

CONSTITUTION, BYLAWS AND CONTINUING RESOLUTIONS
of the
SOUTHWESTERN MINNESOTA SYNOD
EVANGELICAL LUTHERAN CHURCH IN AMERICA

As adopted by the Constituting Assembly of the Southwestern Minnesota Synod of the Evangelical Lutheran Church in America at Gustavus Adolphus College in St. Peter, Minnesota, June 1987; and amended at the Synod Assemblies of June 1989, June 1990, June 1991, June 1992, June 1994, June 1995, June 1996, June 1997, June 1998, June 1999, June 2000, June 2001, April 2002, June 2003, June 2004, April 2005, June 2006, April 2007, April 2010, June 2011, and June 2014. Also as amended by action of the 1991, 1993, 1995, 1997, 1999, 2001, 2003, 2005, 2007, 2011, and 2013 ELCA Churchwide Assemblies.

Chapter 1. NAME, INCORPORATION AND SEAL

- †S1.01. The name of this synod, as determined by the Churchwide Assembly, shall be Southwestern Minnesota Synod of the Evangelical Lutheran Church in America.
- †S1.02. For the purposes of this constitution and the accompanying bylaws, the Southwestern Minnesota Synod of the Evangelical Lutheran Church in America is hereafter designated as “this synod” or “the synod.”
- †S1.11. This synod shall be incorporated. Amendments to the articles of incorporation of this synod shall be submitted to the Church Council for ratification before filing.
- †S1.21. The seal of this synod consists of a cross on top of a globe with an open Bible at the base of the cross. From each side of the Bible emerges a stem of grain. From the center of the Bible emerges a flame that unfurls around the cross. Underneath is the inscription “Southwestern Minnesota Synod, ELCA”. This symbol is surrounded by a vertical rectangle.

Chapter 2. STATUS

- †S2.01. This synod possesses the powers conferred upon it, and accepts the duties and responsibilities assigned to it, in the constitution, bylaws, and continuing resolutions of the Evangelical Lutheran Church in America (ELCA or “this church”), which are recognized as having governing force in the life of this synod.
- †S2.02. The name Evangelical Lutheran Church in America (ELCA or “this church”) as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.
- †S2.03. No provision of this constitution shall be inconsistent with the constitution and bylaws of this church.

Chapter 3. TERRITORY

- †S3.01. The territory of this synod, as determined by the Churchwide Assembly, shall include the counties of Benton, Big Stone, Blue Earth (part), Brown, Chippewa, Cottonwood, Jackson, Kandiyohi, Lac qui Parle, Lincoln, Lyon, McLeod, Martin, Meeker, Mille Lacs (part), Murray, Nicollet, Nobles, Pipestone, Pope, Redwood, Renville, Rock, Sherburne (part), Sibley, Stearns, Stevens, Swift, Watonwan, Wright (part), and Yellow Medicine in the State of Minnesota.
- †S3.02. “Determined by the Churchwide Assembly,” as stipulated by †S3.01., is understood to include the reported changes in synod relationship made by any congregation in a border area agreed under ELCA bylaws 10.01.11. and 10.02.02.

Chapter 4. CONFESSION OF FAITH

- †S4.01. This synod confesses the Triune God, Father, Son and Holy Spirit.

- †S4.02. This synod confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
 - a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
 - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
 - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's continuing revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- †S4.03. This synod accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith and life.
- †S4.04. This synod accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this synod.
- †S4.05. This synod accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- †S4.06. This synod accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- †S4.07. This synod confesses the Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and the Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 5. NATURE OF THE CHURCH

- †S5.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this synod are to be carried out under his rule and authority.
- †S5.02. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. This church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

Chapter 6. STATEMENT OF PURPOSE

- †S6.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming and sanctifying activity in the world.
- †S6.02. To participate in God's mission, this synod as part of the church shall:
 - a. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - b. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer and Sanctifier of all.
 - c. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
 - d. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness and service.

- e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
- f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

†S6.03. Each synod, in partnership with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in its territory. In fulfillment of this role and consistent with policies and procedures of this church, the synod shall:

- a. Provide for pastoral care of congregations and rostered leaders in the synod;
- b. Plan for, facilitate, and nurture the mission of this church through congregations;
- c. Strengthen interdependent relationships among congregations, synods, and the churchwide organization, and foster relationships with agencies and institutions affiliated with or related to this church as well as ecumenical partners.
- d. Interpret the work of this church to congregations and to the public on the territory of the synod.

†S6.03.01. In providing for pastoral care of congregations and rostered leaders in the synod, the responsibilities of the synod include the following:

- a. providing for pastoral care of congregations, ordained ministers, associates in ministry, deaconesses, and diaconal ministers in the synod, including:
 - 1) approving candidates for the ordained ministry in cooperation with the appropriate seminaries of this church, which may be done through multi-synodical committees;
 - 2) authorizing ordinations and ordaining on behalf of this church;
 - 3) approving associates in ministry, deaconesses, and diaconal ministers, which may be done through multi-synodical committees;
 - 4) authorizing the commissioning of associates in ministry, the consecration of deaconesses, and the consecration of diaconal ministers of this church; and
 - 5) consulting in the calling process for ordained ministers, associates in ministry, deaconesses, and diaconal ministers.
- b. providing for leadership recruitment, preparation, and support in accordance with churchwide standards and policies, including
 - 1) nurturing and supporting congregations and lay leaders;
 - 2) seeking and recruiting qualified candidates for the rostered ministries of this church;
 - 3) making provision for pastoral care, call review, and guidance;
 - 4) encouraging and supporting persons on the rosters of this church in stewardship of their abilities, care of self, and pursuit of continuing education to undergird their effectiveness of service; and
 - 5) supporting recruitment of leaders for this church's colleges, universities, seminaries, and social ministry organizations.
- c. providing for discipline of congregations, ordained ministers, and persons on the official lay rosters; as well as for termination of call, appointment, adjudication, and appeals consistent with Chapter 20 of this constitution.
- d. providing for archives in conjunction with other synods.

†S6.03.02. In planning for, facilitating, and nurturing the mission of this church through congregations, the responsibilities of the synod include the following:

- a. developing of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;
- b. leading and encouraging of congregations in their evangelism efforts;
- c. assisting members of its congregations in carrying out their ministries in the world;
- d. encouraging congregations to respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society;
- e. providing resources for congregational life;
- f. grouping congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.

†S6.03.03. In strengthening interdependent relationships among congregations, synods, and the churchwide organization, and in fostering relationships with agencies and institutions affiliated with or related to this church as well as with ecumenical partners, the responsibilities of the synod include the following:

- a. promoting interdependent relationships among congregations, synods, and the churchwide organization, and entering

- into partnership with other synods in the region;
- b. fostering organizations for youth, women, and men, and organizations for language or ethnic communities;
- c. developing relationships with social ministry organizations and ministries, participating in their mission planning, and providing partnership funding;
- d. supporting relationships with and providing partnership funding on behalf of colleges, universities, and campus ministries;
- e. maintaining relationships with and providing partnership funding on behalf of seminaries and continuing education centers;
- f. fostering supporting relationships with camps and other outdoor ministries;
- g. fostering supporting relationships with preschools, elementary schools, and secondary schools operated by congregations of the synod;
- h. fostering relationships with ecumenical and global partners;
- i. cooperating with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of the synod which can best be done cooperatively with other synods and the churchwide organization.

†S6.03.04. In interpreting the work of this church on the territory of the synod, the responsibilities of the synod include the following:

- a. encouraging financial support for the work of this church by individuals and congregations;
- b. participating in churchwide programs;
- c. interpreting social statements in a manner consistent with the interpretation given by the churchwide unit or office which assisted in the development of the statement, and suggestion of social study issues;
- d. providing ecumenical guidance and encouragement.

†S6.04. **Except as otherwise provided in this constitution and bylaws, the Synod Council shall establish processes that will ensure that at least 60 percent of the members of the synod assemblies, councils, committees, boards, and other organizational units shall be laypersons; and that, as nearly as possible, 50 percent of the lay members of assemblies, councils, committees, boards or other organizational units shall be female and 50 percent shall be male; and that, where possible, the representation of ordained ministers shall be both male and female. This synod shall establish processes that will enable it to reach a minimum goal that 10 percent of its assemblies, councils, committees, boards, or other organizational units be persons of color and/or persons whose primary language is other than English.**

†S6.04.A01. *It is the goal of this synod that 10 percent of the membership of synod assemblies, councils, committees, boards and/or other organizational units be persons of color and/or persons whose primary language is other than English.*

S06.04.A07. *The membership of teams and task forces shall be established on the basis of the experience and expertise needed for carrying out the particular responsibilities of any given team or task force.*

†S6.04.B09. *It is the goal of this synod that at least 10 percent of the voting members of the Synod Assembly, Synod Council, committees, and organizational units of this synod be youth and young adults. The Synod Council shall establish a plan for implementing this goal. For purposes of the constitution, bylaws, and continuing resolutions of this synod, 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.*

†S6.05. **Each assembly, council, committee, board, commission, task force, or other body of this synod or any synodical units shall be conclusively presumed to have been properly constituted, and neither the method of selection nor the composition of any such assembly, council, committee, board, commission, task force, or other body 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, council, committee, board, commission, task force, or other body.**

†S6.06. **References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God’s mission and the fulfillment of the purposes of this**

church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

Chapter 7. SYNOD ASSEMBLY

†S7.01. This synod shall have a Synod Assembly, which shall be its highest legislative authority. The powers of the Synod Assembly are limited only by the provisions in the Articles of Incorporation, this constitution and bylaws, the assembly's own resolutions, and the constitutions and bylaws of the Evangelical Lutheran Church in America.

