

**MINUTES**  
**COMMISSION ON CONSTITUTIONAL MATTERS**  
**Internet Conference Meeting (Zoom.us)**  
**May 2, 2022**

**143. Call to Order and Opening Prayer**

Dr. Gude called an internet conference of the commission together, with all members present, to conclude opinions begun at the commission's last meeting and to address two new items of district bylaw review business. He opened with prayer.

**144. District President's Provision of Information to Calling Congregations (22-2980)**

By emails of January 25 and February 3, two individual members of the Synod, ordained ministers, requested an opinion of the commission on the following questions, with regard to which, pursuant to Bylaw 3.9.2.2 (b), input was solicited from the district presidents and praesidium of the Synod. The questions are as follow:

Question 1: When a vacant congregation of the Synod is in the process of calling a pastor and requests information on an ordained member of the Synod in good standing, whether a member of its own district or of another district:

- (a) Does the president of the congregation's district have the authority under the Constitution and Bylaws of the Synod to refuse to supply the congregation with the requested information regarding that individual ordained member of the Synod who is a member of the district of which he is president?
- (b) If the individual ordained member of the Synod for whom information is requested is from a different district than the congregation's, does the district president of that other district of which that ordained minister is a member have the authority under the Constitution and Bylaws of the Synod to refuse to supply the requested information to the district president of the district of which the congregation is a member, who will in turn provide the information to the congregation requesting it?

Question 2: If the answer is yes, the district president may refuse to provide information, what basis do the Constitution and Bylaws of the Synod specify that would authorize this refusal?

Question 3: What limitations, if any, do the Constitution and Bylaws of the Synod place on a member congregation of the Synod wishing to call an ordained minister currently on the roster of the Synod?

Opinion Background: The questions presented to the commission are part of the larger question of the relationship between the Synod and its member congregations. In answering the questions, the commission will first review the relation of a congregation with the Synod, particularly as it relates to the calling of a pastor by a congregation.

Article II of the Constitution specifies that every member of the Synod must accept, without reservation, the Scriptures as the only rule and norm of doctrine and the Lutheran Confessions as found in the Book of Concord as a true exposition of the above.

Article III of the Constitution lists the objectives of the Synod, four of which directly pertain:

**Article III Objectives**

The Synod, under Scripture and the Lutheran Confessions, shall—

1. Conserve and promote the unity of the true faith (Eph. 4:3–6; 1 Cor. 1:10), work through its official structure toward fellowship with other Christian church bodies, and provide a united defense against schism, sectarianism (Rom. 16:17), and heresy;
2. Strengthen congregations and their members in giving bold witness by word and deed to the love and work of God, the Father, Son, and Holy Spirit, and extend that Gospel witness into all the world;
8. Provide evangelical supervision, counsel, and care for pastors, teachers, and other professional church workers of the Synod in the performance of their official duties;
9. Provide protection for congregations, pastors, teachers, and other church workers in the performance of their official duties and the maintenance of their rights;

Article VI of the Constitution lists conditions for membership in the Synod, two of which pertain:

### **Article VI Conditions of Membership**

Conditions for acquiring and holding membership in the Synod are the following:

1. Acceptance of the confessional basis of Article II.
3. Regular call of pastors and any commissioned ministers and regular election of lay delegates by the congregations, as also the blamelessness of the life of such.

C.F.W. Walther presented a series of theses in 1879 at the first convention of the Iowa District of the Synod which are illustrative of this constitutional material. At this time, a large number of the pastors who were members of the Synod were serving independent congregations, and one of the purposes of Walther’s essay was to convince these independent congregations that it was safe and in their best interest for them to join the Synod. The first three of Walther’s theses on “The Duties of an Evangelical Synod” expand on the articles of the Constitution mentioned above and focus on the duty of the Synod toward its member congregations. The congregations can expect to receive from the Synod the following: help in remaining faithful to the Scriptures and the Confessions; assistance in obtaining faithful pastors; and protection from pastors who would cause harm to the congregation. The pastors, in turn, can expect to be supported (protected) as well, as they faithfully carry out their duties within the congregations.

