

**2009 Amendments to the
Constitution, Bylaws, and Continuing Resolutions
of the Evangelical Lutheran Church in America**

as approved by the Eleventh Churchwide Assembly
August 17–23, 2009

Additions are underlined. Deletions are ~~struck through~~.

To amend 7.41.17. and 7.52.24. and create a new 7.41.18. and 7.52.25. to separate matters of retirement from those of disability:

7.41.17. Retirement. Ordained ministers may retire upon attainment of age 60, or after 30 years on the roster of ordained ministers of this church or one of its predecessor bodies, ~~or may be designated as disabled~~, and continue to be listed on the roster of ordained ministers of this church, upon endorsement by the synodical bishop, by action of the Synod Council in the synod in which the ordained minister is listed on the roster.

- a. The policies and procedures for granting retired status ~~or for designation of disability~~ on the roster of ordained ministers shall be developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- b. If an ordained minister who has been granted retired status resides at too great a distance from any congregation of this church to be able to sustain an active relationship with that congregation, the bishop of the synod in which the ordained minister is listed on the roster may grant permission for the ordained minister to hold membership in a congregation or parish of a church body with which a relationship of full communion has been declared and established by the Evangelical Lutheran Church in America.

7.41.18. Disability. Ordained ministers may be designated as disabled and continue to be listed on the roster of ordained ministers of this church, upon endorsement by the synodical bishop, by action of the Synod Council in the synod in which the ordained minister is listed on the roster.

- a. The policies and procedures for designation of disability on the roster of ordained ministers shall be developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- b. If an ordained minister who has been granted disabled status resides at too great a distance from any congregation of this church to be able to sustain an active relationship with that congregation, the bishop of the synod in which the ordained minister is listed on the roster may grant permission for the ordained minister to hold membership in a congregation or parish of a church body with which a relationship of full communion has been declared and established by the Evangelical Lutheran Church in America.

7.52.24. Retirement. Associates in ministry, deaconesses, and diaconal ministers may retire upon attainment of age 60, or after 30 years on a roster of this church or one of its predecessor bodies, ~~or may be designated as disabled~~, and continue to be listed on the roster of associates in ministry, deaconesses, or diaconal ministers of this church, upon endorsement by the synodical bishop, by action of the Synod Council in the synod in which the associate in ministry, deaconess, or diaconal minister is listed on the roster.

- a. The policies and procedures for granting retired status ~~or for designation of disability~~ on the official rosters of laypersons shall be developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- b. If an associate in ministry, deaconess, or diaconal minister who has been granted retired status resides at too great a distance from any congregation of this church to be able to sustain an active relationship with that congregation, the bishop of the synod in which the associate in ministry, deaconess, or diaconal minister is listed on the roster may grant permission for the individual to hold membership in a congregation or parish of a church body with which a relationship of full communion has been declared and established by the Evangelical Lutheran Church in America.

7.52.25. Disability. Associates in ministry, deaconesses, and diaconal ministers may be designated as disabled, and continue to be listed on the roster of associates in ministry, deaconesses, or diaconal ministers of this church, upon endorsement by the synodical bishop, by action of the Synod Council in the synod in which the associate in ministry, deaconess, or diaconal minister is listed on the roster.

- a. The policies and procedures for designation of disability on the official rosters of laypersons shall be developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- b. If an associate in ministry, deaconess, or diaconal minister who has been granted disabled status resides at too great a distance from any congregation of this church to be able to sustain an active relationship with that congregation, the bishop of the synod in which the associate in ministry, deaconess, or diaconal minister is listed on the roster may grant permission for the individual to hold membership in a congregation or parish of a church body with which a relationship of full communion has been declared and established by the Evangelical Lutheran Church in America.

To renumber current 7.41.18. as 7.41.19. and current 7.52.25. as 7.52.27. and amend for clarity:

~~7.41.18.~~ 7.41.19. Retention of Roster Records. When an ordained minister resigns or is removed from that roster of this church, the roster record shall be retained by the secretary of this church and the synodical bishop shall invite the person at the time of resignation or removal to provide, annually, appropriate current information for the roster record.

