

# **RULES of ORGANIZATION & PROCEDURE**

## **Annual Synod Assembly, ELCA-Southeastern Synod**

Presented to the January 2008 Southeastern Synod Council

### **1. AUTHORITY OF THE SYNOD ASSEMBLY**

"This synod shall have a Synod Assembly, which shall be its highest legislative authority." (\*S7.01.)

### **2. PARLIAMENTARY PROCEDURE**

"Robert's Rules of Order, latest edition, shall govern parliamentary procedure of the Synod Assembly." (S7.32.)

### **3. ASSEMBLY PRESIDING OFFICER**

"As this synod's pastor, the bishop shall... preside at all meetings of the Synod Assembly and provide for the preparation of the agenda for the Synod Assembly... ensure that the constitution and bylaws of the churchwide organization are duly observed within this synod, and that the actions of this synod in conformity therewith are carried into effect;...." (\*S8.12.i.)

### **4. ASSEMBLY SECRETARY**

"The secretary shall keep the minutes of all meetings of the Synod Assembly, be responsible for the printing and distribution of such minutes, and perform such other duties as this synod may from time to time direct." (\*S8.32.a.)

### **5. ASSEMBLY VOTING MEMBERS**

"The membership of the Synod Assembly, of which at least 60% 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. Other persons on the rosters of this synod as defined by Southeastern Synod bylaw S7.21.b. shall be voting members.

**[S7.21.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,...]*

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 % of the lay members of the assembly be female and 50% 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.d.)

"Each retired ordained minister and each ordained minister on leave from call on the roster of this synod who submits the required report of his or her ministry to the bishop in accordance with provision S14.05. shall be a voting member of the Synod Assembly." (S7.22.01.)

"Each retired or on leave from call rostered person other than ordained ministers, on the roster of this synod who submits the required report of his or her ministry to the bishop shall be a voting member of the Synod Assembly." (S7.22.03)

"Licensed lay ministers, appointed by the bishop, shall have voice and vote at each Synod Assembly." (S7.23.B94.)

"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." (S7.27.)

By action of the Synod Council (SC92.1.38SA) the formula for determining the number of voting members from a congregation is:

<u>Nr. of Baptized members</u>		<u>Nr. of Voting Members</u>
1 - 499	-	2 Voting Members (1 female, 1 male)
500 - 999	-	1 add'l Voting Member (female or male)
1000 & above	-	1 add'l Voting Member
		(total must be 2 females & 2 males)

## **6. INCLUSIVE REPRESENTATION**

"Except as otherwise provided in this constitution and bylaws, the Synod Council shall establish processes that will ensure that at least 60% of the members of the synod assemblies, councils, committees, boards, and other organizational units shall be laypersons; and that, as nearly as possible, 50% of the lay members of assemblies, councils, committees, boards, or other organizational units shall be female and 50% 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% 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.)

"It is the goal of this synod that 10% 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. A (S6.04.A98.)

## **7. ASSEMBLY QUORUM**

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

## **8. PRIVILEGE OF VOICE, BUT NOT VOTE**

"The bishop of this church and such other official representatives of this church as may be designated from time to time by the Church Council shall also 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." (S7.23.)

## **9. COMMITTEES OF THE SYNOD ASSEMBLY**

### **"Reference and Counsel Committee.**

- a. A Reference and Counsel Committee shall be composed of six members elected by the Synod Council....
- b. This committee shall:
  - 1) receive, review, and recommend action on motions and proposed resolutions submitted to the Synod Assembly for consideration; and
  - 2) be available to the bishop and delegates for consultation and assistance in preparing resolutions for actions by the Synod Assembly." (S11.01.52.)

### **"Credentials Committee.**

- a. A Credentials Committee shall be composed of six members elected by the Synod Council....
- b. This committee shall:
  - 1) report the official attendance at the Synod Assembly by category, i.e., clergy, lay persons, associates in ministry, visitors, and other categories that may be required by the Synod Assembly;
  - 2) recommend to the Synod Assembly that the delegation is properly constituted and may be seated; and
  - 3) be responsible for the work of the registration task force of the Synod Assembly." (S11.01.53.)