†S7.11. A regular meeting of the Synod Assembly shall be held at least biennially.

S7.12. Special meetings of the Synod Assembly may be called by the bishop with the consent of the Synod Council, and shall be called by the bishop at the request of one-fifth of the voting members of the Synod Assembly.

- a.** The notice of each special meeting shall define the purpose for which it is to be held. The scope of actions to be taken at such a special meeting shall be limited to the subject matter(s) described in the notice.
- b.** If the special meeting of the Synod Assembly is for the purpose of electing a successor bishop because of death, resignation, or inability to serve, the special meeting shall be called by the Synod Council after consultation with the presiding bishop of the Evangelical Lutheran Church in America.

S7.12.01. Such notice must be sent to congregations and ministers of this synod at least forty-five days prior to the special Synod Assembly.

S7.12.02. Business at a Special Assembly shall be restricted to the stated purpose of such an Assembly.

S7.13. Notice of the time and place of all meetings of the Synod Assembly shall be given by the secretary of this synod.

S7.14. One-half of the members of the Synod Assembly shall constitute a quorum.

S7.15. The Synod Executive Committee shall determine the time and place for each Synod Assembly and be responsible for preparation of its proposed agenda and program.

S7.15.01. There shall be a Synod Assembly Planning Committee consisting of one member from each conference who shall be appointed by the Synod Executive Committee.

†S7.21. The membership of the Synod Assembly, of which at least 60 percent of the voting membership shall be composed of lay persons, shall be constituted as follows:

- a.** All ordained ministers under call on the roster of this synod in attendance at the Synod Assembly shall be voting members.
- b.** All associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers, under call, on the official lay rosters of this synod shall have both voice and vote as lay voting members in the Synod Assembly, in addition to the voting membership of lay members of congregations provided in item **†S7.21.c.**
- c.** A minimum of one lay member elected by each congregation with fewer than 175 baptized members and a minimum of two lay members elected by each congregation with 175 or more baptized members related to this synod, normally one of whom shall be male and one of whom shall be female, shall be voting members. The Synod Council shall establish a formula to provide additional lay representation from congregations on the basis of the number of baptized members in the congregation. The Synod Council shall seek to ensure that, as nearly as possible, 50 percent of the lay members of the assembly shall be female and 50 percent shall be male. Additional members from each congregation normally shall be equally divided between male and female.
- d.** Voting membership shall include the officers of this synod.

†S7.21.01. Voting members shall begin serving with the opening of a regular Synod Assembly and shall continue serving until voting members are seated at the next regular Synod Assembly.

- S7.21.02. Congregations shall elect lay voting members to serve a two-year term as voting members of the Synod Assembly including any special meetings of the Synod Assembly that may be called in accordance with S7.12. Lay voting members shall be elected by the congregations in such a way that their terms are staggered.
- S7.21.03. Duly elected conference chairpersons of the synod who are not otherwise voting members of the Synod Assembly under S7.21. shall be granted the privilege of both voice and vote as members of the Synod Assembly.
- S7.22. This synod may establish processes that permit retired ordained ministers on the synod roster to serve as voting members of the Synod Assembly, consistent with †S7.21.c. above.**
- S.7.22.01. Retired ordained ministers on the synod roster have the privilege of voice and vote at all meetings of Synod Assemblies that occur during any period in which they are serving in interim ministries in congregations of the synod.
- S7.22.02. An ordained minister from a church body with which a relationship of full communion has been declared and established by a Churchwide Assembly of the Evangelical Lutheran Church in America shall be granted the privilege of both voice and vote in the Synod Assembly during the period of that ordained minister's service in a congregation or other employing entity of this synod.
- S7.23. All retired ordained ministers, all ordained ministers on leave from call, all associates in ministry on leave from call or retired, all deaconesses of the Evangelical Lutheran Church in America on leave from call or retired, and all diaconal ministers of this church on leave from call or retired, all of whose names appear on the rosters of this synod, shall have the privilege of voice but not vote at all meetings of the Synod Assembly. If retired or on-leave-from-call associates in ministry, deaconesses, or diaconal ministers are elected by their congregation as voting members, they shall have the privilege of voice and vote. The presiding bishop of the Evangelical Lutheran Church in America and such other official representatives of this church as may be designated from time to time by the Church Council shall have voice but not vote in the meetings of the Synod Assembly. Like privileges shall be accorded to those members of the Synod Council who are not voting members of the Synod Assembly and to those additional persons whom the Synod Assembly or the Synod Council shall from time to time designate.**
- S7.24. Ordained ministers under call on the roster of this synod shall remain as members of the Synod Assembly so long as they remain under call and so long as their names appear on the roster of ordained ministers of this synod. Associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers of this church serving under call on the roster of this synod shall remain as members of the Synod Assembly so long as they remain under call and so long as their names appear on the official lay roster of this synod. Lay members representing congregations shall continue as such until replaced by the election of new members or until they have been disqualified by termination of membership. Normally congregations will hold elections prior to each regular meeting of the Synod Assembly.**
- †S7.25. Except as otherwise provided in this constitution or in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, each voting member of the Synod Assembly shall be a voting member of a congregation of this synod.
- S7.26. This synod may establish processes through the Synod Council that permit representatives of congregations under development and authorized worshiping communities of the synod, which have been authorized under ELCA bylaw 10.02.03., to serve as voting members of the Synod Assembly, consistent with †S7.21. Such authorized worshiping communities, acknowledged under criteria and procedures of the ELCA Division for Outreach and the Church Council of the Evangelical Lutheran Church in America, shall accept and adhere to the Confession of Faith and Statement of Purpose of this church, shall be served by leadership under the criteria of this church, and shall be subject to the discipline of this church.**
- S7.27. Duly elected voting members of the Synod Council who are not otherwise voting members of the Synod Assembly under †S7.21. shall be granted the privilege of both voice and vote as members of the Synod Assembly.**
- †S7.31. Proxy and absentee voting shall not be permitted in the transaction of any business of this synod.
- S7.32. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of the Synod Assembly, unless otherwise ordered by the assembly.**

S7.33. “Ex-officio” as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

S7.40. Committees of the Synod Assembly

S7.40.10. Resolutions Committee

S7.40.11. There shall be a Resolutions Committee, consisting of six members, appointed by the Synod Executive Committee, for terms of three years on a rotating basis. This committee shall receive, review, edit, and present resolutions to the Synod Assembly.

S7.40.20. Election Committee

S7.40.21. An Election Committee consisting of one person chosen from among the voting members from each conference shall be appointed by the Synod Executive Committee to prepare and have charge of the ballots, supervise the election, keep an accurate roster of voters, and announce results to the Synod Assembly.

S7.40.30. Credentials Committee

S7.40.31. There shall be a committee on credentials appointed by the Synod Executive Committee from registered voting members to that Synod Assembly to act on applications and examine credentials of Synod Assembly voting members. Every congregation shall submit the credentials of its lay voting members to the Credentials Committee at least 30 days prior to the opening of a Synod Assembly.

S7.40.40. Nominating Committee

S7.40.41. There shall be a Nominating Committee consisting of ten members, one elected from each conference. This committee will be responsible for proposing candidates for various synod or churchwide positions to be elected by the Synod Assembly. (See S9.03.)

Chapter 8. OFFICERS

†S8.01. The officers of this synod shall be a bishop, a vice-president, a secretary, and a treasurer.

S8.10. The Bishop

†S8.11. The bishop shall be elected by the Synod Assembly. The bishop shall be a pastor who is an ordained minister of the Evangelical Lutheran Church in America.

†S8.12. As this synod’s pastor, the bishop shall be an ordained minister of Word and Sacrament who shall:

- a. Preach, teach, and administer the sacraments in accord with the Confession of Faith of this church.
- b. Have primary responsibility for the ministry of Word and Sacrament in this synod and its congregations, providing pastoral care and leadership for this synod, its congregations, its ordained ministers, and its other rostered leaders.
- c. As the synod’s pastor, the bishop shall exercise solely this church’s power to ordain (or provide for the ordination by another synodical bishop) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ordained ministry (and as provided in the bylaws of the Evangelical Lutheran Church in America).
- d. Commission (or provide for the commissioning of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as associates in ministry; consecrate (or provide for the consecration of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as deaconesses of the ELCA; and consecrate (or provide for the consecration of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as diaconal ministers of this church.