~~7.52.25.~~ 7.52.27. Retention of Roster Records. When an associate in ministry, deaconess, or diaconal minister resigns or is removed from the roster of this church, the roster record shall be retained by the secretary of this church and the synodical bishop shall invite the person at the time of resignation or removal to provide, annually, appropriate current information for the roster record.

To add a new 8.51. and renumber current 8.51. as 8.52. to clarify the establishment of relationships with other Lutheran organizations:

8.50. RELATIONSHIP WITH OTHER LUTHERAN ORGANIZATIONS

8.51. This church may establish relationships with Lutheran organizations, institutions, or agencies whose purposes are compatible with its mission and ministry. Policies and procedures to create and implement these relationships shall be adopted by the Church Council.

~~8.51.~~ 8.52. This church shall not, in any manner, be responsible for the debts or liabilities of other Lutheran organizations, institutions, or agencies, whether independent of or affiliated with this church.

To amend 17.41.02. to increase the size of the ELCA Foundation board of trustees and to add continuing resolution 17.41.C09. to implement staggered terms:

17.41.02. The Foundation of the Evangelical Lutheran Church in America shall have a board of trustees that shall be comprised of at least nine but not more than 12 ~~nine~~ persons elected to six-year terms by the Church Council of the Evangelical Lutheran Church in America, with no consecutive reelection and with approximately one-third of the members elected each biennium. . . [*with the rest unchanged*].

17.41.C09. To implement staggered terms for board members, if more than four persons will be elected in 2009, the fifth person elected will serve a four-year term, and the sixth person will serve a two-year term.

To amend 17.51.01 to increase the size of the Mission Investment Fund board of trustees and to add continuing resolution 17.51.B09. to implement staggered terms:

17.51.01. The Mission Investment Fund of the Evangelical Lutheran Church in America shall have a board of trustees of at least nine but not more than 12 ~~nine~~ members, who shall be elected by the Churchwide Assembly for six-year terms with no consecutive reelection and with approximately one-third elected each biennium as provided in Chapter 19.

17.51.B09. To implement staggered terms for board members, if more than four persons will be elected in 2009, the fifth person elected will serve a four-year term, and the sixth person will serve a two-year term.

To amend 17.61.03. and to add continuing resolution 17.61.C09. to provide for staggered terms for plan members and plan recipients on the board of trustees for the Board of Pensions:

17.61.03. The Board of Pensions shall have a board of trustees composed of 15 persons elected for one six-year term with no consecutive reelection and with one-third elected each biennium as provided in Chapter 19.

- a. The board of trustees of the Board of Pensions shall include persons with expertise in investments, insurance, and pensions, and ~~four~~ two to five persons who are members of the plan, at least one of whom shall be a lay plan member or lay recipient of plan benefits and at least one of whom shall be an ordained minister who is a plan member.

17.61.C09. To implement staggered terms for plan members and plan recipients on the board of trustees of the Board of Pensions and to move to a board consisting of at least four plan members, at least one of whom is a lay plan member or lay recipient of plan benefits, at least two people, one ordained minister who is a plan member and one lay plan member or lay recipient of plan benefits, shall be elected by the 2009 Churchwide Assembly. Thereafter, at least one plan member shall be elected as a trustee by the 2011 Churchwide Assembly, and one additional plan member shall be elected by the 2013 Churchwide Assembly. An amendment to 17.61.03.a. shall be proposed to the 2013 Churchwide Assembly to provide that the board shall include at least four persons who are members of the plans, at least one of whom shall be a lay plan member or lay recipient of plan benefits and at least one of whom shall be an ordained minister who is a plan member.

To amend 19.11.01.c. to reflect changes in governance instituted by the 2005 Plan for Mission:

19.11.01. In the nomination and election process the following general considerations shall be observed:

- a. It shall be the responsibility of the Church Council to assure that this church maintain its commitment to inclusive representation.
- b. In all elections by the Churchwide Assembly, other than for the presiding bishop, vice president, and secretary, a majority of the 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 the legal votes cast shall be necessary for election.
- c. ~~Members of the Church Council and~~ the boards or committees of churchwide units, other than those in restricted categories, who have served less than one-half of a term shall be eligible for election to one full term to be served consecutively upon the conclusion of the partial term.

