

## CHANGES TO THE CONSTITUTION, BYLAWS, AND CONTINUING RESOLUTIONS OF THE SOUTHEASTERN PENNSYLVANIA SYNOD, EVANGELICAL LUTHERAN CHURCH IN AMERICA

Section A. Required amendments to the Constitution for Synods adopted by the 2019 Churchwide Assembly have been incorporated into our Constitution, Bylaws, and Continuing Resolutions. The required amendments are effective upon notification by the Secretary of this Church, and need no approval by the Synod Assembly. They are listed here for your information. (reference †S18.11.)

Section B. Recommended amendments to the Constitution for Synods adopted by the 2019 Churchwide Assembly. These amendments are in areas that are not required provisions, but are necessary to ensure our language is consistent within the document itself, and aligns with the Constitution Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America. These amendments may be adopted by a **majority vote** by the Synod Assembly. (reference †S18.12.)

Section C. Amendments to bring bylaws and continuing resolutions unique to Southeastern Pennsylvania Synod in line with the new language adopted by the 2019 Churchwide Assembly. The amendments to these bylaws may be adopted by a **two-thirds vote** by the Synod Assembly. The amendments to these continuing resolutions may be adopted by a **majority vote** by the Synod Assembly. (reference †S18.21. and †S18.31.)

Section D. Amendments to alter bylaws not related to actions of the 2019 Churchwide Assembly. These amendments are **new proposals** to provide for flexibility in annual meetings of the Synod Assembly, and to realign Synod Council in light of changing demographics in our Synod. The amendments to these bylaws may be adopted by a **two-thirds vote** by the Synod Assembly. The adoption of these continuing resolutions may be adopted by a **majority vote** by the Synod Assembly. (reference †S18.21. and †S18.31.)

Respectfully submitted,  
The Reverend Karl M. Richard, Secretary  
Southeastern Pennsylvania Synod, ELCA

### Section A

#### AMENDMENTS TO THE *CONSTITUTION FOR SYNODS* AS APPROVED BY THE 2019 CHURCHWIDE ASSEMBLY

#### **Official Notice of Required Provisions**

Prepared by the Office of the Secretary  
Evangelical Lutheran Church in America

August 2019

Additions are **underlined**. Deletions are **struck through** in the text.

### **CHAPTER 3: TERRITORY**

†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 10.01.01. and ~~10.02.02.~~ 10.01.03.

### **CHAPTER 6: STATEMENT OF PURPOSE**

†S6.03. ~~Each~~ This synod, in ~~partnership~~ cooperation 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:

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

- a. providing for pastoral care of congregations, ministers of Word and Sacrament, and ministers of Word and Service in the synod, including:
  - 1) approving candidates for the ministry of Word and Sacrament in cooperation with the appropriate seminaries of this church, which may be done through multi-synodical committees;
  - 2) authorizing ordinations and ordaining ministers of Word and Sacrament on behalf of this church;
  - 3) approving ministers of Word and Service, which may be done through multi-synodical committees;
  - 4) authorizing ~~consecrations and consecrating~~ ordinations and ordaining ministers of Word and Service on behalf of this church; and

†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 relationships with other synods in the region;
- c. developing relationships with social ministry organizations and ministries, participating in their mission planning, and providing partnership supportive funding;

- d. supporting relationships with and providing partnership supportive funding on behalf of colleges, universities, and campus ministries;
- e. maintaining relationships with and providing partnership supportive funding on behalf of seminaries and continuing education centers;
- h. fostering relationships with ecumenical and global partners companions

†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 at least 45 percent of the lay members of assemblies, councils, committees, boards, or other organizational units shall be female-women and 50 at least 45 percent shall be male men; and that, where possible, the representation of ministers of Word and Sacrament shall be both male and female include both men and women. 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.

†S6.05. 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.