- e. Attest letters of call for persons called to serve congregations in the synod, letters of call for persons called by the Synod Council, and letters of call for persons on the rosters of this synod called by the Church Council.
- f. Install (or provide for the installation of):
 - 1) the pastors of all congregations of this synod;
 - 2) ordained ministers called to extraparish service within this church; and
 - 3) persons serving in the other rostered ministries within this synod.
- g. Exercise leadership in the mission of this church and in so doing:
 - 1) Interpret and advocate the mission and theology of the whole church;
 - 2) Lead in fostering support for and commitment to the mission of this church within this synod;
 - 3) Coordinate the use of the resources available to this synod as it seeks to promote the health of this church's life and witness in the areas served by this synod;
 - 4) Submit a report to each regular meeting of the Synod Assembly concerning this synod's life and work; and
 - 5) Advise and counsel this synod's related institutions and organizations.
- h. Practice leadership in strengthening the unity of the Church and in so doing:
 - 1) Exercise oversight of the preaching, teaching, and administration of the sacraments within this synod in accord with the Confession of Faith of this church;
 - 2) Be responsible for administering the constitutionally established processes for the resolution of controversies and for the discipline of ordained ministers, other rostered leaders, and congregations of this synod;
 - 3) Be the chief ecumenical officer of this synod;
 - 4) consult regularly with other synodical bishops and the Conference of Bishops;
 - 5) Foster awareness of other churches throughout the Lutheran world communion and, where appropriate, engage in contact with leaders of those churches;
 - 6) Cultivate communion in faith and mission with appropriate Christian judicatory leaders functioning within the territory of this synod; and
 - 7) Be ex officio a member of the Churchwide Assembly.
- i. Oversee and administer the work of this synod and in so doing:
 - 1) Serve as the president of the synod corporation and be the chief executive and administrative officer of this synod, who is authorized and empowered, in the name of this synod, to sign deeds or other instruments and to affix the seal of this synod;
 - 2) Preside at all meetings of the Synod Assembly and provide for the preparation of the agenda for the Synod Assembly, Synod Council and the council's Executive Committee;
 - 3) Ensure that the constitution and bylaws of the synod and of the churchwide organization are duly observed within this synod, and that the actions of the synod in conformity therewith are carried into effect;
 - 4) Exercise supervision over the work of the other officers;
 - 5) Coordinate the work of all synodical staff members;
 - 6) Appoint all committees for which provision is not otherwise made;
 - 7) Be a member of all committees and any other organizational units of the synod, except as otherwise provided in this constitution;
 - 8) Provide for preparation and maintenance of synodical rosters containing:
 - a) the names and addresses of all ordained ministers of this synod and a record of the calls under which they are serving or the date on which they become retired or disabled; and
 - b) the names and addresses of all other rostered persons of this synod and a record of the positions to which they have been called or the date on which they become retired or disabled;
 - 9) Annually bring to the attention of the Synod Council the names of all rostered persons on leave from call or engaged in approved graduate study in conformity with the constitution and bylaws of this church and pursuant to prior action of this synod through the Synod Council;
 - 10) Provide for prompt reporting to the secretary of this church of:
 - a) additions to and subtractions from the rosters of this synod and the register of congregations;
 - b) the issuance of certificates of transfer for rostered persons in good standing who have received and accepted a properly issued, duly attested, regular letter of call under the jurisdiction of another synod;
 - c) The entrance of the names of such persons for whom proper certificates of transfer have been received;

- 11) Provide for preparation and maintenance of a register of the congregations of this synod and names of the laypersons who have been elected to represent them;
- 12) Appoint a statistician of the synod, secure the parochial reports of the congregations and make the reports available to the secretary of this church for collation, analysis, and distribution of the statistical summaries to this synod and the other synods of this church.

†S8.13. **The synodical bishop may appoint an attorney, admitted to the bar within the territory of the synod or the state where the synod is located, to be Synod Attorney. The appointment must be approved by the Synod Council and reported to the Synod Assembly and to the ELCA secretary. The appointment continues until resignation or until a successor is appointed. The Synod Attorney provides legal advice and counsel to the synodical officers and the Synod Council. The Synod Attorney is expected to be familiar with the governing documents and policies of the synod and, as necessary, to attend meetings of the Synod Council. The Synod Attorney serves without salary but may be retained and compensated for specific legal services requested by the synod.**

S8.14. The synod shall have authority to call synod ministers as it deems necessary from time to time.

S8.14.01. Persons to serve as synod ministers shall be called by the Synod Council. The Executive Committee of the Synod Council shall establish a process or processes to nominate a candidate or candidates. The process shall include consultation with the bishop.

S8.14.02. Creation of a new synod program staff position or elimination of a present synod minister staff position shall be initiated by the Executive Committee of the Synod and approved by the Synod Council and the Synod Assembly.

S8.14.03. Terms of synod ministers shall coincide with that of the bishop.

†S8.15. **The presiding bishop of this church, or the appointee of the presiding bishop, shall install into office, in accord with the policy and approved rite of this church, each newly elected synodical bishop.**

†S8.16. **Conflicts of Interest**

†S8.16.01. The following procedures shall govern matters of potential conflicts of interest for synodical bishops:

- a. Whenever a synodical bishop determines that a matter of the kind described in †S8.16.01.b. may require his or her determination or action with respect to a related individual as defined in †S8.16.01.c., the synodical bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synodical bishop from the same region to handle the matter to conclusion. In dealing with such matter, the appointed bishop shall exercise all of the functions and authority to the same extent as if the appointed bishop were the elected bishop of the withdrawing bishop's synod.
- b. Matters include any proceedings under Chapter 20, proceedings under provision 7.46. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (†S14.13.), candidacy, reinstatement, and similar matters where determinations or actions by the synodical bishop could change, limit, restrict, approve, authorize, or deny the related individual's ministry on one of the official rosters of this church.
- c. A related individual is one who, with respect to the synodical bishop, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, including corresponding members of blended families and in-laws (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).

S8.20. The Vice-president

†S8.21. **The vice-president shall be elected by the Synod Assembly. The vice-president shall be a layperson. The vice-president shall be a voting member of a congregation of this synod. The vice-president shall not receive a salary for performance of the duties of the office.**

S8.21.01. The vice-president shall serve as one of the synod's voting members to the Churchwide Assembly.

S8.22. The vice-president shall chair the Synod Council.

S8.23. In the event of the death, resignation, or disability of the bishop, the vice-president shall convene the Synod Council to arrange for the conduct of the duties of the bishop until a new bishop shall be elected or, in the case of temporary disability, until the bishop resumes full performance of the duties of the office.

S8.30. The Secretary

†**S8.31.** The secretary shall be elected by the Synod Assembly. The secretary shall be a voting member of a congregation of this synod. The secretary may be either a lay person or an ordained minister.

†**S8.32.** The secretary shall:

- a. Keep the minutes of all meetings of the Synod Assembly and Synod Council, be responsible for the printing and distribution of such minutes, and perform such other duties as this synod may from time to time direct.
- b. Be authorized and empowered, in the name of this synod, to attest all instruments which require the same, and which are signed and sealed by the bishop.
- c. In consultation with the bishop, classify and arrange all important papers and documents and deposit them in the archives of this synod.
- d. Submit to the secretary of this church at least four months before the Churchwide Assembly a certified list of the regular and alternate voting members elected by the Synod Assembly.

S8.40. The Treasurer

†**S8.41.** The treasurer shall be elected by the Synod Assembly or may be appointed by the Synod Council. The treasurer shall be a voting member of a congregation of this synod. The treasurer may be either a layperson or an ordained minister.

S8.40.01. The treasurer shall not receive a salary for the performance of duties of the office.

S8.42. The treasurer shall provide and be accountable for:

- a. Management of the monies and accounts of this synod, its deeds, mortgages, contracts, evidence of claims and revenues, and trust funds, holding the same at all times subject to the order of the synod.
- b. Investment of funds upon the authorization of the Synod Council.
- c. Receipt and acknowledgment of offerings, contributions, and bequests made to this synod, collecting interest and income from its invested funds, and paying regular appropriations and orders on the several accounts as approved and directed by the Synod Council. The treasurer shall transmit each month to the treasurer of the Evangelical Lutheran Church in America the funds received by the synod for the general work of this church.
- d. Maintenance of a regular account with each congregation of this synod and informing the congregation, at least quarterly, of the status of this account.
- e. Rendering at each regular meeting of the Synod Assembly a full, detailed, and duly audited report of the receipts and disbursements in the several accounts of this synod for the preceding fiscal year, together with the tabulation, for record and publication in the minutes, of the contributions from the congregations.
- f. Giving of corporate surety in the amount determined by the Synod Council, which shall be in the custody of the secretary, and the premium therefore shall be paid by this synod. Fidelity coverage provided by the Evangelical Lutheran Church in America shall be deemed a fulfillment of this requirement.

S8.50. General Provisions

†**S8.51.** The terms of office of the officers of this synod shall be:

- a. The bishop of this synod shall be elected to a term of six years and may be re-elected.
- b. The vice-president, secretary, and treasurer of this synod shall be elected to a term of four years and may be re-elected.

S8.52. The terms of the officers shall begin on the first day of the third month following election.

†**S8.53.** Each officer shall be a voting member in a congregation of this synod, except that the bishop need not be a member of a congregation of this synod at the time of election.

- †S8.54. Should the bishop die, resign, or be unable to serve, the vice-president shall convene the Synod Council to arrange for the appropriate care of the responsibilities of the bishop until an election of a new bishop can be held, or, in the case of temporary disability, until the bishop is able to serve again. Such arrangements may include the appointment by the Synod Council of an interim bishop, who during the vacancy or period of disability shall possess all of the powers and authority of a regularly elected bishop. The term of the successor bishop, elected by the next Synod Assembly or a special meeting of the Synod Assembly called for the purpose of election, shall be six years with the subsequent election to take place at the Synod Assembly closest to the expiration of such a term and with the starting date of a successor term to be governed by constitutional provision S8.52.
- S8.55. Should the vice-president, secretary, or treasurer die, resign, or be unable to serve, the bishop, with the approval of the Executive Committee of the Synod Council, shall arrange for the appropriate care of the responsibilities of the officer until an election of a new officer can be held or, in the case of temporary disability, until the officer is able to serve again. The term of the successor officer, elected by the next Synod Assembly, shall be four years.
- †S8.56. The Executive Committee of the Synod Council shall determine whether an officer is unable to serve; the officer may appeal the decision of the Executive Committee by requesting a hearing before the Synod Council. A meeting to determine the ability of an officer to serve shall be called upon the request of at least three members of the Executive Committee and prior written notice of the meeting shall be given to the officer in question at least ten calendar days prior to the meeting.
- †S8.57. The recall or dismissal of an officer may be effected in accordance with the procedure established by the Committee on Appeals of the Evangelical Lutheran Church in America.
- †S8.58. If the bishop is to be temporarily absent from the synod for an extended period, the bishop, with the consent of the Synod Council, may appoint as acting bishop for such period an ordained minister of this church. Except as limited by action of the Synod Council, an acting bishop shall possess all of the powers and authority of a regularly elected bishop other than authority to ordain or to authorize the ordination of properly approved candidates for ordination.