### **"Elections Committee.**

- a. An Elections Committee shall be composed of six members elected by the Synod Council....
- b. This committee shall:
  - 1) assure that ballots are prepared for all persons nominated for positions to be filled by election by the Synod Assembly;
  - 2) be responsible for distributing, collecting, and counting ballots; and
  - 3) convey the results of each election in detail to the Synod Assembly chairperson." (S11.01.54.)

### **"Minutes Committee.**

- a. A Minutes Committee shall be composed of six members elected by the Synod Council....
- b. This committee shall:
  - 1) assist the secretary in preparing an accurate report of events and actions taken by the Synod Assembly;
  - 2) within 30 days after the Synod Assembly adjourns, review and approve the minutes before distribution.
- c. This committee shall work under the supervision of the synod secretary." (S11.01.55.)

## **10. NOMINATING COMMITTEE**

- a. A Nominating Committee shall be composed of six members elected by the Synod Council....
- b. This committee shall:
  - 1) provide the process for nominations and elections to be carried out by the Synod Assembly; and
  - 2) create and administer an inclusiveness grid system to insure that the elections carried out at all levels of this synod are in compliance with provision \*S6.04.
- c. This synod shall provide staff support services to this committee." (S11.01.51.)

## 11. MAKING FLOOR NOMINATIONS

- "a. Nominations from the floor shall be permitted for all positions.
- b. Persons nominated from the floor shall match any criteria established for such position, including, without limitation, those criteria established by virtue of provision \*S6.04.
- c. In the materials provided in advance to each member of the Synod Assembly, the Nominating Committee shall include the criteria applicable to each position for which elections are to be held." (S9.01.13.)

## 12. ELECTIONS

"In all elections by the Synod Assembly, other than for the bishop, a majority of the legal votes cast shall be necessary for election." (\*S9.02.)

By action of the Synod Council (S9.01.A07), "Elections shall be conducted in a manner that encourages the Synod Assembly to be open to the guidance of the Holy Spirit, without overt campaigning or electioneering tactics by nominees, potential nominees and others in attendance at the assembly."

By action of the Synod Council (S9.01.B08), "The Synod Council Executive Committee shall provide for background checks for persons nominated for synodical office prior to the Synod Assembly at which the election will take place or as soon as possible after the Synod Assembly for newly elected officers nominated from the floor who were not identified as nominees prior to the assembly."

"The bishop shall be elected by the Synod Assembly by ecclesiastical ballot. Three-fourths of the legal votes cast shall be necessary for election on the first ballot. If no one is elected, the first ballot shall be considered the nominating ballot. Three-fourths of the legal votes cast on the second ballot shall be necessary for election. The third ballot shall be limited to the seven persons (plus any ties necessary to include at least seven persons on the next ballot) who received the greatest number of legal votes on the second ballot, and two-thirds of the legal votes cast shall be necessary for election. The fourth ballot shall be limited to the three persons (plus any ties necessary to include at least three persons on the next ballot) who receive the greatest number of legal votes on the third ballot and 60% of the legal votes cast shall be necessary for election. On subsequent ballots a majority of the legal votes cast shall be necessary for election. These ballots shall be limited to the two persons (plus any ties to include at least two persons on the next ballot) who receive the greatest number of legal votes on the previous ballot." (S9.04.)<sup>1</sup>

By action of the Synod Council (SC95.1.15SA) the ecclesiastical ballot process was further defined so "that prior to the third ballot, biographical data on all remaining candidates (is to be printed and distributed to all voting members of the Assembly."

By action of the Synod Council in January 2003, the balloting process for bishop was further defined as follows:

- a. After the distribution of candidates' biographical data and prior to the third ballot, each of the seven remaining candidates will address the Assembly for a maximum of 5 minutes, with the order of presentations determined at random.