## CHAPTER 7: SYNOD ASSEMBLY

- †S7.21. The membership of the Synod Assembly, of which at least 60 percent of the voting membership shall be composed of laypersons, shall be constituted as follows:
- b. All ministers of Word and Service, under call, on the roster of this synod shall be voting members in the Synod Assembly, in addition to the voting membership of lay members of congregations provided in item †S7.21.e.
  - 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 typically one of whom shall be male a man and one of whom shall be female a woman, 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 at least 45~~ percent of the lay members of the assembly shall be ~~female women~~ and ~~50 at least 45~~ percent shall be ~~male men~~. ~~Additional members from each congregation normally shall be equally divided between male and female.~~

**†S7.21.02.** ~~If a special Synod Assembly is called and voting members at the previous assembly are unable to serve as voting members, where permitted by state law, the congregation through the Congregation Council may elect new members who shall continue to serve until the next Synod Assembly.~~

*[The following provision becomes required.]*

**†S7.23.** The presiding bishop of the Evangelical Lutheran Church in America and such other official representatives of ~~this church~~ ~~the churchwide organization~~ as may be designated ~~from time to time~~ by the ~~Church Council~~ ~~presiding bishop~~, shall have voice but not vote in the meetings of the Synod Assembly. Like privileges shall be accorded to those additional persons whom the Synod Assembly or the Synod Council shall from time to time designate.

**†S7.31.** Proxy and absentee voting shall not be permitted in the transaction of any business of ~~this synod~~ ~~the Synod Assembly~~.

## **CHAPTER 8: OFFICERS**

**†S8.12.** As this synod's pastor, the bishop shall:

- c. Exercise solely this church's power to ordain (or provide for the ordination by another ~~synodical~~ bishop of) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ministry of Word and Sacrament (and as provided in the bylaws of the Evangelical Lutheran Church in America).
- d. ~~Consecrate (or provide for the consecration of)~~ ~~Ordain (or provide for the ordination of)~~ approved candidates who have received and accepted a properly issued, duly attested letter of call for service as ministers of Word and Service of this church.
- h. Practice leadership in strengthening the unity of the Church and in so doing:
  - 4) ~~consult be a member of the Conference of Bishops and consult~~ regularly with other ~~synodical~~ bishops ~~and the Conference of Bishops~~;
- i. Oversee and administer the work of this synod and in so doing:

- 5) coordinate the work of all **synodical** staff members;
- 8) provide for preparation and maintenance of **synodical** rosters containing the names and addresses of all rostered 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~~ **their retired or disability status took effect**;
- 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~~;
- 11) provide for preparation and maintenance of a ~~register~~ **roster** of the congregations of this synod and the names of the laypersons who have been elected to represent them; and

†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 of this church**. 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.

†S8.15. 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* (†S14.18.), 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).

***[The following provision becomes required.]***

**†S8.23.** In the event of the death, resignation, or disability of the bishop, the vice president, after consultation with the presiding bishop of the Evangelical Lutheran Church in America, 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. 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 layperson or a **rostered minister of Word and Sacrament**.

**S8.40. Treasurer**

**†S8.41.** The treasurer may 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 a **rostered minister of Word and Sacrament**.

**S8.50. General Provisions**

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

- b. The vice president and secretary of this synod shall be elected to a term of \_\_\_\_\_ years and may be re-elected. **The officer shall serve until his or her successor takes office.**

- c. The treasurer of this synod shall be [elected] [appointed] to a \_\_\_\_-year term and may be re-elected or reappointed. **The treasurer shall serve until his or her successor takes office.**

†S8.57. The recall or dismissal of an officer and the vacating of office may be effected for willful disregard or violation of the constitutions, bylaws, and continuing resolutions of this church; for such physical or mental disability as renders the officer incapable of performing the duties of office; or for such conduct as would subject the officer to disciplinary action as a rostered minister or as a member of a congregation of this church.

- a. Proceedings for the recall or dismissal of a **synodical** bishop shall be instituted by written petition by:
  - 3) at least 10 **synodical** bishops; or
- b. Proceedings for the recall or dismissal of an officer of a synod, other than the **synodical** bishop, shall be instituted by written petition by:
  - 3) the **synodical** bishop.
- f. If the synod officer is a minister of Word and Sacrament, grounds for recall or dismissal include those set forth in ELCA bylaw **20.21.01-20.22.01.** and as defined under the process described in ELCA constitutional provisions **20.20. and 20.21. and 20.22.** as grounds for discipline. If the officer is a minister of Word and Service, grounds for recall or dismissal include those set forth in ELCA bylaw **20.22.01-20.23.01.** and as defined under the process described in ELCA constitutional provisions **20.20. and 20.21. and 20.22.** as grounds for discipline.
- h. If the case of alleged willful disregard or violation of the constitutions, bylaws, and continuing resolutions or of alleged conduct as would subject the officer to disciplinary action, the following procedures shall apply:
  - 1) the petition shall be referred to the Committee on Appeals, which shall function as the discipline hearing committee that shall conduct a hearing in accordance with the rules provided for in ELCA bylaw **20.21.16-20.22.14.** except to the extent that those rules are in conflict with the provisions of this bylaw; and

#### **CHAPTER 9: NOMINATIONS AND ELECTIONS**

†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.