Chapter 9. NOMINATIONS AND ELECTIONS

- †S9.01. The Synod Assembly shall elect such officers of this synod and such other persons as the constitution and bylaws may require, according to procedures set forth in the bylaws.
- S9.01.01.A2000 *The Synod Assembly shall elect voting members to Churchwide Assemblies of the ELCA according to the following procedures: (1) Five clergy voting members and ten clergy alternates shall be nominated by conference assemblies. For the 1999 Churchwide Assembly, these five conferences shall be the Glacial Ridge, Lac qui Parle, Minnesota Valley, Scenic Valley and Watonwan River Conferences. For succeeding Churchwide Assemblies the conferences will alternate representation for clergy and clergy alternates. (2) Ten lay voting members and twenty lay alternates shall be nominated by the conference assemblies. Of these positions, half shall be lay females and half shall be lay males. The five conferences that nominate clergy voting members and alternates shall also nominate lay female voting members and alternates. (3) Inasmuch as the synod vice president is an ex officio voting member of the Churchwide Assembly, cf.S8.21.01, the synod nominating committee shall nominate two lay alternates of the same gender as the synod vice president, chosen from among the members of the synod council. (4) The remaining allotment of lay voting members and lay alternates shall be nominated by the synod nominating committee on an at-large basis, using the representation principles of the ELCA, cf.S7.21.c. The nominating committee is encouraged to nominate confirmed youth age 21 or younger at the time of election for at least one of these at-large lay voting member and alternate positions. (5) The remaining allotment of clergy voting members and clergy alternates shall be nominated by the synod nominating committee on an at-large basis. (6) In its own work and in its communications with the conferences, the synod nominating committee shall assure that every voting member who is elected has a first alternate and a second alternate who is of the same lay/clergy status and/or gender.*
- †S9.02. In all elections by the Synod Assembly, other than for the bishop, a majority of the legal votes cast shall be necessary for election.

S9.03. There shall be a Nominating Committee consisting of one member from each conference, who shall be elected by the conferences in accord with S6.04 to serve terms of three years. Additional nominations may be made from the floor for all elections for which nominations are made by the Nominating Committee.

S.9.03.01. Except as otherwise provided in the constitution and bylaws of this Synod, the Nominating Committee shall normally present the names of at least two nominees for positions elected at any meeting of a Synod Assembly. An agency or institution of the church for which the Synod Assembly elects board members may be granted an exception to this provision, provided it has (a) requested such an exception in writing to the Nominating Committee and (b) documented this request by providing the Nominating Committee with a copy of pertinent meeting minutes or governing documents of the agency or institution.

S9.04. The bishop shall be elected by the Synod Assembly in accordance with the process specified in the bylaws and continuing resolutions.

S9.04.01. For purposes of the Bylaws under S9.04 of the Constitution, the term nominee shall be synonymous with candidate. The Synod Nominating Committee shall prepare a slate of nominees for synod bishop for consideration by the conference assemblies. When preparing a slate of nominees for synod bishop, the Synod Nominating Committee shall solicit recommendations for nominees from individuals and congregations throughout the Synod, which nominees may come from within or without the Synod. The Synod Nominating Committee shall prepare a nomination information form and request that it be completed by each individual recommended as a nominee for bishop. The completed information forms will be made available to each conference assembly voting member who will be voting on the nominees at least two weeks prior to the first conference assembly preceding the Synod Assembly at which the election of the bishop is to occur. Each conference assembly shall then nominate five (5) members of the ELCA clergy roster for the office of synod bishop. Prior to placement on the conference's nominating ballot, each nominee must first be nominated by a voting member in that conference in order for the individual's name to be placed on the conference ballot. The nominees on the conference nominating ballot may consist of nominees other than those named in the Synod Nominating Committee slate, and need not come from within a particular conference. The names of the nominees selected by the conference nominating ballots shall be forwarded to the Synod Nominating Committee.

S9.04.01.A2013 Each conference shall, on the first nominating ballot, allow voting members to vote for five (5) nominees. Any nominees who receive a majority of the votes cast on this ballot shall be considered nominees of the conference and their names will not reappear on subsequent ballots. On subsequent ballots, the number of nominees to be voted for on the ballot, if there is a sufficient number of nominees remaining on the ballots to be voted for, shall be equal to the number of remaining nominee positions. (For example, if two nominees achieve majority votes on the first ballot, voting members shall vote for three nominees on the second ballot.) This process shall continue until five nominees are chosen.

S9.04.01.A2013. 1. On subsequent ballots, the list of nominees shall be limited to nominees whose names appeared on the first ballot. On any ballot on which no nominee receives a majority, the nominee with the fewest votes is removed.

2. In balloting for bishop nominees, the following persons shall be eligible to vote: all rostered leaders of that conference of the Southwestern Minnesota Synod; and up to six lay persons from each congregation of the conference. Congregations are encouraged but not required to elect an equal number of male and female voting members.

S9.04.02. The Synod Nominating Committee shall formulate a slate of five (5) nominees by determining the persons most frequently nominated at the conference assemblies. In the event of a tie for the fifth place, all fifth place nominees shall be included among the slate of nominees. In the event of the withdrawal by a nominee thirty days prior to the opening of the Synod Assembly, leaving fewer than five nominees, the Synod Nominating Committee shall place the name of the next succeeding nominee(s) on the ballot, if any.

S9.04.03. The Synod Nominating Committee shall make arrangements for nominee forums and/or other opportunities in the synod for the purpose of acquainting members of the synod with the nominees and encouraging discussion of matters related to the election of the bishop. The Synod Nominating Committee shall cause the slate of nominees,

along with their biographical information, to be published in the official publications of the synod and in the pre-assembly report for the Synod Assembly. The Synod Council shall arrange for the funding of such forums and for participation of nominees in the forums and Synod Assembly.

S9.04.03.A2014 At the Synod Assembly, there shall be no nominations from the floor for the office of bishop. Statements by the nominees may be permitted according to rules adopted by the Synod Assembly. Where five or more nominees are on the first ballot, three-fourths of the votes cast shall be necessary for election on the first ballot. If no election results, the nominee receiving the fewest votes shall be removed from the slate of nominees. On the second ballot, two-thirds of the votes cast shall be necessary to elect. If no election results, the nominee with the fewest votes shall be removed from the slate of nominees. On all remaining ballots, until election, a majority of votes cast shall elect. If no election results on a given ballot, the nominee with the fewest votes shall be removed from the slate of nominees. Where four nominees, and only four nominees are on the first ballot, two-thirds of the votes cast shall be necessary to elect on the first ballot, and a majority of votes cast to elect on each succeeding ballot. Where three nominees or fewer are on the first ballot, a majority of votes cast shall be necessary to elect on the first ballot. Regardless of the number of nominees on the initial ballot and each succeeding ballot, if no election results, the nominee receiving the fewest votes cast shall be removed from the slate of nominees prior to the next ballot.

S9.05. The Nominating Committee shall nominate at least two persons for vice-president; additional nominations may be made from the floor.

S9.06. The Nominating Committee shall nominate two persons for secretary; additional nominations may be made from the floor.

S9.07. The Synod Council shall nominate two persons for treasurer; additional nominations may be made from the floor.

S9.08. In all elections, except for the bishop, the names of the persons receiving the highest number of votes, but not elected by a majority of the votes cast on a preceding ballot, shall be entered on the next ballot to the number of two for each vacancy unfilled.

S9.09. The result of each ballot in every election shall be announced in detail to the assembly.

S9.11. The Synod Council shall elect or appoint representatives to the steering committee of its region.

S9.11.01. Members of the Region 3 Steering Committee shall be appointed according to the Region 3 Orders of Governance and the rotation for representation defined by the Steering Committee.

†S9.12. Background checks and screening shall be required and completed for persons nominated as synodical 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 Synod Council.

S9.13. The Nominating Committee, in consultation with the Synod Youth Organization, shall nominate persons for election by the Synod Assembly to serve as youth member of the Synod Council.

S9.14. The Nominating Committee shall nominate persons for election by the Synod Assembly as members at-large of the Synod Council.

S9.15. The Nominating Committee shall nominate persons for election by the Synod Assembly to the boards of agencies and institutions of the church according to their respective constitutions.

Chapter 10. SYNOD COUNCIL

†S10.01. The Synod Council, consisting of the four officers of the synod, 10-24 other members, and at least one youth and at least one young adult, shall be elected by the Synod Assembly.

a. Each person elected to the Synod Council shall be a voting member of a congregation of this synod, with the exception of ordained ministers on the roster of this synod who reside outside the territory of this synod. The

process for election and the term of office when not otherwise provided shall be specified in the bylaws. A member of the Church Council of the Evangelical Lutheran Church in America, unless otherwise elected as a voting member of the Synod Council, may serve as an advisory member of the Synod Council with voice but not vote.