#### **Thesis I**

Its primary duty is to be faithful to the Confessions in word and deed, and therefore it must

- a. without reservation confess the creeds of the Evangelical Lutheran Church;
- b. accept only pastors, teachers, and congregations that are faithful to the Confessions;
- c. supervise the confessional faithfulness of its members;
- d. practice fellowship only with church bodies that are faithful to the Confessions.

#### **Thesis II**

A second major duty is that it faithfully treat its congregations in an evangelical way, and therefore

- a. not assume a dictatorial role over them but only help them in an advisory way;
- b. assist them in acquiring upright pastors and teachers;
- c. protect them against pastors who err in doctrine, follow an offensive lifestyle, and are domineering in their office.

#### **Thesis III**

A third major duty is that it supports its pastors and teachers, and therefore

- a. counsel them;
- b. support them in the proper conduct of their office;
- c. defend them against unjust treatment.

Article VII of the Constitution, finally, speaks of the advisory nature of the Synod:

## Article VII Relation of the Synod to Its Members

1. In its relation to its members the Synod is not an ecclesiastical government exercising legislative or coercive powers, and with respect to the individual congregation's right of self-government it is but an advisory body. Accordingly, no resolution of the Synod imposing anything upon the individual congregation is of binding force if it is not in accordance with the Word of God or if it appears to be inexpedient as far as the condition of a congregation is concerned.
2. Membership of a congregation in the Synod gives the Synod no equity in the property of the congregation.

The meaning of this article is often misunderstood and has engendered significant debate. When it speaks of the advisory nature of the Synod, it does not mean that the Synod is advisory to its own administrative structure, which includes districts. Districts have been created by the Synod and are Synod itself in that place, which means that the Constitution, Bylaws, and resolutions of the Synod are binding on the districts (Const. Art. XII 1–2, 12; Bylaws 4.1.1–4.1.1.2). A district is not free to disregard these.

With regard to its individual members and congregations, Synod does not exercise legislative or coercive powers. This means that if a congregation or individual member violates one of the conditions of membership in the Synod, the Synod cannot force compliance. The means by which the Synod addresses such a violation is by removal of the individual or congregation from membership in the Synod. Anything more is explicitly disclaimed: “In its relation to its members the Synod is not an ecclesiastical government exercising legislative or coercive powers.” The Synod's relation to its member congregations, specifically, is made yet more clear: “with respect to the individual congregation's right of self-government it is but an advisory body.” Here maintained is not only the congregation's ability to act freely, without any possibility of the Synod directing at law or coercing its action, but explicitly disclaimed, in matters of the congregation's self-government, is the Synod's ability to do anything more than to *advise* the congregation. While the term *self-government* is not further defined, a universally recognized and affirmed aspect of this self-government is the right of a congregation to call the pastor it wants. This it can do, of course, as the Synod is “not an ecclesiastical government exercising legislative or coercive powers.” But here, provided the congregation does not in so doing violate its agreed-to terms of membership in the Synod (for example, by calling and/or being served by a man who is not on the roster of the Synod, Bylaws 2.5.2, 4), the congregation cannot be removed from membership for acting otherwise than as advised (for example, by seeking but ultimately discounting the advice of a district president as to an eligible ordained minister the congregation might call).