### **CHAPTER 11: COMMITTEES**

†S11.05. The Audit Committee of this synod shall consist of three to six persons, none of whom ~~are members~~ is a member of the synod staff.

### **CHAPTER 12: CONFERENCES, CLUSTERS, COALITIONS, AREA SUBDIVISIONS, AND NETWORKS**

†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~~ entities, 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~~ affiliates.

### **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~~ roster 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 Evangelical Lutheran Church in America.

- 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 of this church.
  - 3) Accept the commitments expected of all congregations of ~~the ELCA~~ this church 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~~ leadership 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. The synod bishop or synod staff where the transferring or independent congregation is located shall confer with the

congregation to assure its understanding and acceptance of commitment to and affiliation with this church.

- 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-roster 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.

~~†S13.19.~~

†S13.20. 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.~~

†S13.21. 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.~~

†S13.23. Provision 9.71. of the ELCA constitution of this church 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.

**†S13.24.** The Synod Council, itself or through trustees appointed by it, may take charge and control of the property of a congregation of this synod to hold, manage, and convey the same on behalf of this synod, if any of the following apply:

- a. The congregation has disbanded, ceased to worship, or otherwise ceased to exist as a congregation.
- b. The congregation has abandoned its property.
- c. The remaining members of the congregation decide that it is no longer possible to function as a congregation or that they are unable to provide required governance.
- d. The Synod Council determines that the membership of a congregation has become so scattered or so diminished in numbers that it cannot provide required governance or that it has become impractical for the congregation to fulfill the purposes for which it was organized.
- e. The Synod Council determines that it is necessary for this synod to protect and preserve the congregation's property from waste and deterioration.

The congregation shall have the right to appeal any such decision to the next Synod Assembly.

**†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.~~ *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.* The synod's involvement in and responsibility for such disciplinary processes shall be as set forth in that chapter.

## CHAPTER 14: ROSTERED MINISTERS

- †S14.11. The time and place of the ordination of those persons properly called to ~~congregations or non-congregational service of ministry in~~ this synod shall be authorized by the bishop of this synod.
- †S14.12. Consistent with the faith and practice of the Evangelical Lutheran Church in America,
- a. Every minister of Word and Sacrament shall:
    - 6) impart knowledge of this church and its wider ministry through ~~distribution of its communications and publications~~ available channels of effective communication;
  - b. Each pastor with a congregational call shall, within the congregation:
    - 4) with the council, administer discipline; ~~and~~
    - 5) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of this synod; ~~and~~
    - 6) encourage adherence to covenantal relationship with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- †S14.18. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and a congregation shall be as follows:
- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which shall be terminated only by ~~the pastor's~~ death or, following consultation with the ~~synodical~~ bishop, for the following reasons:
  - 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. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament ~~as disabled with~~ disability status. 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.

- †S14.24. 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 †S14.18., 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 this 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 †S14.18.
- †S14.31. The time and place of the **consecration-ordination** of those persons properly called to **congregations or non-congregational service of ministry in** this synod shall be authorized by the bishop of this synod.
- †S14.32. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
- h. Share knowledge of **the ELCA this church** and its wider ministry of the gospel, and advocate for the work of all expressions of this church;
- †S14.43. **The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:**
- a. The call of a congregation, when accepted by a minister of Word and Service, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the deacon's death or, following consultation with the **synodical** bishop, for the following reasons:
  - 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 minister of Word and Service's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service **as disabled with disability status**. Upon removal of the disability and restoration of the minister of Word and Service to health, the bishop shall take steps to enable the minister of Word and Service to resume the ministry, either in the congregation last served or in another appropriate call.
- †S14.46. 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 †S14.43., a congregation may call a minister of Word and Service 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 this synod or a representative of the bishop shall meet with the minister of Word and Service 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 †S14.43.

#### **CHAPTER 15: FINANCIAL MATTERS**

†S15.11. Since the congregations, synods, and churchwide organization are interdependent units-expressions 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 Evangelical Lutheran Church in America are given to support all parts of this church and thus partnership in, the unity of this church should be evidenced in determining each part's share of the gifts and offerings.