- b. The term of office of members of the Synod Council, with the exception of the officers and the youth member, shall be three years.**

S10.01.01. The Synod Council shall include one person from each conference, seven members elected at-large, and two youth representatives.

S10.01.02. Each conference's representative to the Synod Council shall be nominated by the Conference Assembly to a three-year term, with no consecutive re-election, and subsequently stand for election at the Synod Assembly.

S10.01.03. At all times five of the conferences shall be represented by laypersons and five of the conferences shall be represented by persons who are either ordained ministers or rostered lay ministers. This representation shall rotate with the completion of each term.

S10.01.04. The seven Synod Council members elected at-large shall include five laypersons and two persons who are either ordained ministers or rostered lay ministers. These persons shall be nominated by the Nominating Committee and elected by the Synod Assembly to three-year terms. They shall not be eligible for consecutive re-election.

S10.01.05. The terms of the members at-large shall be rotated in such a way that normally no more than two lay members and one member who is either an ordained minister or a rostered lay minister shall be elected by the same Synod Assembly.

S10.01.06. Should a member of the Synod Council die, resign, or be unable to serve, the Synod Council shall appoint a replacement until the next Synod Assembly at which time a person shall be elected to complete the unexpired portion of the term.

S10.01.07. The term of each member of the Synod Council begins immediately after the adjournment of the Synod Assembly in the year of election, or on June 30 in years when there shall be no Synod Assembly.

S10.01.08. Advisory members to the Synod Council shall be seated with voice, but not vote. Those members shall include:

- a) synod representative(s) on the Region 3 Steering Committee;
- b) presidents of the synod's Women of the ELCA, Lutheran Men in Mission, and Lutheran Youth Organization;
- c) representatives of the Conference Deans and Conference Chairpersons;
- d) synod ministers and other synodical staff;
- e) persons who reside in this synod and who are serving on the ELCA Church Council or ELCA churchwide boards of divisions, commissions, departments and offices;
- f) others whom the synod council may invite, such as representatives of LSS of Minnesota and shared ministries funded through the budget.

S10.01.09. The Synod Council shall meet at least three times annually. Special meetings may be called by any three voting members of the Synod Council, or by the bishop of the synod. In the case of the bishop's death, incapacity to serve, or removal, a special meeting may be called by the vice-president. A majority of the voting members of the Synod Council shall constitute a quorum.

S10.01.11. There shall be two youth representatives on the Synod Council. Youth representatives shall be nominated by the Nominating Committee and elected by the Synod Assembly to a two-year term. They shall not be eligible for consecutive re-election.

†S10.02. The Synod Council shall be the board of directors of this synod and shall serve as its interim legislative authority between meetings of the Synod Assembly. It may make decisions which are not in conflict with actions taken by the Synod Assembly or which are not precluded by provisions of this constitution or the constitution and bylaws of the Evangelical Lutheran Church in America.

S10.03. The functions of the Synod Council shall be to:

- a. Articulate and promote the mission of the synod.
- b. Exercise trusteeship responsibilities on behalf of this synod.
- c. Recommend program goals and budgets to the regular meetings of the Synod Assembly.
- d. Carry out the resolutions of the Synod Assembly.
- e. Provide for an annual review of the roster of ordained ministers and of other official rosters, receive and act upon recommendations regarding those persons whose status is subject to reconsideration and action under the constitution and bylaws of the ELCA, and make a report to the Synod Assembly of the Synod Council's actions in this regard.
- f. Issue letters of call to ordained ministers and letters of call to associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers as authorized by Chapter 7 of the constitution and bylaws of ELCA.
- g. Fill vacancies until the next regular meeting of the Synod Assembly except as may otherwise be provided in the constitution or bylaws of this synod, and determine the fact of the incapacity of an officer of the synod.
- h. Report its actions to the regular meeting of the Synod Assembly.
- i. Elect synod ministers if and when such positions are created by the Synod Assembly.
- j. Approve the salaries of synod staff in accordance with the budget adopted by the Synod Assembly.
- k. Provide for the appointment of members to the governing boards of those synodical partner agencies and institutions whose members are not elected by the Synod Assembly.
- l. Establish the number of and boundaries for conferences and have authority to approve transfers of congregations from one conference to another.
- m. Provide for an annual examination of all investments and securities held by the synod for report and/or recommendation of action to the Synod Assembly.
- n. Review the ministry of the conferences and provide guidance for their work with the synod.
- o. Perform such other functions as are set forth in the bylaws of the synod, or as may be delegated to it by the Synod Assembly.

S10.04. Any proposal to appropriate funds, whether by amendment to the budget or otherwise, which is presented to a meeting of the Synod Assembly without the approval of the Synod Council, shall require a two-thirds vote for adoption.

S10.05. No elected member of the Synod Council shall receive compensation for service on the Council.

S10.06. If a member of the Synod Council ceases to be a member in good standing on a roster of this synod, if an ordained minister, or to be a voting member of a congregation of this synod, if a layperson, the office filled by such member shall at once become vacant.

S10.07. The composition of the Synod Council, the number of its members, and the manner of their selection, as well as the organization of the Synod Council, its additional duties and responsibilities, and the number of meetings to be held each year shall be as set forth in the bylaws.

Chapter 11. COMMITTEES, BOARDS AND TASK FORCES

†S11.01. There shall be an Executive Committee, a Consultation Committee, a Committee on Discipline, a Mutual Ministry Committee, an Audit Committee, and such other committees as this synod may from time to time determine. The duties and functions of such committees, or any other organizational units created by this synod, and the composition and organizational structure of such units, shall be as set forth in this constitution or in the bylaws or continuing resolutions, and shall be subject to any applicable provisions or requirements of the constitution and bylaws of the Evangelical Lutheran Church in America.

S11.01.01. Unless otherwise provided for in the constitution or bylaws of the synod, the Synod Council shall oversee and coordinate the work of the boards and committees of the synod.

S11.01.02. All members of synod boards shall serve three-year terms and are eligible for re-election. Each conference shall elect one member for each board. The Synod Council shall appoint two at-large members for each board.

S11.01.02.A07. The Synod Council shall evaluate the election procedures, terms, and term limits of boards, teams, and task forces in 2013 – six years after implementation of the new structure.

S11.01.02.B07. The Synod Council will determine the terms of office and whether term limits apply to all teams. Most teams would have a maximum term of service of six years. Some teams require technical skills where term limits can hinder effective service.

S11.01.03. The term of office of a board or committee member begins at the close of the Synod Assembly or on June 30 of those years in which there is no Synod Assembly.

S11.01.04. Task Forces may be appointed for a specific term by the Synod Council and/or a synod board.

S11.01.05. Unless otherwise provided for in the constitution or bylaws of the synod, boards will normally meet at least twice a year.

†S11.02. The Consultation Committee of this synod shall consist of at least six persons and not more than twelve persons, of whom half shall be ordained ministers and half shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election. The functions of the Consultation Committee are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and in Chapter 17 of this constitution. The size of the Consultation Committee, in accord with this provision, shall be defined in this synod's bylaws.

S11.02.01. The Consultation Committee shall consist of twelve members who shall be nominated by the Synod Nominating Committee, and elected in such a manner that two will be new members each year. The bishop shall be an ex officio member of the committee except in cases where the bishop brings charges against an ordained minister.

From this committee the Executive Committee of the Synod Council shall appoint five persons (three ordained ministers and two laypersons) to serve as a special consultation committee to consider the dispute.

The special Consultation Committee shall meet with the accused and the accuser(s) in an effort to resolve the issue(s). If as a result of the consultation the charges are withdrawn, no further proceedings shall be required. If the charges are not withdrawn, the special Consultation Committee shall:

- 1) In the case of charges that do not anticipate disciplinary action, submit a report in writing to the bishop of this synod which sets forth the charges and the action(s) recommended by the special Consultation Committee; or
- 2) In the case of charges that may result in disciplinary action, the bishop shall convey the recommendations of the special Consultation Committee to the parties. If either party does not accept the recommendations, that party may appeal the matter to the Synod Council, whose decision shall be final.

S11.02.01.A2000. In order to implement actions of the 1999 Churchwide Assembly increasing the size of the Discipline Committee to twelve members and allowing for the transfer of members of the Consultation Committee to the Discipline Committee, the Synod Council shall re-configure terms for members of the Consultation Committee in line with pertinent provisions of the synod constitution and bylaws.

†S11.03. The Committee on Discipline of this synod shall consist of twelve persons of whom six shall be ordained ministers and six shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election.

- a) **The functions of the Committee on Discipline of this synod are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.**
- b) **The terms of committee members shall be staggered so that the terms of four committee members (two clergy and two lay) expire every two years.**
- c) **The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term.**

S11.03.01. In addition to the six members of the synodical Committee on Discipline, six members of the ELCA churchwide Committee on Discipline (three ordained ministers and three laypersons) shall be appointed by the Executive Committee of the ELCA Church Council for any specific disciplinary case as provided for in the *Constitution, Bylaws, and Continuing Resolutions of the ELCA*. Each biennium the Synod Council shall designate the chair of the synodical Committee on Discipline from among the members of the Committee on Discipline elected by the Synod Assembly.

In each specific case that may result in discipline, the committee shall function as provided for in the constitution and bylaws of the ELCA.

The six members of the synod's Committee on Discipline elected by the Synod Assembly shall be nominated by the Synod Nominating Committee and shall assume their responsibilities in such a manner that one new member is elected each year.