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<sup>1</sup> An ecclesiastical ballot allows each assembly voting member to nominate a candidate for the office of synod bishop. Ecclesiastical balloting is done by writing in the name of the candidate on the ballot paper provided. All ELCA pastors are eligible for nomination, regardless of which synod they are currently rostered in.

- b. If there is no election on the third ballot, then approximately 45 minutes of agenda time will be provided for voting members to formulate questions they would like to address to the three remaining candidates. Questions will be formulated by tables of approximately 10 voting members each and will be recorded by a voting member at each table. Voting members will then be divided into three groups; each group will gather in a separate room. Each of the three remaining candidates will visit individually with each of the three groups of voting members, spending approximately one hour with each group. Previously formulated questions will be posed to each of the three candidates, so that all candidates respond to the same questions within a particular group.
- c. A recess and time for reflection will be scheduled prior to the fourth ballot. If there is no election on the fourth ballot, then each of the two remaining candidates will address the Assembly for a maximum of 10 minutes prior to the fifth ballot, with the order of presentations determined at random.

The procedure for electing the clergy voting members for the churchwide assembly shall be such that it is assured that at least one male and one female are elected.

The procedure for electing the lay voting members of the churchwide assembly shall be such that it is assured that the Vice President be an *Ex Officio* voting member of the churchwide assembly and that at least one lay person (male or female) be elected in the category 'Youth/Young Adult,' defined as a confirmed member of a synod congregation but not older than 21 at the time of election.

The Elections Committee shall construct the ballots for churchwide assembly voting members so that inclusivity goals (including those based on gender, status as a youth/young adult, race, ethnicity, and language other than English) are assured on the early ballots.

Other nomination and election information may be found in Chapter 9 of the Synod Constitution and Bylaws. Additional information on the nominating procedure may come from the Nominating Committee and/or the Synod Council prior to the Synod Assembly.

### **13. PROXY VOTING PROHIBITED**

"Proxy and absentee voting shall not be permitted in the transaction of any business of this synod." (\*S7.31.)

### **14. OBTAINING THE FLOOR**

In plenary sessions of the Synod Assembly the voting members, including the *Ex Officio* members, always have prior right to obtain the floor. Persons with voice but no vote shall be entitled to obtain the floor if it does not prevent voting members from being heard. Resource persons shall be entitled to the floor only with respect to matters within their expertise if it does not prevent the voting members from being heard. Official visitors may address the assembly when requested to do so by the chair.

### **15. SPEECHES**

Unless otherwise determined by a majority vote of the assembly, all speeches during discussion shall be limited to three minutes. The Chair serves as the timekeeper.

### **16. ALTERNATING SPEECHES**

Insofar as possible during discussion, a speaker on one side of the question shall be followed by a speaker on the other side.

**17. APPLAUSE**

In the give and take of debate on issues before the assembly members of the assembly and visitors shall refrain from applause or derision.

**18. DEPARTING FROM AGENDA**

With the consent of the assembly, the chair shall have the authority to call items of business before the assembly in whatever order the chair considers most expedient for the conduct of the assembly's business.