†S15.12. The annual budget of this synod shall reflect the entire range of its own activities and its commitment to partnership-supportive funding with other synods and the churchwide organization.

#### **CHAPTER 16: INDEMNIFICATION**

†S16.04. When written charges against a rostered minister 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: CONSULTATION AND 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 rostered ministers 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 a concern relates directly to the synod bishop, the synod vice president will lead the Executive Committee's efforts at

resolving the matter. When the matter at issue cannot be resolved in this manner, the prescribed-applicable procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to the discipline of a rostered minister 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.

When there is disagreement between or among congregations of this synod on a substantive issue that cannot be resolved by the parties, the council of an affected congregation may petition the synod bishop for a consultation after informing the other affected congregation(s) of its intent to do so. If this consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the issue(s), the entire matter shall be referred to the Synod Council for adjudication by whatever process the council deems necessary. 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.

When conferences, clusters, coalitions, or area subdivisions of this synod have a disagreement on a substantive issue that they cannot resolve, the aggrieved party or parties may petition the synod bishop and the Executive Committee of the Synod Council requesting a consultation after informing the other affected parties of their intent to do so. 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.

†S17.11. 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.

When there is disagreement between or among factions within a congregation on a substantive issue which cannot be resolved by the parties, members of the congregation may petition the synod bishop for consultation after informing the president of the Congregation Council of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the council deems necessary. The Synod Council's decision shall be final.

#### **CHAPTER 18: AMENDMENTS, BYLAWS, AND CONTINUING RESOLUTIONS**

†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 \_\_\_\_\_ 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.

Introduced with the support of at least \_\_\_\_\_ voting members and having been approved by a two-thirds vote of the voting members present and voting at a regular meeting of the Synod Assembly, an amendment may be adopted unchanged by a two-thirds vote at the next regular meeting of the Synod Assembly.

#### **Section B**

##### **AMENDMENTS TO THE *CONSTITUTION FOR SYNODS* AS APPROVED BY THE 2019 CHURCHWIDE ASSEMBLY**

##### **Recommended Provisions**

Prepared by the Office of the Secretary

Evangelical Lutheran Church in America  
August 2019

Additions are underlined. Deletions are ~~struck through~~ in the text.

*CHAPTER 7: SYNOD ASSEMBLY*

- S7.22.** This synod may establish processes that permit retired rostered ministers, or those designated as disabled granted disability status, or on leave from call, on the roster of the synod to serve as voting members of the Synod Assembly, consistent with †S7.21.c. If the synod does not establish processes to permit the rostered ministers specified above to serve as voting members, they shall have voice but not vote in the meetings of the Synod Assembly.
- S7.26.** This synod may establish processes through the Synod Council that permit representatives of congregations under development and authorized worshipping communities of the synod, which have been authorized under ELCA bylaw 10.02.03, 10.01.04, to serve as voting members of the Synod Assembly, consistent with †S7.21.

*CHAPTER 8: OFFICERS*

- S8.11.01.** When authorized by the Synod Council in order to address special circumstances, the synod bishop may be compensated as an employee or contractor for specified services to another expression of this church. Such an arrangement may be terminated by the Synod Assembly or Synod Council if determined to be detrimental to the function of the office or if the special circumstances no longer apply.
- S8.14.** The synodical bishop may have such assistants as this synod shall from time to time authorize.

*CHAPTER 10: SYNOD COUNCIL*

- S10.08.** Robert's Rules of Order, latest edition, shall govern parliamentary procedure of all meetings of the Synod Council.
- S10.078.01.** To the extent permitted by state law, meetings of the Synod Council and its committees may be held electronically or by telephone conference, and notice of all meetings may be provided electronically.

*CHAPTER 13: CONGREGATIONS*

- S13.25.** This synod may temporarily assume administration of a congregation upon its request or with its concurrence. Such synod administration shall continue only so long as necessary to complete the purposes for which it was requested by the

congregation or until the congregation withdraws consent to continued administration.