Thus, in terms of calling a pastor the limits placed on a congregation are minimal:

1. Article VI 3 requires the regular call of pastors (“This is generally assumed to include such requirements as proper eligibility of the candidate, proper notification for the call meeting, the presence of a legal quorum in the call meeting, and election by the congregation itself.” Ag. 438, Minutes of June 7–8, 1973)
2. Bylaw 2.5.2 limits, as a condition of membership in the Synod, a congregation to calling and being served only by ordained ministers who are on the roster of the Synod. This requirement flows out of Article II of the Constitution, to guarantee faithfulness to the Scriptures and Confessions.
3. Bylaw 2.5.1 requires a congregation to seek the counsel of its district president when it is in the process of calling a pastor (his corresponding duty to provide such counsel being found in Bylaw 4.4.5 [a]). Because of the relationship of the Synod to the congregation as expressed in Article VII this counsel is *advisory*. Indeed, it is some of the extremely valuable *advice*, the “calling of servants of the Word [being] a most important matter” (1945 *Handbook*, p. 56, cited from the 4<sup>th</sup> Synod *Handbook* [1899], pp. 10, 11, 147; 1863 *Proceedings*, p. 31), that motivates a congregation to join and remain a member of the Synod (Walther's second thesis, above).
4. Bylaw 2.13.1 precludes a congregation calling a specific ministry pastor to a ministry context for

which he has not been trained and certified by his district president.

5. Bylaws 2.13.2.2 (b) and 2.13.4 (c) deal with individual members with restricted or suspended status. While technically such an individual could be *called* by a congregation, which is itself perhaps unaware of the status, they cannot *accept* such a call until their restricted or suspended status has been removed.

The commission now responds to the questions posed, first to Questions 1 (a) and 2, regarding potential calls within a district; then to Questions 1(b) and 2, regarding potential calls across district lines; and, finally, to Question 3:

Question 1 (a): When a vacant congregation of the Synod is in the process of calling a pastor and requests information on an ordained member of the Synod in good standing, whether a member of its own district or of another district:

- (a) Does the president of the congregation's district have the authority under the Constitution and Bylaws of the Synod to refuse to supply the congregation with the requested information regarding that individual ordained member of the Synod who is a member of the district of which he is president?

Question 2: If the answer is yes, the district president may refuse to provide information, what basis do the Constitution and Bylaws of the Synod specify that would authorize this refusal?

Opinion (Questions 1 [a] and 2, as regard potential calls within a district): The Constitution and Bylaws of Synod do not address the calling process in detail, nor the role of the district president in it.

The primary duty of a district president is to exercise ecclesiastical supervision over the congregations and individual members of the district of which he is president (Const. Art. XII 6–7; XI B 1–3; see definition of *ecclesiastical supervision* in Bylaw 1.2.1 [j]). An integral part of his being ecclesiastical supervisor of the congregations requires the district president to be aware of the conditions of the congregations in his district, to “advise the congregations of his district as to the calling of ordained and commissioned ministers, give counsel, and respond to requests and inquiries” (Bylaw 4.4.5 [a]). An additional part of his duties is *maintaining the official rosters of his district* (Bylaw 4.4.7), which includes knowing the fitness for ministry and standing of all those ordained and commissioned ministers on the roster of his district.

A congregation, as a condition membership in Synod (Bylaw 2.5.4), may call and be served only by ordained ministers or candidates who have been admitted to the roster of Synod (Bylaws 2.5.2). A congregation is also required “to seek the counsel of [its own] district president when calling” (Bylaw 2.5.1). This counsel given by the district president flows from the district president’s authority and responsibility to “exercise supervision over the doctrine, life and administration of office” of the ordained ministers of his district and to “acquaint [himself] with the religious conditions of the congregations of [his] district” and, thereupon, to “advise, admonish, and reprove” (Const. Art. XII 6–7; XI B 3; see further Const. Art. II and III 1–2, 8–9). A calling member congregation of the Synod is required to seek (Bylaw 2.5.1) and has a corresponding right to expect (Bylaw 4.4.5 [a]) its district president’s counsel on candidates under consideration regarding their doctrine, “blamelessness of life” (Const. Art. VI 3), administration of office—in other words, for their fitness for ministry—and in specific regard to their suitedness to the “religious condition of the [specific] congregation.” Advice received must be of sufficient nature and scope to allow the congregation to make an informed decision regarding whether or not it is *advisable* to extend a divine call to a given eligible man. This is inherent in the fact that, regarding the call process, there is, relative to the congregational duty to seek counsel (Bylaw 2.5.1), a corresponding duty of the district president to advise (Bylaw 4.4.5 [a]), as just described. Bylaw 4.4.5, furthermore, says that a district president shall “respond to requests and inquiries” (Bylaw 4.4.5[a]).