†S11.04. The Mutual Ministry Committee shall be appointed by the Executive Committee of the Synod Council to provide support and counsel to the bishop.

†S11.05. The Audit Committee of this synod shall consist of three to six persons, none of whom are members of the synod staff. Up to half of the committee members may be Synod Council members. The Audit Committee members shall be elected by the Synod Council for a term of three years and be eligible for re-election to a second consecutive three-year term. The terms of the Audit Committee members shall be staggered. The Audit Committee shall be responsible for assisting the Synod Council in fulfilling its general oversight of the synod's accounting, financial reporting, internal control systems, and external audit processes as provided in †S15.31.

S11.06. Except as otherwise provided in this constitution and bylaws, this synod, through the Synod Council, shall ensure that, where possible, the representation of ordained ministers at its assemblies, councils, committees, boards, and other organizational units shall be both female and male.

S11.10. Executive Committee of the Synod Council

S11.10.01. There shall be an Executive Committee consisting of the four synod officers and two persons elected annually by the Synod Council from its own membership.

S11.10.02. The Executive Committee shall:

- a. prepare an annual budget for the synod which is to be submitted to the Synod Council for recommendation to the Synod Assembly, or, in a year when there is no assembly, to the Synod Council for consideration and adoption.
- b. assist the bishop in planning, promoting, and coordinating the activities of the synod.
- c. determine time and place for the Synod Assembly, after consultation with the secretary and the presiding bishop of the ELCA.
- d. perform such other functions as are set forth in the bylaws of the synod, or as may be delegated to it by the Synod Council.

S11.30. Engaging Leaders Board

S11.30.01. There shall be a twelve-member board for oversight, evaluating, and planning the synod's work of engaging leaders. It will focus on identifying, developing, and supporting lay and clergy leaders and their gifts.

S11.40. Equipping Congregations Board

S11.40.01. There shall be a twelve-member board for oversight, evaluating, and planning the synod's work of equipping congregations for their ministry and mission in Christ's name.

S11.50. Serving in God's World Board

S11.50.01. There shall be a twelve-member board for oversight, evaluating, and planning the synod's work of serving Christ's mission.

S11.80. General Provisions

S11.81. This synod shall in its bylaws or by continuing resolution establish a process to ensure that the members of its committees and other organizational units will be persons possessing the necessary knowledge and competence to be effective members of such units, and to meet the requirements of †S6.04. With the exception of ordained ministers on the roster of this synod who reside outside the territory of this synod, each member of a committee of

this synod, or any other organizational unit created by this synod, shall be a voting member of a congregation of this synod.

S11.81.A97. Except as otherwise provided in the constitution and bylaws of this synod, the synod Executive Committee may nominate persons for positions elected by the Synod Council or Synod Assembly.

S11.81.B97. Except as otherwise provided in the constitution and bylaws of this synod, the synod Executive Committee may appoint persons to fill unexpired terms for vacant positions elected by the Synod Council or Synod Assembly until the next meeting of the Synod Council or Synod Assembly. The appointee may become one of the required number of nominees for election.

S11.81.C97. Except as otherwise provided in the constitution and bylaws of this synod or of the conference, the conference officers may nominate persons for positions elected by the conference.

S11.81.D97. Except as otherwise provided in the constitution and bylaws of this synod or of the conference, the conference officers may appoint persons to fill the unexpired term for vacant positions elected by the conference until the next meeting of the conference. The appointee may become one of the required number of nominees for election.

S11.81.E97. Except as otherwise provided in the constitution and bylaws of this synod, members of committees and task forces may be nominated by the committee or task force itself and shall be appointed by the entity to which it reports.

Chapter 12. CONFERENCES, CLUSTERS, COALITIONS, OR OTHER AREA SUBDIVISIONS

†S12.01. This synod may establish conferences, clusters, coalitions, area subdivisions, and networks as appropriate within its territory and in collaboration with other synods and partners, as specified in the bylaws and continuing resolutions. The purpose of such groupings shall be to foster interdependent relationships for missional purposes among congregations, synods, the churchwide organization, and other partners.

S12.01.01. A conference is a geographically defined group of congregations which work together to foster interdependent relationships among the congregations in support of the mission of the ELCA and the synod in that area.

S12.01.02. Each conference shall have responsibilities for:

- a. joint worship, inspiration and study;*
- b. offering resources for congregational ministry;*
- c. fulfilling responsibilities in the selection of representatives to council, boards or committees of the synod;*
- d. encouraging participation in and support for the entire mission of the church.*

S12.01.03. Each conference may collect funds from congregations to support conference programs and meetings. The conference shall not be a benevolence gathering or collecting unit of the ELCA or the synod, except in special instances where the conference assumes responsibility for the support of a specific ministry within its geographic boundaries or where the conference seeks to support a conference-equivalent relationship with an official companion synod of the Southwestern Minnesota Synod.

S12.01.04. Each conference may establish a program planning group to plan the meetings and work of the conference. The membership of such a group could include conference officers; synod board/committee members from the conference; representatives of the synod's Women of the ELCA, Lutheran Men in Mission, and Lutheran Youth Organization; and consultants called to meet for a specific purpose.

S12.01.05. The conference shall meet in assembly at least once a year, and may meet at other times during the year for worship, inspiration, study, and resource sharing.

S12.01.05.A2000. Except as otherwise provided in the constitution and bylaws of a conference, each congregation shall be entitled to no more than six lay voting members (normally half of whom shall be female and half of whom shall be male) at conference assemblies. In addition, ordained ministers, associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers under call on the rosters of this synod shall be entitled to have both voice and vote in the assemblies of the conferences where they serve.

S12.01.06. Each conference shall elect a chairperson, a dean, and a secretary who shall serve no more than two consecutive full two-year terms. The chairperson shall be a layperson. The dean shall be an ordained minister. The secretary may be either a layperson or an ordained minister.

S12.01.06.A96. Amendment of bylaw S12.01.05. shall take effect in a conference when the current term(s) of the dean and secretary expire.

S12.01.07. Each conference may choose to elect a treasurer who shall serve no more than two full two-year terms and who may be either an ordained minister or a layperson.

S12.01.08. The dean shall attend the meetings of the Conference of Deans and assist the bishop with providing pastoral care and leadership to the congregations and rostered leaders of the synod. The deans of the conferences shall meet together at least twice a year with the bishop and synod ministers to coordinate the work and meetings of the conferences and consult on issues that need to be brought to the attention of the conferences. Should a vacancy occur in the office of dean, the conference chairperson, in consultation with the bishop, may appoint an interim dean until the next conference assembly.

S12.01.09. The conference chairperson shall preside at conference assemblies and assist in the leadership of the conference and synod. The conference chairpersons shall meet together at least twice a year with the bishop and synod ministers to coordinate the work and meetings of the conferences and consult on issues that need to be brought to the attention of the conferences. Should a vacancy occur in the office of chairperson, the conference dean, in consultation with the bishop, may appoint an interim chairperson until the next conference assembly.

S12.01.10. The conference secretary shall keep minutes of all conference assemblies, handle correspondence, and perform other duties as assigned by the conference. Should a vacancy occur in the office of the secretary, the conference chairperson, in consultation with the conference dean, may appoint an interim secretary until the next conference assembly.

S12.10. Synod Conferences

S12.10.01. The conferences of this synod shall be: Crow River Conference, Glacial Ridge Conference, Great River Conference, Lac qui Parle Conference, Lakeland Conference, Minnesota Valley Conference, Prairie Conference, Scenic Valley Conference, Shetek Conference, and Watonwan River Conference.

S12.10.02. A listing of congregations and other ministries within each conference shall be published in the Synod Assembly report or synod handbook. Conference membership can be changed subject to the provisions of S10.03.1.

Chapter 13. CONGREGATIONS

†S13.01. Each congregation, except those certified as congregations of the Evangelical Lutheran Church in America by the uniting churches, prior to being listed in the register of congregations of this synod, shall adopt the *Model Constitution for Congregations* or one acceptable to this synod that is not in contradiction to the constitution and bylaws of the ELCA.

a. New congregations. A congregation newly formed by this church and any congregation seeking recognition and reception by this church shall:

- 1) Accept the criteria for recognition and reception as a congregation of this church, fulfill the functions of the congregation, and accept the governance provisions as provided in Chapter 9 of the ELCA constitution and bylaws.
- 2) Adopt governing documents that include fully and without alterations the Preamble, Chapter 1, where applicable, and all required provisions of Chapters 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, and 19 in the *Model Constitution for Congregations* consistent with requirements of this constitution and the constitution of this church. Bylaws and continuing resolutions, appropriate for inclusion in these chapters and not in conflict with these required provisions in the *Model Constitution for Congregations*, the constitution of this synod, or the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, may be adopted as described in Chapters 16 and 18 of the *Model Constitution for Congregations*.