**S13.40. ~~Synodically Authorized~~ Synod-authorized ~~Worshiping Communities~~**

***CHAPTER 14: ROSTERED MINISTERS***

- S14.14.** 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.
- S14.17.** No minister of Word and Sacrament shall accept a call without first conferring with the bishop of this synod. A minister of Word and Sacrament 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-president of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.
- S14.42.** No minister of Word and Service shall accept a call without first conferring with the bishop of this synod. A minister of Word and Service 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-president of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call

***CHAPTER 15: FINANCIAL MATTERS***

- 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 exact number of dollars to be held in reserve shall be determined by the Synod Council.

**Section C**

**PROPOSED AMENDMENTS TO BYLAWS AND CONTINUING RESOLUTIONS  
UNIQUE TO SOUTHEASTERN PENNSYLVANIA SYNOD**

To comply with new designation of ministers of word and service as ordained, not lay, and designations of men and women instead of male and female:

**S7.22.11.** In establishing a formula pursuant to Chapter †7.21.c of this Constitution, the number of retired **rostered** ministers ~~of Word and Sacrament~~ permitted to vote at meetings of the Synod Assembly shall be a factor in determining the number of additional lay representatives necessary to comprise at least 60% of the membership of the Synod Assembly.

**S9.08.01.**

c. The Nominating Committee shall nominate at least one person for each **rostered** minister ~~of Word and Sacrament~~ and lay at-large position up for election. Geographic consideration shall be given in proposing nominees, as well as the need to assure an adequate number of persons of color and/or persons whose primary language is other than English. Additional nominations may be made from the floor.

e. The election of conference lay positions shall be completed before balloting for at-large positions begins. Nominees not elected to conference lay positions shall be added to the at-large ballots. The election of young adult positions shall be completed before balloting for at-large positions begins. Nominees not elected to the young adult positions shall be added to the at-large ballots. Balloting for at-large lay positions shall be by **male and female panels of men and women**.

**S10.01.01.** General Membership.

a. With the exception of the officers, the youth members, and the young adult members, the general membership of the Synod Council shall consist of nine **rostered** ministers ~~of Word and Sacrament~~, one layperson from each conference of this synod, and six at-large laypersons, three **male men** and three **female women**.

b. The terms for the general membership of the Synod Council shall be staggered so that the terms of three **rostered** ministers ~~of Word and Sacrament~~, approximately one-third of conference lay positions, and two at-large lay positions, one **male man** and one **female woman**, expire each year. None of the general membership of the Synod Council shall be eligible to serve for more than two consecutive terms. The lay position assigned to each conference shall alternate every two terms between **male man** and **female woman**.

**S10.01.02.** The Synod Council shall include two youth members, one **male man** and one **female woman**, and two young adult members, **one male man** and one **female woman**. At least one of the youth or young adult members shall be a person of color and/or person whose primary language is other than English. The terms of the youth members shall be two years and shall expire at the same time. The youth members may serve two consecutive terms if eligible. The terms of the

young adult members shall be three years and shall expire at the same time. The young adult members may serve two consecutive terms if eligible.

To reflect change in language from “synodical” to “synod”

**S6.04.C02.** *It is the additional intention of this synod to increase from 10 percent to 20 percent the representation of persons of color and/or persons whose primary language is other than English who serve on the above mentioned synodical bodies.*

*A. **S9.04.B17** Process for preparing the Synod for the election of a Bishop Stage One. A Transition Team shall develop a Synodical Mission Profile. Included in such a Mission Profile might be the latest demographics and vitality indicators of the congregations on the territory of the synod, updated demographic information on the rostered leaders serving in the synod, and an assessment of the hoped for direction of the synod and its ministry. This Synodical Mission Profile shall be completed by December 1<sup>st</sup> of the year prior to the election and made available upon completion.*

*B. Stage Two. A Discernment Team shall develop a prayer-filled process for conversation and discernment across the synod. This process shall include ways to discuss the gifts for ministry that might be helpful to advance the Synodical Mission Profile and how to identify persons who might possess these gifts. The structure for this prayerful conversation shall include consideration of:*

*The process for these conversations shall be completed and shared by the time the Synodical Mission Profile is completed. These conversations shall begin after the completion of the Synodical Mission Profile and be completed at least one month prior to the election.*

**S12.01.02.** The synod shall be divided into conferences in accordance with Chapter 12 of the synod constitution in order to foster interdependent relationships among congregations, institutions and synodical and churchwide units for mission purposes.

To correct designations:

**S6.03.13.** The synod shall relate to ~~Lutheran Theological Seminary at Philadelphia and to Lutheran Theological Seminary at Gettysburg~~ United Lutheran Seminary through financial support and election of board members.