A district president may have good reason for advising a congregation not to call a candidate who is *eligible* to be called but not recommended, which is integral to his role to advise and counsel. Every district president

is free and, indeed, bound to offer the calling congregation his prayerful wisdom, experience, knowledge, and counsel to persuade the calling congregation why such candidate is not recommended. However, a district president *must assume only such rights as have been expressly conferred upon him by the Synod* (Const. Art. XI, A 1), and, while there may be wise and pastoral reasons for recommending why a requested candidate is not recommended, there is no authority in the Constitution and Bylaws of the Synod given to the district president of a calling congregation—perhaps intending to prevent such a call—to withhold the basic adequate information described above on any ordained minister of the Synod. The district president cannot prevent a congregation from acting unadvisedly, but given his duty to advise, his denial of information must not be the precipitant of such an unadvised act.

There are three qualifiers on this basic duty:

- First, if information were to be requested on a specific ministry pastor who in the determination of the involved district president(s) with regard to a call “for which he has not been certified” (that is, that is outside the specific ministry context for which he has been trained), it suffices for the district president simply so to indicate to the calling congregation. Such a call not only may not be accepted by the SMP pastor; it may not even be offered to him, and the congregation is therefore not permitted to extend it. (Bylaw 2.13.1)
- Second, information may be requested on an ordained minister whose standing on the roster of the Synod would not allow him to *accept* the call; that is, he may be on either restricted (Bylaw 2.13.2.2 [b]) or suspended (Bylaw 2.13.4.2 [c]) status. Here, the man’s status and the reasons for it—particularly in the case of restricted status, which may be investigative in nature, regarding allegations not yet fully resolved as true or false—may not be known to a congregation, and a district president may not be able fully to share them.
- Third, information may be requested on a man who is neither restricted nor suspended but whose personal or family circumstances would reasonably preclude his acceptance of a call at a given time. These may be of a very private nature, such as a particular health or financial issue being addressed at a given time, and may not be fully disclosed by the pastor in the usual information provided to a calling congregation.

In these second and third cases, the district president has responsibility as ecclesiastical supervisor both to the congregation and to the man concerned. He must, in providing counsel, balance the interests of the congregation’s call process and of the reputation of the restricted or otherwise constrained ordained minister. While the commission cannot prescribe the exact means of doing this in every case, it appears to the commission that there are approaches that provide adequate counsel and protect the reputation of the man concerned.

The district president might, for example, consult with a restricted or suspended ordained minister at the time status is initiated, as part of his ministry to him (Bylaw 2.13.2.4; 2.14.4.3 [b]), advising the man that he cannot accept a call while on said status and inviting his statement that while on said status any congregation requesting information on the pastor will be informed that the ordained minister himself has indicated that he is unable to consider a call at this time. This simple statement, from the minister himself, would suffice as counsel to any potentially calling congregation if conveyed by the district president. The minister’s failure to provide such a statement might require the district president to reveal to an inquiring congregation the existence of status prohibiting acceptance of a call.

The same approach might be taken with a pastor not on restricted or suspended status but dealing with personal circumstances that would make the extension of a call to him, or his acceptance of it, inadvisable. Either when information on the pastor is requested or when the district president becomes aware of such circumstances, he could consult with the pastor and ask him if he would like information shared with an inquiring congregation, perhaps making it clear that if he does share the information, he will have to be forthright about circumstances rendering a call inadvisable. If the pastor prefers that the information not be shared, in this instance the district president may indicate to the congregation simply that the ordained

minister has himself indicated that he is unable to consider a call at this time. In such a case it cannot be the decision of the district president whether or not to provide information, but the decision of the involved pastor.