- 3) Accept the commitments expected of all congregations of the ELCA as stated in *C6.01., *C6.02., and *C6.03., of the *Model Constitution for Congregations*.
 - b. Congregations from another church body. If a congregation is a member of another church body, the leaders of the congregation first should consult with the appropriate authorities of that church body before taking action to leave its current church body. After such consultation, leaders of the congregation should make contact with the ELCA synod bishop or staff where the congregation is located.
 - c. Recognition and reception. Recognition and reception into this church of transferring or independent congregations by the Evangelical Lutheran Church in America is based on the judgment of the synod and action by the synod through the Synod Council and Synod Assembly. The synod bishop shall provide for prompt reporting of such additions to the secretary of this church for addition to the register of congregations.
- †S13.02. It shall be the responsibility of each congregation of this synod annually to choose from among its voting members laypersons to serve as members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by each congregation and other qualifications shall be as prescribed in guidelines established by this synod.
- S13.11. When a pastor or when an associate in ministry, deaconess of the Evangelical Lutheran Church in America, or diaconal minister of this church resigns, the Congregation Council shall receive the letter of resignation, report it to the congregation, and at once notify the bishop of this synod.
- S13.11.01. In consultation with the congregation, the bishop may recommend an interim minister to provide for pastoral ministry during a pastoral vacancy. The congregation shall enter into a letter of agreement with the interim minister.
- S13.12. A congregation under financial obligation to its former pastor or associate in ministry, deaconess of the Evangelical Lutheran Church in America, or diaconal minister of this church shall make satisfactory settlement of the obligation before calling a successor.
- †S13.19. A congregation considering a relocation shall confer with the bishop of the synod in which it is territorially located and the appropriate 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.
- †S13.20. 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 unit of the churchwide organization before any steps are taken leading to such action.
- S13.21. The alignment of congregations in pastoral charges, and all alterations in any alignment, shall be subject to approval by the Synod Assembly or by the Synod Council.
- †S13.22. Each congregation of the Evangelical Lutheran Church in America within the territory of this synod, except those which are in partnership with the Slovak Zion Synod, shall establish and maintain a relationship with this synod.
- †S13.23. Provision 9.71. of the ELCA constitution shall govern the relationship of this synod and a congregation of this synod regarding the property of the congregation. This synod may transfer or convey property to a congregation of the synod, subject to restrictions accepted by the congregation, including provision that if the Synod Council, in its sole and exclusive discretion, determines (1) that the property is not being used to serve the mission and ministry needs of this church, or (2) that the congregation has transferred, encumbered, mortgaged, or in any way burdened or impaired any right, title, or interest in the property without the prior approval of the Synod Council, then title to the property shall revert to the synod, and the congregation, upon written demand, shall reconvey the property to the synod.
- S13.24. If any congregation of this synod has disbanded, or if the members of a congregation agree that it is no longer possible for it to function as such, or if it is the opinion of the Synod Council that the membership of a congregation has become so scattered or so diminished in numbers as to make it impractical for such a congregation to fulfill the purposes for which it was organized or that it is necessary for this synod to protect the

congregation's property from waste and deterioration, the Synod Council, itself or through trustees appointed by it, may take charge and control of the property of the congregation to hold, manage, and convey the same on behalf of this synod. The congregation shall have the right to appeal the decision to the Synod Assembly.

S13.25. This Synod may temporarily assume administration of a congregation upon its request or with its concurrence.

S13.30. Discipline

†**S13.31.** Congregations and members of congregations are subject to discipline in accordance with the provisions of Chapter 20 of the ELCA constitution and bylaws.

Chapter 14. ORDAINED MINISTERS AND LAY ROSTERED MINISTERS

†**S14.01.** The time and place of the ordination of those persons properly called to congregations or extraparish service of this synod shall be authorized by the bishop of this synod.

†**S14.02.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,

a. Every ordained minister shall:

- 1) preach the Word;
- 2) administer the sacraments;
- 3) conduct public worship;
- 4) provide pastoral care; and
- 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.

b. Each ordained minister with a congregational call shall, within the congregation:

- 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
- 2) supervise all schools and organizations of the congregation;
- 3) install regularly elected members of the Congregation Council; and
- 4) with the council, administer discipline.

c. Every pastor shall:

- 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
- 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
- 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
- 4) endeavor to increase the support given by the congregation to work of the ELCA churchwide organization and of this ELCA synod.

S14.03. The pastor shall provide for maintenance of accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation, and shall arrange for a summary of such statistics to be reported annually to this synod.

The pastor shall be a member of the congregation that has extended the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.

S14.04. Whenever members of a congregation move to such a distance that regular attendance at its services becomes impractical, it shall be the duty of the pastor to commend them, upon their consent, to the pastoral care of a Lutheran congregation nearer to their place of residence.

S14.05. Each ordained minister on the roster of this synod shall submit a report of his or her ministry to the bishop of the synod within 30 days of the end of the fiscal year of the synod.

†**S14.11.** When a congregation of this church desires to call a pastor or a candidate for the pastoral office in the ordained ministry of this church:

a. Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective pastor.

- b. For issuance of a letter of call to a pastor or pastoral candidate by a congregation of this synod in accord with ELCA constitutional provision 7.41., a two-thirds majority ballot vote shall be required of members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.
- c. When the congregation has voted to issue a call to a prospective pastor, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.

S14.12. No ordained minister shall accept a call without first conferring with the bishop of this synod. An ordained minister shall respond with an answer of acceptance or declination to a letter of call within 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the chair of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.

- †**S14.13.** a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which shall be terminated only by death or following consultation with the synodical bishop and for the following reasons:
- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in that congregation in view of local conditions;
 - 4) physical or mental incapacity of the pastor;
 - 5) suspension of the pastor through discipline for more than three months;
 - 6) resignation or removal of the pastor from the roster of ordained ministers of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above or ineffective conduct of the pastoral office under paragraph a.3) above have come to the attention of the bishop of this synod,
- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two ordained ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the congregation council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two ordained ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant and the pastor shall be listed on the clergy roster as disabled. Upon removal of the disability and restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

†S14.14. Ordained ministers shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the pastor, or if there is no duly called pastor, then by the interim pastor in consultation with the Congregation Council.

†S14.15. The parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members transferred or dismissed, members who have become inactive, or members excluded from the congregation shall be kept accurately and permanently. They shall remain the property of each congregation. At the time of the closure of a congregation, such records shall be sent to the regional archives. The secretary of the congregation shall attest to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before:

- a. installation in another field of labor, or
- b. the issuance of a certificate of dismissal or transfer.

†S14.16. The pastor shall make satisfactory settlement of all financial obligations to a former congregation before:

- a. installation in another field of labor, or
- b. the issuance of the certificate of dismissal or transfer.

†S14.17. During service to a congregation, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor. The interim pastor may delegate the same in part to an interim supply pastor with the consent of the bishop of this synod. The interim pastor and any ordained ministers who may assist shall refrain from exerting influence in the selection of a pastor. Upon completion of service, the interim pastor shall submit a report of ministry and shall certify to the bishop of this synod that the parochial records, for the period for which the interim pastor was responsible, are in order.

†S14.18. With the approval of the synodical bishop expressed in writing which sets forth a clear statement of the purpose to be served by such a departure from the normal rule of permanency of the call as expressed in †S14.13., a congregation may call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop of the synod or a representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of †S14.13.

S14.21. All ordained ministers under a call and rostered lay ministers who are responsible for programs within a congregation shall attend meetings of the Synod Assembly and the annual Synodical Theological Conference, and the pastors of congregations shall also attend the meetings of the conference, cluster, or coalition to which the congregation belongs.

S14.21.01. Within twelve months of assuming office all ordained ministers under call and rostered lay ministers responsible for programmatic ministry shall demonstrate completion of at least six contact hours of continuing education in the prevention of sexual boundary violations.

S14.30. Official Rosters of Laypersons

†S14.31. The provisions in the churchwide documents and such provisions as may be developed by the appropriate churchwide unit governing associates in ministry, deaconesses, and diaconal ministers of this church shall apply in this synod.

- a. When a congregation of this synod desires to call an associate in ministry, deaconess, or diaconal minister or a candidate for these official rosters of laypersons of this church:
 - 1) Such a congregation of this synod shall consult the synodical bishop before taking any steps leading to extending such a call.
 - 2) Issuance of such a letter of call shall be in accord with criteria, policies, and procedures, developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.
 - 3) When the congregation has voted to issue a call to an associate in ministry, deaconess, or diaconal minister, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.
- b. An associate in ministry, deaconess, or diaconal minister shall confer with the bishop of this synod before accepting a call within this synod.

- c. The call of a congregation, when accepted by an associate in ministry, deaconess, or diaconal minister, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the individual, shall be terminated only following consultation with the synodical bishop in accordance with policy developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.
- d. Associates in ministry, deaconesses, and diaconal ministers on the roster of this synod who are serving under call shall attend meetings of the Synod Assembly.

Chapter 15. FINANCIAL MATTERS

- †S15.01. The fiscal year of this synod shall be February 1 to January 31.
- †S15.11. Since congregations, synods, and churchwide organizations are interdependent units that share responsibly in God's mission, all share in the responsibility to develop, implement, and strengthen the financial support program of the whole church. The gifts and offerings of the members of the ELCA are given to support all parts of this church and thus partnership in this church should be evidenced in determining each part's share of the gifts and offerings. Therefore:
 - a. The mission of this church beyond the congregation is to be supported by such a proportionate share of each congregation's annual budget as each congregation determines. This synod shall develop guidelines for determining "proportionate share," and shall consult with congregational leaders to assist each congregation in making its determination.
 - b. This synod shall receive the proportionate share of the mission support from its congregations, and shall transmit that percentage of each congregation's mission support as determined by the Churchwide Assembly to the treasurer of the Evangelical Lutheran Church in America.
- †S15.12. The annual budget of this synod shall reflect the entire range of its own activities and its commitment to partnership funding with other synods and the churchwide organization. Unless an exception is granted upon the request of this synod by the Church Council, each budget shall include the percentage of congregational mission support assigned to it by the Churchwide Assembly.
- S15.13. On the basis of estimated income, the Synod Council shall authorize expenditures within the budget for the fiscal year. Expenditure authorizations shall be subject to revision, in light of changing conditions, by the Synod Council.
- S15.14. Except when such procedure would jeopardize current operations, a reserve amounting to no more than 16 percent of the sum of the amounts scheduled in the next year's budget for regular distribution to synodical causes shall be carried forward annually for disbursement in the following year in the interest of making possible a more even flow of income to such causes. The amount of funds to be held in reserve shall be determined by the Synod Council.
- S15.21. No appeal to congregations of this or any other synod of the Evangelical Lutheran Church in America for the raising of funds shall be conducted by congregations or organizations related to or affiliated with this synod without the consent of the Synod Assembly or the Synod Council.
- †S15.31. This synod shall arrange to have an annual audit of its financial records conducted by a certified public accountant firm recommended by the synod Audit Committee and approved by the Synod Council. The audited annual financial report shall be submitted by this synod to the churchwide Office of the Treasurer and to the congregations of this synod. The financial reports shall be in the format approved from time to time by the churchwide Office of the Treasurer.
- †S15.32. This synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.