To amend 19.11.01.f. to reflect the language used in 14.32.01. concerning the composition of the Church Council:

- f. The Conference of Bishops shall select one bishop from each region to serve a four-year term as ~~an~~ advisory liaison member of the Church Council. Each biennium the Conference of Bishops shall select a bishop to serve as an advisory member of each board, program committee, and advisory committee of the churchwide organization. No synodical bishop shall serve as a voting member of the Church Council or of a board or committee of any churchwide unit.

To amend 19.31.01.b. and c. to make them consistent with 19.31.01.a.:

- 19.31.01.**
- b. The vice president shall be elected by the Churchwide Assembly by ecclesiastical ballot. [*with the rest unchanged*]
 - c. The secretary shall be elected by the Churchwide Assembly by ecclesiastical ballot. [*with the rest unchanged*]

To add 19.31.A09. to provide for background checks for those nominated as officers of this church:

19.31.A09. Background checks and screening shall be required and completed for persons nominated as churchwide officers prior to their election, if possible, or as soon as practical after their election. The specific procedures and timing of background checks and screening shall be determined by the Church Council.

To amend 19.51.A06. and renumber it as 19.51.A09. to make it consistent with 19.51.02., which specifies that the European-American ethnic association nominates Caucasian members:

19.51.A06: 09. Nomination for Multicultural Ministries Program Committee

In each biennium in preparation for the Churchwide Assembly, the secretary of the Evangelical Lutheran Church in America—on behalf of the Nominating Committee—shall solicit from the ELCA ethnic associations names of persons for possible election to serve on the program committee for the Multicultural Ministries unit. The names of two persons in specified categories shall be presented in each biennium by designated associations to the Nominating Committee for submission to the Churchwide Assembly. Nominations to vacant terms designated for multiracial or biracial ~~and Caucasian~~ members shall be determined in the customary manner by the Nominating Committee. Floor nominations in specified categories shall be permitted at the Churchwide Assembly.

To amend 20.12.01., 20.21.19., 20.23.07., 20.41.A01.c.4. and 20.61.A92.c.4. and to renumber the last two to bring them into conformity with 20.41.04.i.5. concerning the recording of hearings:

20.12.01. “Fundamental procedural fairness” means and includes: avoidance by committee members of written communications to or from either the accused or accuser(s) without copy to the other; avoidance by committee members of oral communications with either the accused or accuser(s) outside the presence of the other; maintaining decorum during the hearing; allowing both the accuser(s) and the accused to present their cases without unnecessary interruptions; keeping a verbatim record of the hearing, made either by a stenographer or court reporter or ~~tape~~ by audio or video recording; allowing both the accuser(s) and the accused to be accompanied at the hearing by a representative (who may, but need not, be an attorney) who also may participate in the proceedings; impartiality of the committees that consider the charges; and the right to be treated in conformity with the governing documents of the Evangelical Lutheran Church in America.

20.21.19. At the hearing, the accuser(s) may present evidence in support of the charges and thereafter the accused shall be entitled to present evidence. The accused and the accuser(s), or other person acting on behalf of either of them, shall be entitled to question the other party or any of the witnesses appearing on behalf of the other party. A verbatim record shall be made by a stenographer or court reporter or by ~~tape~~ audio or video recording of the hearing.

20.23.07. The discipline hearing committee shall decide, consistent with rules adopted under 20.23.04., to what extent the accused shall be able to confront or cross-examine witnesses testifying on behalf of the accuser and to what extent the accuser shall be able to confront or cross-examine witnesses testifying on behalf of the accused. A verbatim record shall be made by ~~tape~~ a stenographer or court reporter or by audio or video recording of all meetings of the committee at which testimony is presented. The accused and the accuser may be accompanied at the meeting(s) by a friend or advisor. Such friend or advisor shall not participate in the proceedings before the committee.