**S9.08.04** The Synod Council shall elect members to the boards of the ~~Gettysburg Seminary,~~  
~~the Philadelphia United Lutheran~~ Seminary, Gettysburg College and Muhlenberg  
College according to procedures established with each of the institutions.

To change the following to reflect current social ministry organizations and relationships:

**S6.03.14.** The synod shall encourage support of all social ministry organizations on its  
territory, which are affiliated by the Division for Social Ministry Organizations of  
the ELCA. The synod shall serve the function of a corporate member for:  
Artman Lutheran Home  
Lutheran Children and Family Services of Eastern Pennsylvania  
Lutheran Home at Germantown  
Lutheran Housing and Development Corporation  
Lutheran Retirement Homes, Inc.  
Lutheran Social Mission Society of Philadelphia  
The Mary J. Drexel Home as long as these social ministry organizations are  
affiliated with the synod.

**S6.03.14.** The synod shall encourage support of all social ministry organizations on its  
territory, which have a history of or are currently affiliated by ~~the Division for~~  
~~Social Ministry Organizations of~~ the ELCA and Lutheran Services of America,  
including: ~~The synod shall serve the function of a corporate member for:~~  
Gemma Services;  
KenCrest;  
Liberty Lutheran affiliates: Artman, LCFS's West Philadelphia Senior center, The  
Hearth at Drexel, Paul's Run, The Manor at York Town, The Becoming Center at  
Artman, Lutheran Congregational Services and Liberty at Home;  
Diakon Lutheran Social Ministries, including: Manatawny Manor, and Twining  
Village;  
Diakon Child, Family and Community Ministries, including: Diakon Adoption  
and Foster Care, and Diakon Youth Services, and Diakon Family Reunification  
and Family Preservation Services;  
Lutheran Settlement House.  
~~as long as these social ministry organizations are affiliated with the synod.~~

To clean up roster language missed from last round of changes:

**S11.01.B98.** *Committees on Ministry. Appropriate committees shall be established to fulfill  
the responsibilities entrusted to this synod in the areas of candidacy of persons  
for ~~the ordained ministry and associates in~~ rostered ministry according to  
procedures established by the Division for Ministry of the ELCA, and with regard  
to support of the ministries of the whole people of God, including recognition and*

*support of the ministry of lay persons, ~~ordained persons and associates in ministry and rostered ministers.~~*

To remove references that no longer exist:

- S12.01.11.** Each conference in assembly shall elect a dean who shall be a pastor under call serving within the territory of the conference. The quorum for the conference assembly at which the dean is to be elected shall consist of a majority of the congregations in the conference. The conference shall seek to assure that the representational principles stated in †S6.04., ~~†S6.04.A01., †S6.04.B09.,~~ and S6.04.C02. are fulfilled. If there is no quorum for the conference assembly at which the dean is to be elected, the dean shall be appointed by the bishop of this synod in consultation with the Committee of Deans. If the conference does not call a conference assembly for the election of the dean, the bishop of this synod shall call the conference assembly.

## Section D

### **PROPOSED AMENDMENTS TO BYLAWS AND CONTINUING RESOLUTIONS NOT RELATED TO THE ACTIONS OF THE 2019 CHURCHWIDE ASSEMBLY**

**Additions are underlined. Deletions are ~~struck through~~ in the text.**

Regarding the cancellation of an Assembly:

To honor the spirit of our constitution, by-laws, and continuing resolutions, while recognizing the impact events such as the corona-virus pandemic bring to fulfilling the letter of this governing document, the Synod Council proposes the following amendment to the by-laws:

- S7.11.01.** A regular meeting of the Synod Assembly shall be held annually unless performance becomes impossible or impracticable, especially as a result of an event or effect that could not have been anticipated or controlled, such as a public health crisis; severe acts of nature or weather events including floods, fires, earthquakes, hurricanes, or explosions; war, acts of terrorism, and epidemics; acts of governmental authorities such as expropriation, condemnation, confinement orders/recommendations; strikes and labor disputes; or other such events that make the meeting impossible or impracticable.

To provide for electronic meeting of the Synod Assembly:

According to state law a non-profit is allowed to have remote meetings unless its governing documents prohibit them. Our Constitution and By-laws do not prohibit such meetings, but neither do they give explicit permission for them. The following is a proposed change, based on the existing language allowing Synod Council and its committees to meet remotely, to allow the same for the Assembly and its committees.