**19. MOTIONS AND RESOLUTIONS**

- a. A motion germane to the matter before the assembly may be offered by any voting member from the floor; the voting member should move to a microphone and must be recognized by the chair.
- b. Substantive motions or amendments to motions must be presented in writing to the synod's secretary after being moved. A form is provided for this purpose. This form is included in each voting member's assembly materials; additional forms are available from the secretary's table.
- c. Resolutions typically address substantive issues that may or may not be included in the assembly's normal course of business. In order for a resolution to be considered carefully by the assembly, it must be recommended by a conference, a congregation, the Southeastern Synod Lutheran Youth Organization, or a group of at least 15 voting members of the assembly, and submitted to the Committee on Reference and Counsel by April 15 of the assembly year.
- d. Resolutions normally identify matters of concern to the whole church, provide a rationale for synodical consideration of the issue (specified in "Whereas" clauses), and describe a desired course of action (Specified following a "Therefore," clause or clauses). A "Resolution Submittal Form" and a "Resolution Work Sheet" will have been sent to voting members well in advance of the April 15 deadline and will be available during the assembly.
- e. If a particular resolution has budgetary implications, the author(s) must consult with the synodical treasurer and should include financial considerations in the resolutions. The treasurer's response must be provided to the Committee on Reference and Counsel. Proposals lacking this documentation will not be considered for action by the assembly.
- f. For resolutions submitted by April 15, the synod assembly will allow time for hearings and for adequate debate before a vote is taken. Because attention to resolutions is built into the structure of the assembly, the Committee on Reference and Counsel must have ample time for its consideration of the proposed resolutions.
- g. Working with its announced deadlines, the Committee on Reference and Counsel reviews resolutions, discusses editorial or substantive changes, combines resolutions on the same issue, and prepares its counsel for the assembly.
- h. The Committee on Reference and Counsel may recommend (1) adoption of the resolution, (2) defeat, (3) amendment, (4) referral to an entity of the synod, (5) consideration with no recommendation, or (6) no consideration.
- i. The report of the committee on Reference and Counsel is distributed to the voting members as soon as possible, either in the last mailing to voting members prior to the assembly or with materials received with registration at the assembly.

- j. Resolutions submitted after the April 15 deadline but prior to the Friday before the assembly will be considered by the Committee on Reference and Counsel as time permits. Resolutions submitted after 5:00 p.m. on the Friday before the assembly will not be considered unless the issue is of such an immediate and urgent nature that it clearly cannot be postponed until the next assembly. Such resolutions shall be placed on the agenda only after written or electronic submission to the committee on Reference and Counsel, with a 2/3 vote of the assembly approving consideration.
- k. Authors of resolutions or representatives of groups that submit resolutions are strongly encouraged to attend any hearings scheduled during the assembly for discussion of their resolution.

## 20. SUBSTITUTE MOTIONS

When a substitute motion is made, secondary amendments may be offered to either the pending motion or the substitute motion at any time until the substitute motion is substituted or rejected.

## 21. PROCESS FOR MEMORIALS AND RESOLUTIONS

The ELCA Church Council, at its November 1988 meeting, moved to affirm a consistent system for handling memorials and resolutions from synods. The council voted "that future communications from synod... be dealt with according to ELCA constitutional and bylaw provisions...." This action affirms that:

- (1) Synod Assemblies address Churchwide Assemblies;
- (2) Synod Councils address the ELCA Church Council; and
- (3) Synod Councils address churchwide units or boards through the ELCA Church Council's Executive Committee.

This action also indicates that:

- (1) Assemblies deal with memorials;
- (2) Councils deal with resolutions;
- (3) Except that a council may forward a Synod Assembly resolution, on behalf of the assembly, to the Church Council or to a board through the Council's Executive Committee.

Synod Assemblies may pass Memorials to the Churchwide Assembly. Synod Councils may pass Resolutions to the Church Council. Synod Councils may seek to address churchwide units and churchwide boards through Resolutions. These must be submitted to the Church Council's Executive Committee for appropriate referral.

If it is the will of the Synod Assembly to address the Church Council or a churchwide board, the Synod Assembly needs to request that the Synod Council refer the resolutions under consideration to the Church Council, if addressed to the Church Council, or to the Church Council's Executive Committee for appropriate referral, if the resolution is intended for a churchwide unit or board.

All Memorials addressed to the Churchwide Assembly and all Resolutions addressed to the Church Council or to churchwide units and boards, by way of the council's Executive Committee, shall be submitted to the Office of the Secretary of this church for recording and disposition.

## **22. LANGUAGE OF RESOLUTIONS AND MEMORIALS**

Basic information on the proper language of resolutions and memorials is found in Robert's Rules of Order.

- Normally, the "Whereas" clause(s) describe the issue, concern, problem, or basis of the resolution.
- "Resolved" clause(s) point to proposed solutions and define requested action.

