

Constitutions 101



How often should we review our Congregation Constitution?

There is no required time period, but it is suggested that once every three years to keep it current with the ELCA Model Constitution, or as there are significant changes in the congregation.

What ways can we revise the current Congregation Constitution?

1. Update the Congregation Constitution to the most recent [ELCA Model Constitution](#)
2. And/or amend the current Congregation Constitution

Why should we update to the most recent ELCA Model Constitution?

ELCA Model Constitutions are updated at each meeting of the Churchwide Assembly. A few examples of the changes made are:

- General housekeeping
- Keep up to date with technology, i.e. allow for remote meeting and electronic voting
- The unification of the lay rosters of associates in ministry, diaconal ministers and deaconesses into one unified roster of 'Ministers of Word and Service.'

Why would we want to amend our constitution?

Some congregations find that as the years pass, their needs change. Some examples of modifications you might consider are:

- Change the required number who serve on Council (C12.01[1])
- Allow the council to approve expenditures over budget based on a % of the current budget instead of a set dollar amount (C12.05c)
- Allow more flexibility for the date of the annual meeting, i.e. allow it to be held in the month of May instead of on the last Sunday of the month of May.

How do we update or amend our current constitution?

Instructions are included in your current constitution, chapter 16. Always reference these first!

[Constitution Resources | Northwestern Minnesota Synod of the ELCA \(nwmnsynod.org\)](https://nwmnsynod.org)

What do we need to know about the ELCA Model Constitution?

The most recent ELCA Model Constitution for Congregations and rationale for amendments is located [here](#).

Sections of this constitution marked by an asterisk [*] are required when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (i.e., neither additions nor deletions are permissible). This requirement is based on provision 9.52. in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America...Provisions in the Model Constitution for Congregations identified by an asterisk [*] are those required under ELCA constitutional provision 9.25.b.

A congregation that amends its constitution to be in conformity with the Model Constitution for Congregations will report these changes to its synod. The amendments become effective upon adoption by the congregation, *C16.04. While synod approval is not required, it is wise to work with the synod in preparing to present these amendments to the congregational meeting.

How do we update our Constitution to the most recent ELCA Model Constitution, with **no** other changes?

1. Refer to the instructions in Chapter 16 of your current constitution.
2. Assemble a working group to suggest proposed changes.
3. Submit the proposed changes to your Congregation Council for approval.
4. Follow the process outlined in your current constitution to call a congregation meeting and conduct a vote (C16.04).
 - A. Upon the request of at least two (2) voting members of this congregation, the Congregation Council shall submit such notice to call a meeting (C16.04).
 - B. In writing 30 days prior to the meeting, notify the congregation of the time/date of the meeting and purpose. Indicate the Council's recommendation in the notice. (Please note: Notification may take place by mail or electronic means, as permitted by state law. (C16.01))
 - C. Provide access to the revised constitution prior to the meeting
5. At the congregation meeting:
 - members of the congregation (C8.02) have the right to vote;
 - there are no absentee ballots (C10.05);
 - the revised constitution may be approved by a majority vote (C16.04)
6. The revised constitution becomes effective upon adoption by the congregation, *C16.04.
7. Submit a copy of the to the synod office (C17.02).

How do we make additional amendments to our current constitution?

1. Refer to the instructions in Chapter 16 of your current constitution.
2. Assemble a working group to suggest proposed changes.
3. Send proposed changes to the Synod's Constitution Team constitutions@NWMNSynod.org. This should be done prior to sending the proposal to the Congregation Council in case changes need to be made. Please Note: No governing document amendment will be approved by a synod if it conflicts with the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.
4. After approval by the synod constitution review team, submit the proposed changes to your Congregation Council for approval. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation (C16.01)
5. Amendments may be proposed to the congregation by at least (x) voting members or by the Congregation Council (C16.01).
6. Two meetings/votes will be required – the first for approval and the second for ratification.
 - A. Notify the congregation of legally called meeting (#1) and the purpose, in writing, 30 days prior to the meeting.
 - Notification may take place by mail or electronic means, as permitted by state law. (C16.01)
 - Provide access to the revised constitution prior to the meeting

- Amendments proposed shall be approved by a majority vote of those voting members present and voting (C16.02.a)
 - Members of the congregation (C8.02) have the right to vote;
 - there are no absentee ballots. (C10.05);
- B. Notify the congregation of the next regular meeting of the congregation (#2) and the purpose, in writing, 30 days prior to the meeting.
- Notification may take place by mail or electronic means, as permitted by state law. (C16.01);
 - Amendments shall be ratified without change at the next regular meeting of this congregation by a two-thirds vote of those voting members present and voting (C16.02.b);
 - members of the congregation (C8.02) have the right to vote;
 - there are no absentee ballots. (C10.05).

Amendments must have the effective date included in the resolution and noted in the constitution. Such an effective date must be stated in relation to the requirements of *C16.03. to allow time for synod review of the amendment.

After approval by the congregation, the Synod Council must approve the changes. Once the synod council approves, your congregation will be notified and a copy will be made to put in the congregational file in the synod office. The changes shall go into effect upon notification that the synod has approved them

Why does the synod office have to review our constitution?

The role of the Synod Constitution Review team is to advise, review, recommend and ensure alignment of congregation constitutions with both the ELCA Model Constitution and Churchwide guidelines.

ELCA Churchwide guidelines state, “In keeping with provisions that apply to all congregations of this church, each congregation is to provide a copy of its governing documents to the synod. As specified by ELCA bylaw 9.53.03. (Numbering as listed in the 1991 and subsequent editions):

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

If at any time you have questions about your congregation’s constitution or the Model Constitution for Congregations, the synod office is available to consult or assist you in the process or to answer questions.

[\[1\]](#) Constitutional references in this document are all from the current ELCA Model Constitution. If you have an old Constitution, the information may be located elsewhere.