



Procedures for Reviewing Constitutions of Congregations in the Southeastern Minnesota Synod

The following procedures are intended to describe the way in which the Southeastern Minnesota Synod will carry out its responsibilities in accord with provision 9.53.03 of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America:

Each congregation shall provide a copy of its governing documents to the synod. All proposed changes in the constitution or incorporation documents of a congregation shall be referred to the synod with which the congregation is affiliated. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them. The synod shall recognize that congregations may organize themselves in a manner which they deem most appropriate.

1. The group responsible for fulfilling the synod's responsibility to review and approve governing documents of congregation is the Synod Council.
2. As congregations revise or amend their governing documents, they are encouraged to be in consultation with members of the synod staff or the Governing Documents Committee early in the revision/amendment process. It is likely that early, informal consultation will minimize the need for more complicated, formal changes later in the process (especially after the congregation may have already ratified the proposed changes).
3. Congregations are encouraged to (a) e-mail the synod staff to notify them of the desired update work; (b) clarify exactly what provisions of the governing documents will be changed, e.g. by highlighting the changed text or using a word processing program that shows deletions, substitutions, additions, etc.; and (c) provide the name, phone number, and e-mail address of the lay leader who is chairing the group proposing the revision(s).
4. The synod staff member who works with the Governing Documents Committee will e-mail a copy of the congregation's governing document or other information to a member of the committee.
5. The Governing Documents Committee member will review the proposed changes in the congregation's governing document and will contact the congregation's lay leader, especially if there are questions or concerns that emerge from the committee member's preliminary review of the governing document.
6. If the committee member believes that the proposed changes in the governing document meet all the criteria for synod approval, they shall inform both the congregation leader and synod staff accordingly in writing (e-mail acceptable).
7. If the committee member believes that the changes proposed in the congregation's governing document do not meet all the criteria for synod approval, they shall inform both the congregation leader and synod staff accordingly in writing (e-mail acceptable). Such

notification shall include information on how the governing document needs to be revised in order to receive synodical approval.

8. If a congregation referred to in #5 above does not make changes in the governing document that meet synodical criteria for approval, the matter shall then be considered at the next meeting of the Governing Documents Committee. Based on such discussion, the Committee shall either (a) take appropriate action or (b) recommend that the Synod Council act in the matter.
9. When a congregation meeting has ratified changes in its governing documents, the revised document shall be properly dated and e-mailed to the synod office for filing.

CRITERIA FOR APPROVAL of CONGREGATION CONSTITUTIONS

1. In general, governing documents of congregations need to conform to the governing documents of the ELCA and the synod (especially the *Model Constitution for Congregations of the ELCA*.)
2. Members of the Governing Documents Committee should have in their possession and familiarize themselves with the latest editions of
 - *Constitution, Bylaws and Continuing Resolutions of the Evangelical Lutheran Church in America*,
 - the *Model Constitution for Congregations* and
 - the *Guide for Use of the Model Constitution for Congregations*.
3. Churchwide constitutional provision 9.52 makes three key points: (a) The governing documents of congregations recognized at the establishment of this church [that is, January 1, 1988] shall continue to govern such congregations; (b) When a congregation amends previously existing provisions in its governing documents, the governing documents of that congregation shall be amended to conform to the required provisions of the Model Constitution; and (c) The synod may permit, for good cause, a congregation to retain particular unamended provisions in the congregation's governing documents that were in force at the establishment of the ELCA.
4. With respect to 3.c. above, however, there are some things that congregation constitutions cannot contradict, regardless of what exact language is used in the congregation constitution. All congregations of this church shall abide by the provisions of 9.21 [Criteria for Recognition and Reception]; 9.62 [that defines the prescribed process for termination of a congregation's relationship with this church]; and 7.46 [that specifies the process for the calling of a pastor and the termination of such a call] according to ELCA churchwide constitutional provision 9.22.
5. Provisions of congregation constitutions pertaining to organizational matters are not among the required provisions of the Model Constitution.