**S7.13.10.** Notice of the time and place of the regular meeting or of an adjourned meeting of the Synod Assembly shall be sent by the secretary not less than four weeks preceding the meeting. Notice of the time and place of a special meeting shall be sent by the secretary not less than two weeks preceding the meeting. To the extent permitted by state law, meetings of the Synod Assembly and its committees may be held electronically or by telephone conference, and notice of all meetings may be provided electronically.

Regarding realignment of Synod Council

**THEREFORE, BE IT RESOLVED THAT the Southeastern Pennsylvania Synod Council approves the Proposal to Realign Synod Council, and the amendments to the by-laws of the Constitution, By-laws, and Continuing Resolutions of the SEPA Synod, ELCA contained therein for presentation to the Synod Assembly for adoption,**

**AND BE IT FURTHER RESOLVED THAT this proposal be enacted beginning with the terms ending in 2022.**

Changes to realign synod council membership to a proportionate size with regard to the Synod demographics – the following presumes adoption of amendments in Sections B and C above.

**S10.01.01.** General Membership.

a. With the exception of the officers, the youth members, and the young adult members, the general membership of the Synod Council shall consist of nine six rostered ministers, one layperson from each conference of this synod, and six a sufficient number of at-large laypersons to ensure at least 60% of the Synod Council is laypersons, three men and three women. The number of conferences and at large members shall be enumerated in a continuing resolution.

b. The terms for the general membership of the Synod Council shall be staggered so that the terms of three two rostered ministers, and approximately one-third of the conference lay positions, both the conference representatives and two the at-large lay position(s)s, one man and one woman, expire each year. None of the general membership of the Synod Council shall be eligible to serve for more than two consecutive terms. The lay position assigned to each conference shall alternate every two terms between man and woman. The at-large position(s) shall also alternate, as needed, every two terms between man and woman to effect a membership with at least 45% men and 45% women.

c. At least three members of the general membership of the Synod Council shall be persons of color and/or persons whose primary language is other than English.

d. The general membership of the Synod Council shall consist of no more than one member of the same congregation at the same time. Exceptions may be made to this requirement only if necessary to meet the requirements of S10.01.01.c.

**S10.01.A21. There shall be eight (8) conference representatives, and one (1) at large member as lay positions in the general membership of the Synod Council.**

**S10.01.02.** The Synod Council shall include ~~two one~~ youth members, ~~one man and one woman~~, and ~~two one~~ young adult members, ~~one man and one woman~~. ~~At least one of the youth or young adult members shall be a person of color and/or person whose primary language is other than English.~~ The terms of the youth members shall be two years ~~and shall expire at the same time~~. The youth members may serve two consecutive terms if eligible. The terms of the young adult members shall be three years ~~and shall expire at the same time~~. The young adult members may serve two consecutive terms if eligible.

**Clean copy, if adopted:**

**S10.01.01.** General Membership.

a. With the exception of the officers, the youth member, and the young adult member, the general membership of the Synod Council shall consist of six rostered ministers, one layperson from each conference of this synod, and a sufficient number of at-large laypersons to ensure at least 60% of the Synod Council is laypersons. The number of conferences and at large members shall be enumerated in a continuing resolution.

b. The terms for the general membership of the Synod Council shall be staggered so that the terms of two rostered ministers, and approximately one-third of the lay positions, both the conference representatives and the at-large lay position(s) expire each year. None of the general membership of the Synod Council shall be eligible to serve for more than two consecutive terms. The lay position assigned to each conference shall alternate every two terms between man and woman. The at-large position(s) shall also alternate, as needed, every two terms between man and woman to effect a membership with at least 45% men and 45% women.

c. At least three members of the general membership of the Synod Council shall be persons of color and/or persons whose primary language is other than English.

d. The general membership of the Synod Council shall consist of no more than one member of the same congregation at the same time. Exceptions may be made to this requirement only if necessary to meet the requirements of S10.01.01.c.

**S10.01.A21.** *There shall be eight (8) conference representatives, and one (1) at large member as lay positions in the general membership of the Synod Council.*

**S10.01.02.** The Synod Council shall include one youth member and one young adult member. The term of the youth member shall be two years. The youth member may serve two consecutive terms if eligible. The term of the young adult member shall be three years. The young adult member may serve two consecutive terms if eligible.