible for distributing the ballot sets to each of the voting members from the synod (ELCA 19.61.H98.a.).

Unless otherwise ordered by the chair, one of the numbered ballots from the appropriate ballot set is to be used on each ballot for elections determined by ecclesiastical or nominating ballot. The chair will announce the number of the ballot from the appropriate ballot set that is to be used for each ballot. Failure to use the correct numbered ballot will result in an illegal ballot (ELCA 19.61.H98.b.).

On the first two ballots for each office being selected by ecclesiastical or nominating ballot, both the first and last names of a nominee should be used. Members should endeavor to use correct spelling and should provide, on the first ballot, any additional accurate information identifying the nominee, such as title, synod, or residence. (ELCA 19.61.H07.c.).

On the third and subsequent ballots conducted by written ballot, only the last name of the nominee need be used, provided there is no other nominee with the same or similar name (ELCA 19.61.H98.d.).

A member may vote for only one nominee on each ballot (ELCA 19.61.H98.e.).

Ballots should not be marked prior to the time the chair advises the voting members to do so (ELCA 19.61.H98.f.).

Written ballots shall not be folded (ELCA 19.61.H98.g.).

Written ballots will be collected from the voting members in accordance with instructions from the Elections Committee or from the chair (ELCA 19.61.H98.h.).

When the results of the first ballot are presented, the chair will announce when and how persons nominated may withdraw their names prior to the casting of the second ballot (ELCA 19.61.H98.i.).

Whenever the number of names of nominees that will appear on a ballot is nine or less, on recommendation of the chair and with the consent of the assembly, voting may be by means of electronic device (ELCA 19.61.H98.j.).

When voting by electronic device, the first position on each ballot shall be given to the nominee who received the greatest number of votes on the immediately preceding ballot, with the remaining positions assigned to the other nominees in descending order of the number of votes received on the immediately preceding ballot. If two or more nominees were tied with the same vote on the immediately preceding ballot, their respective positions shall be determined by draw by the chair of the Elections Committee (ELCA 19.61.H98.k.).

On each ticket for which balloting is conducted by electronic device, the polls will remain open for a reasonable time, as determined by the chair, to permit voting members to record their votes (ELCA 19.61.H98.l.).

### ***Election of the Presiding Bishop***

The presiding bishop shall be elected by the Churchwide Assembly by ecclesiastical ballot. Three-fourths of the votes cast shall be necessary for election on the first ballot. If no one is elected, the first ballot shall be considered the nominating ballot. Three-fourths of the votes cast on the second ballot shall be necessary for election. The third ballot shall be limited to the seven persons (plus ties) who received the greatest number of votes on the second ballot, and two-thirds of the votes cast shall be necessary for election. The fourth ballot shall be limited to the three persons (plus ties) who receive the greatest number of votes on the third ballot, and 60 percent of the votes cast shall be necessary for election. On subsequent ballots, a majority of the votes cast shall be necessary for election. These ballots shall be limited to the two persons (plus ties) who receive the greatest number of votes on the previous ballot (ELCA 19.31.01.a.).

Prior to the third ballot for presiding bishop, biographical data will be distributed for the seven persons (plus ties) who receive the greatest number of votes on the second ballot.

Prior to the third ballot for presiding bishop, a forum shall be held in which the seven persons (plus ties) who receive the greatest number of votes on the second ballot are invited to respond to questions submitted by voting members. From the questions submitted by voting members, the Executive Committee of the Church Council, excluding officers, shall select a sample of questions and determine the process to be followed in the forum. An individual nominee may choose to respond to those questions he or she wishes to address. Each response shall be no longer than 90 seconds. The forum shall be limited to 60 minutes.

Prior to the third ballot for presiding bishop, the seven persons (plus ties) receiving the greatest number of votes on the second ballot will be invited to address the assembly, with each speech limited to five minutes. If any such person is not present

at the assembly, the bishop of the synod of such person's roster shall, in consultation with such person, if possible, designate an alternate to speak on behalf of such person.

Prior to the fourth ballot for presiding bishop, the three persons (plus ties) receiving the greatest number of votes on the third ballot will be invited to participate in a question and answer period moderated by an individual appointed by the Executive Committee of the Church Council.

### ***Election of the Vice President***

The vice president shall be elected by the Church-wide Assembly. The election shall proceed without oral nominations. If the first ballot for vice president does not result in an election, it shall be considered a nominating ballot. On the first ballot, three-fourths of the votes cast shall be required for election. Thereafter only such votes as are cast for persons who received votes on the first or nominating ballot shall be valid. On the second ballot, three-fourths of the votes cast shall be required for election. On the third ballot, the voting shall be limited to the seven persons (plus ties) receiving the greatest number of votes on the second ballot and two-thirds of the votes cast shall be necessary for election. On the fourth ballot, voting shall be limited to the three persons (plus ties) receiving the greatest number of votes on the previous ballot and 60 percent of the votes cast shall elect. On subsequent ballots, voting shall be limited to two persons (plus ties) receiving the greatest number of votes on the previous ballot and a majority of votes cast shall elect (ELCA 19.31.01.b.).

Prior to the third ballot for vice president, biographical data will be distributed for the seven persons (plus ties) who receive the greatest number of votes on the second ballot. Each of the seven nominees (plus ties) will be asked in rotating order to respond to three questions as determined by the Executive Committee of the Church Council. Each nominee's response to each question shall be limited to 90 seconds.