"Resolved" clauses should clearly define: What should be done? Who should act? What the action may cost and how it is to be funded? When the action should be done? To whom the results should be reported?

A resolution of a Synod Council cannot direct the Church Council to take a specific action. A resolution represents a request. Likewise, a memorial of a Synod Assembly cannot direct or demand that the Churchwide Assembly vote in a particular way. A memorial, by definition, is a petition appealing for action.

The best resolutions and memorials are simple and direct. They contain a minimum of adjectives and adverbs. They avoid inflammatory words and generalized statements. They are built on straightforward nouns and verbs.

Resolutions and memorials, in essence, say: "Please. We think this is important and, simply stated, this is why."

## **23. CONSTITUTIONAL AMENDMENTS**

The constitution of this synod may be amended through the following procedures:

"...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 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 the 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." (\*S18.13.)

## **24. BYLAW AMENDMENTS**

The bylaws may be amended through the following procedure:

"This synod may adopt bylaws not in conflict with this constitution nor with the constitution and bylaws of this church. The 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." (\*S18.21.)

## **25. CONTINUING RESOLUTIONS**

"This synod may adopt continuing resolutions not in conflict with this constitution or its bylaws. 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."(\*S18.31.)

## **26. EN BLOC RESOLUTION FOR CONSTITUTIONAL AMENDMENTS**

The constitution may be amended and continuing resolutions and bylaws may be adopted or amended by *en bloc* resolutions, unless a voting member objects to the inclusion of any particular provision. The objection of a voting member shall be made in writing, delivered to the synod secretary no later than 3:00 PM on the first day of assembly. Particular provisions so objected to shall be considered separately and provisions not objected to will be considered a part of the *en bloc* resolution.

## **27. BUDGET PROCEDURES**

"Budget and Finance Committee. This committee shall prepare and present a comprehensive income and expense budget to the Synod Council for its consideration and presentation to the Synod Assembly." (S11.01.21.b.1)

"Any proposal to appropriate funds, whether by amendment to the budget or otherwise, which is presented to the Synod Assembly without the approval of the Synod Council, shall require a two-thirds vote for adoption." (S7.34.)

## **28. STATUS OF SYNOD COUNCIL RECOMMENDATIONS**

The recommendations of the Synod Council shall be treated as a motion before the Synod Assembly, unless the Synod Council shall otherwise determine.

## **29. DISTRIBUTION OF MATERIALS AND DISPLAY SPACE**

- a. Only materials authorized by the bishop, or the bishop's representative, with the Committee on Reference and Counsel will be distributed to voting members of the assembly during the assembly.
- b. Display space is available for synod commissions, committees, units, task forces, other organizational units, institutions or agencies directly supported by this synod. There is no display space or meeting facilities available to organizations that have no official relationship to this synod. Display space may be made available to 501(c)(3) or 501(c)(8) organizations that serve the Lutheran community in the Southeastern Synod on a "space available" basis. The "space available" determination will be made annually by the assembly coordinator. "Space available" may be determined to be at the information booth of the assembly. In this case, a limited number of brochures or flyers will be permitted. A full display including free standing display boards, videos, etc. will not be permitted at the information booth. Display space is currently provided at the Southeastern Synod assembly at no charge to commissions, committees, units, task forces, other organizational units, institutions or agencies directly supported by this synod, therefore display space is at the discretion of and with the approval of the assembly coordinator and the bishop.
- c. Unless approved by the Synod Council, only the church's publishing house (Augsburg Fortress) may offer items for sale. No other commercial displays or sales booths are permitted. No items may be sold at ministry display booths.

**30. ASSEMBLY COSTS**

The synod is responsible for the costs of the Synod Assembly, including partial travel costs for voting members. Reimbursement is given on a pro rata basis depending on attendance of the voting member at official assembly sessions as defined by the current years Synod Assembly Cost Sharing Form.

**31. BOUNDS OF THE ASSEMBLY**

The bounds of the assembly will be set by the chair at the beginning of the first plenary session. In the event of a change of venue the chair will announce the new bounds of the assembly.