20.41.A01. 09. c. *The chair of the Congregation Council must furnish the record on appeal to the Synod Council (in care of the vice president of the synod), certifying to the completeness and accuracy of the record on appeal, within 30 days of the receipt of the written notice, unless the vice president allows additional time for compelling reasons. The record on appeal will consist of the following:*

4) *the verbatim record made by the stenographer or court reporter or the audio or video recording of the hearing before the Congregation Council; . . .
[with the rest unchanged]*

20.61.A92. 09. c. *The material that shall be reviewed by the Committee on Appeals (herein referred to as the record on appeal) shall consist of the following:*

4) *the verbatim record made by the stenographer or court reporter or the ~~tape~~ audio or video recording of the hearing before the discipline hearing committee;
[with the rest unchanged]*

To amend and add the following to allow for expanded roles for youth and young adults in the governance in all expressions of this church:

To amend:

12.41.31. Members of the Church Council, unless elected as voting members, shall serve as advisory members of the Churchwide Assembly. Likewise, program committee chairpersons and board chairpersons or their designees, and the president of the Lutheran Youth Organization or a designee, unless elected as voting members, shall serve as advisory members of the Churchwide Assembly. *[with the rest unchanged]*

To add:

6.02.A09. It is the goal of this church that at least 10 percent of the voting members of the Churchwide Assembly, Church Council, and churchwide boards and committees be youth and young adults. The Church Council shall establish a plan for implementing this goal. For purposes of the Constitution, Bylaws, and Continuing Resolutions of the ELCA, the term “youth” means a voting member of a congregation who has not reached the age of 18 at the time of election or appointment for service. The term “young adult” means a voting member of a congregation between the ages of 18 and 30 at the time of election or appointment for service.

To amend and add the following to make the process for establishment of additional sites for worship parallel to the process for relocation:

To amend:

9.53.06. A congregation considering a relocation shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.

To add the following to provide an interdependent process for the establishment of additional sites for worship:

9.53.08. A congregation considering development of an additional site to be used regularly for worship shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the churchwide organization before any steps are taken leading to such action.

To amend the following to provide for the termination of a call when a parish arrangement terminates:

7.46. The provisions for termination of the mutual relationship between an ordained minister and a congregation shall be as follows:

a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:

...
6) the dissolution of the congregation or the termination of a parish arrangement; or
[with the rest unchanged]

To amend 10.41.02. and 10.41.03. to make them consistent with revised S7.22 and S7.23. and to add voting rights for those on disability:

10.41.02. Synods may establish processes that permit retired ordained ministers, associates in ministry, deaconesses, and diaconal ministers, or those designated as disabled, on the roster of the synod to serve as voting members of the Synod Assembly, consistent with bylaw 10.41.01. above.

10.41.03. Synods may establish processes that permit ordained ministers, associates in ministry, deaconesses, and diaconal ministers who are on leave from call or those designated as disabled, on the roster of the synod to serve as voting members of the Synod Assembly, consistent with bylaw 10.41.01. above.

To amend 8.41.01. in response to a memorial from the Northwest Washington Synod:

8.41.01 Because of both official and informal international contacts with other churches, the ~~Batak Special Interest Conference of North America,~~ Danish Special Interest Conference, Finnish (Soumi) Special Interest Conference, German Lutheran Conference in North America, and Hungarian Special Interest Conference shall relate to this church under the authority of the presiding bishop of this church through an executive and designated unit as determined by the presiding bishop. Official contacts and relationships of the special conferences with leaders and representatives of other churches shall be coordinated through the Office of the Presiding Bishop.

To amend 12.31.02. and 12.31.03. to provide for electronic notification of Churchwide Assemblies and electronic distribution of assembly materials:

12.31.02. 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. The secretary shall give written notice of a special assembly to the bishop of each synod upon the issuance of a call thereof and shall publish the same in this church's periodical at least 30 days in advance of the special assembly. ~~Written notice shall be mailed to all voting members not more than 30 days nor less than 10 days in advance of any meeting.~~ Notice shall be provided to all voting members or voting members-elect not more than 30 days or less than 10 days in advance of any meeting. Notice may be provided electronically for voting members or voting members-elect who have provided e-mail addresses, unless the voting member or voting member-elect has requested that written notice be mailed.

12.31.03. 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. Distribution to congregations may be accomplished by posting the report on the Web site of this church. Distribution to voting members-elect may be accomplished electronically to those who have provided e-mail addresses. A written copy of the pre-assembly report will be mailed to any voting member-elect who does not provide an e-mail address and to any congregation or voting member-elect who requests a written copy.