Prior to the fourth ballot for vice president, the three persons (plus ties) receiving the greatest number of votes on the third ballot will be invited to address the assembly, with each speech limited to five minutes. If any such person is not available to address the assembly, the bishop of the synod of such person's congregation membership shall, in consultation with such person, if possible, designate an alternate to speak on behalf of such person.

### ***Election of the Secretary***

The secretary shall be elected by the Churchwide Assembly. The election shall proceed without oral nominations. If the first ballot for secretary does not result in an election, it shall be considered a nominating ballot. On the first ballot, three-fourths of the votes cast shall be required for election. Thereafter only such votes as are cast for persons who received votes on the first or nominating ballot shall be valid. On the second ballot, three-fourths of the votes cast shall be required for election. On the third ballot, the voting shall be limited to the seven persons (plus ties) receiving the

greatest number of votes on the second ballot and two-thirds of the votes cast shall be necessary for election. On the fourth ballot, voting shall be limited to the three persons (plus ties) receiving the greatest number of votes on the previous ballot and 60 percent of the votes cast shall elect. On subsequent ballots, voting shall be limited to the two persons (plus ties) receiving the greatest number of votes on the previous ballot and a majority of the votes cast shall elect (ELCA 19.31.01.c.).

Prior to the third ballot for secretary, biographical data will be distributed for the seven persons (plus ties) who receive the greatest number of votes on the second ballot. Each of the seven nominees (plus ties) will be asked in rotating order to respond to three questions as determined by the Executive Committee of the Church Council. Each nominee's response to each question shall be limited to 90 seconds.

Prior to the fourth ballot for secretary, the three persons (plus ties) receiving the greatest number of votes on the third ballot will be invited to address the assembly, with each speech limited to five minutes. If any such person is not present at the assembly, the bishop of the synod of such person's roster of ordained ministers, or such person's congregation membership, shall, in consultation with such person, if possible, designate an alternate to speak on behalf of such person.

### ***Majority Required for Election***

On the final ballot for the election of presiding bishop, vice president, and secretary of this church, when only two names appear on the ballot, a majority of the legal votes cast shall be necessary for election (ELCA 19.11.01.e.).

### ***Breaking Ties***

On the ballot for the election of the presiding bishop, vice president, and secretary, when only two names appear, the marked ballot of the treasurer shall be held by the chair of the Elections Committee and shall be counted only where necessary to break a tie that would otherwise exist (ELCA 19.61.198.a.).

## **PART SEVENTEEN: Status of Reports**

### ***Assembly Reports***

At least 20 days prior to an assembly the secretary shall prepare and distribute to each congregation and to the voting members-elect a pre-assembly report (ELCA 12.31.03.).

### ***Reports of the Presiding Bishop and Secretary of This Church***

Following presentation, the presiding bishop's report and the secretary's report shall be referred to the Reference and Counsel Committee.

### ***Status of Reports***

All reports published in the *Pre-Assembly Report* shall be treated as having been received by the assembly without formal vote.

### *Distribution of Materials*

Materials may be distributed on the floor of the assembly only with the written consent of the secretary of this church. In cases where the secretary does not consent, appeal may be made to the Reference and Counsel Committee. That committee's decision shall be final.

## **PART EIGHTEEN: Deadlines**

### ***August 18, 2009***

11:15 A.M. Separate consideration (removal from *en bloc*) of responses to synodical memorials  
Substitute responses to synodical memorials

2:00 P.M. Amendments to the social statement and implementing resolutions

### ***August 19, 2009***

11:15 A.M. Amendments to governing documents (including constitutional amendments, bylaw amendments, continuing resolution amendments, amendments to the *Constitution for Synods*, and amendments to the *Model Constitution for Congregations*)

Separate consideration (removal from *en bloc*) of recommended constitutional, bylaw, and continuing resolutions amendments

Amendments to ministry policies recommendation

2:00 P.M. Nominations from the floor

### ***August 20, 2009***

11:15 A.M. Non-germane resolutions

2:00 P.M. First common ballot

### ***August 21, 2009***

8:30 A.M. Amendments to 2010–2011 budget proposal

6:00 P.M. Second common ballot

## **PART NINETEEN: Hearings**

Certain proposals that are scheduled for assembly action or information are the subject of hearings. Voting members, advisory members, other members, resource members, official visitors, and other categories approved by the Churchwide Assembly may attend with voice. Others may attend only if space permits and shall not have voice. Hearings have no legislative authority.

The chair of the hearing shall endeavor to maintain decorum and order and may call upon the assistance of sergeants-at-arms. Insofar as is possible during discussion, a speaker on one side of the question shall be followed by a speaker on the other side.

## **PART TWENTY: Other Matters**

### ***College Corporation Meetings***

The voting members of the Churchwide Assembly also constitute the voting members of certain college corporations that hold meetings as part of the agenda of the assembly. The assembly will recess to conduct the corporation meeting(s) and reconvene at the conclusion of the corporation meeting(s), or at the beginning of the next scheduled session of the assembly. Quorum requirements for college corporation meetings are specified in the governing documents of each college. The quorum requirement for the Churchwide Assembly does not apply to college corporation meetings.

### ***Electronic Devices***

Use of cell phones, "Blackberries," and other wireless electronic communication devices in the plenary hall during assembly sessions is precluded. Cell phones, pagers, and other such electronic devices must be turned off in the plenary hall and worship center throughout the course of the assembly.

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