Chapter 16. INDEMNIFICATION

- †S16.01. Subject to the limitations and duties imposed by law, each person who is or was made or threatened to be made a party to any proceeding by reason of the present or former capacity of that person as a Synod Council member, officer, employee, or committee member of this synod shall be indemnified against all costs and expenses incurred by that person in connection with the proceeding. Indemnification of any person by reason of that person's capacity as a director, officer, employee, or committee member of any other organization, regardless of its form or relationship to this synod, is subject to the provisions of section †S16.02.
- a. The term "proceeding" means a threatened, pending, or completed lawsuit, whether civil or criminal, an administrative or investigative matter, arbitration, mediation, alternative dispute resolution, or any other similar legal or governmental action. Except as otherwise required by law, the term "proceeding" does not include (a) any action by this synod against the individual seeking indemnification, or (b) subject to †S16.04., a disciplinary hearing or related process described in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
 - b. The term "indemnification" includes reimbursement and advances of costs and expenses for judgments, penalties, fines, settlements, excise taxes, reasonable attorneys' fees, disbursements, and similar required expenditures.
- †S16.02. Whenever a person who, while a Synod Council member, officer, committee member, or employee of this synod, is or was serving at the request of this synod (or whose duties in that position involve or involved service in the capacity of) a director, officer, partner, trustee, employee, or agent of another organization, is or was made or threatened to be made a party to a proceeding by reason of such capacity, then such person shall not be entitled to indemnification unless (a) the Synod Council has established a process for determining whether a person serving in the capacity described in this section shall be entitled to indemnification in any specific case, and (b) that process has been applied in making a specific determination that such person is entitled to indemnification.
- †S16.03. This synod may purchase and maintain insurance on behalf of itself or any person entitled to indemnification pursuant to this chapter against any liability asserted against and incurred by this synod or by such other person in or arising from a capacity described in section †S16.01. or section †S16.02.
- †S16.04. When written charges against an ordained minister or a layperson on an official roster of this church are made in disciplinary proceedings under Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* by the synodical bishop or when written charges against a congregation are made in disciplinary proceedings by the Synod Council or the synodical bishop, and the discipline hearing committee determines that no discipline shall be imposed, then if such determination is not reversed or set aside on appeal, indemnification shall be made by the synod to the accused for reasonable attorney's fees and other reasonable expenses related to the defense of the charges. The determination of the reasonableness of such fees and expenses shall be decided by the Synod Council.

Chapter 17. ADJUDICATION

- †S17.01. The synodical bishop and the Executive Committee of the Synod Council shall be available to give counsel when disputes arise within this synod.
- †S17.02. The synodical bishop and the Executive Committee of the Synod Council shall receive expressions of concern from ordained ministers, associates in ministry, or other persons on the official lay roster of this church, congregations, and organizations within this synod; provide a forum in which the parties concerned can seek to work out matters causing distress or conflict; and make appropriate recommendations for their resolution. When the matter at issue cannot be resolved in this manner, the prescribed procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to the discipline of an ordained minister or a person on the official lay roster of this church shall not be addressed by the Executive Committee but shall be resolved through the disciplinary process set forth in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- †S17.03. When there is disagreement among units of this synod on a substantive issue that cannot be resolved by the parties, the aggrieved party or parties may appeal to the synodical bishop and the Executive Committee of the Synod Council for a consultation. If this consultation fails to resolve the issue, a petition may be addressed by the parties to the Synod Council requesting it to arbitrate the issue. The decision of the Synod Council shall be final.

†S17.04. When a component or beneficiary of a synod has a disagreement on a substantive issue that it cannot resolve, it may address an appeal to the synodical bishop and the Executive Committee of the Synod Council. In this case the decision of the Executive Committee shall prevail, except that upon the motion of a member of the Synod Council, the decision shall be referred to the Synod Council for final action.

†S17.10. Adjudication in a Congregation

†S17.11. When there is disagreement among factions within a congregation on a substantive issue that cannot be resolved by the parties, members of a congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of this synod shall consider the matter. If the Consultation Committee of this synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

Chapter 18. AMENDMENTS, BYLAWS, AND CONTINUING RESOLUTIONS

†S18.10. Amendments to Constitution

†S18.11. Certain sections of this constitution incorporate and record therein required provisions of the constitution and bylaws of this church. If such provisions are amended by the Churchwide Assembly, corresponding amendments shall be introduced at once into this constitution by the secretary of this synod upon receipt of formal certification thereof from the secretary of the Evangelical Lutheran Church in America.

†S18.12. Whenever the secretary of the Evangelical Lutheran Church in America officially informs this synod that the Churchwide Assembly has amended the *Constitution for Synods*, this constitution may be amended to reflect any such amendment by a simple majority vote at any subsequent meeting of the Synod Assembly without presentation at a prior Synod Assembly. An amendment that is identical to a provision of the *Constitution for Synods* shall be deemed to have been ratified upon its adoption by this synod. The Church Council, through the secretary of this church, shall be given prompt notification of its adoption.

†S18.13. Other amendments to this constitution may be adopted by this synod through either of the following procedures:

- a. An amendment may be adopted by a two-thirds vote at a regular meeting of the Synod Assembly after having been presented in writing at the previous regular meeting of the Synod Assembly over the signatures of at least 25 members and having been approved by a two-thirds vote of the voting members present and voting at such a regular meeting of the Synod Assembly.
- b. The Synod Council may propose an amendment, with notice to be sent to the congregations of this synod at least six months prior to the next regular meeting of the Synod Assembly. Such an amendment shall require for adoption a two-thirds vote of the voting members present and voting at such a regular meeting of the Synod Assembly.

All such amendments shall become effective upon ratification by the Churchwide Assembly or by the Church Council.

†S18.20. Amendments to Bylaws

†S18.21. This synod may adopt bylaws not in conflict with this constitution or with the constitution and bylaws of the churchwide organization. This synod may amend its bylaws at any meeting of the Synod Assembly by a two-thirds vote of voting members of the assembly present and voting. Newly adopted bylaws and amendments to existing bylaws shall be reported to the secretary of this church.

†S18.30. Amendments to Continuing Resolutions

†S18.31. This synod may adopt continuing resolutions not in conflict with this constitution or its bylaws or the constitution, bylaws, and continuing resolutions of the churchwide organization. Such continuing resolutions may be adopted or amended by a majority vote of the Synod Assembly or by a two-thirds vote of Synod Council. Newly adopted continuing resolutions and amendments to existing continuing resolutions shall be reported to the secretary of this church.

CONSTITUTION, BYLAWS, AND CONTINUING RESOLUTIONS
of the
SOUTHWESTERN MINNESOTA SYNOD
EVANGELICAL LUTHERAN CHURCH IN AMERICA

Codification Explanation

The provisions of the Constitution, the Bylaws, and the Continuing Resolutions that pertain to the same matter have been placed together. This arrangement requires that the three types of material be identified by means other than physical separation.

The three types of provisions are identified by the following devices:

- a. All constitutional provisions are in **bold face type**.
- b. All bylaw provisions are printed in light face type.
- c. All continuing resolutions are printed in *italic type*.
- d. A numerical codification indicates general subject, constitutional provisions, bylaw provision, and continuing resolutions.

Major sections are designated as chapters. The chapters are numbered 1 through 18. The chapter designation becomes the first number in the codification sequence and is followed by a period. Thus provisions in “Chapter 13. Congregations” are preceded by “13.”.

General subjects are normally titled and designated by a number ending in zero. Thus a subdivision of Chapter 18 that contains provisions regarding amendments to the constitution is codified and titled “S18.10. Amendments to Constitution.” The same principle applies within the third number sequence of bylaw provisions.

Constitutional provisions are codified with two sets of numbers – the chapter number and a two-digit number preceding the second period in the codification. Thus one constitutional provision relating to the bishop of the synod is codified as S8.11.

Bylaw provisions are codified with three sets of numbers – the chapter number, the related constitutional provision number, and a two-digit number. Thus one bylaw provision related to the treasurer of the synod is codified as S8.40.01.

Continuing resolutions are also codified with three sets of numbers except that the third set is preceded by a capital letter. Thus a continuing resolution might be number 16. to designate the chapter; 16.11. to designate the subject matter within the chapter; and the third set might be numbered A91. in the codification 16.11.A91. to indicate by the “A” that it is the first continuing resolution regarding that subject and by the “91” that it was adopted in 1991.

Provisions marked with a dagger (†) are required provisions.