The Commission notes that a district president has responsibilities toward not just the calling congregation, but all congregations under his care. Concern for a congregation presently being served, perhaps only for a short time, by the pastor whose information has been requested, may weigh heavily in the advice the district president gives the congregation that is considering extending the call. The district president may, for instance, know that the congregation currently being served by the candidate may have had unusual difficulties in filling a vacancy prior to the candidate and the candidate is relatively new in his position. In such a situation, having the candidate accept a new call may lead to substantial harm to the other congregation under the district president's care. The commission does not find here substantial ground to deny information on the pastor, though there is every reason to provide, with that information, advice and counsel that will encourage the calling congregation to act in Christian love and due regard for the congregation being served. There may even be reason for the district president to proceed with the pastor concerned as described above, to seek his determination that he cannot, in care for his present congregation, consider another call at this time, which might be conveyed to the calling congregation and suffice as information. It is observed that simple denial of information in such a circumstance, as presently occurs with some frequency in some districts of the Synod, almost as a matter of course, *is not effective at preventing the call of such pastors by other congregations*, as the congregations are able, having sought advice, to act despite its not being provided.

In summary, because the Synod is not advisory either to the district or to the district president who is an officer of the district, the district president does not have the discretion to ignore a congregation's request for information. This was already indicated in CCM Op. 2069 (March 2, 1997). The opinion specifically states that a district president does not have the authority "to edit a vacant congregation's call list by refusing to provide personal information on some individuals, even when that information is specifically requested by the congregation." Here the district president provides advice central to the congregation's very purpose in joining and maintaining membership in the Synod. In the administration of this duty, what he does must "serve the interests of the Synod" (Const. Art. XII 12). In contrast, because the Synod as well as the district, as "Synod itself performing the functions of the Synod" (Bylaw 4.1.1.1), is advisory to the congregation (Const. Art. VII 1), the congregation does have the ability to ignore the advice given by the district president, or to act in the absence of his advice, where it has been sought diligently but not provided, although it might prove very foolish to have done so.

Question 1 (b): When a vacant congregation of the Synod is in the process of calling a pastor and requests information on an ordained member of the Synod in good standing, whether a member of its own district or of another district:

- (b) If the individual ordained member of the Synod for whom information is requested is from a different district than the congregation's, does the district president of that other district of which that ordained minister is a member have the authority under the Constitution and Bylaws of the Synod to refuse to supply the requested information to the district president of the district of which the congregation is a member, who will in turn provide the information to the congregation requesting it?

Question 2: If the answer is yes, the district president may refuse to provide information, what basis do the Constitution and Bylaws of the Synod specify that would authorize this refusal?

Opinion (Questions 1[b] and 2, as regard potential calls from another district): Districts are not independent entities but have been created by the Synod "in order more effectively to achieve its objectives and carry on its activities" (Const. Art. XII 1-2, 12; Bylaws 4.1.1-4.1.1.2). Therefore, while a district president is the ecclesiastical supervisor only of his own district, because districts as a whole are intended for the good of the whole Synod, when a congregation requests information regarding an ordained minister who is a

member of another district, the district president of that district is also required to provide such information to the district president of the congregation which requested the information, who will in turn convey it to the requesting congregation. The guidance for the rare situation where discretion is advised, mentioned above, would apply here also.

Question 3: What limitations, if any, do the Constitution and Bylaws of the Synod place on a member congregation of the Synod wishing to call an ordained minister currently on the roster of the Synod?

Opinion: Other than for the restrictions on where specific ministry pastors can serve, the only absolute restriction on congregations if they want to retain their membership in the Synod (cf. Bylaw 2.5.4; Const. Art. XIII) is Bylaw 2.5.2, that they call and be served only by ordained ministers on the roster of the Synod. In addition, Bylaw 2.5.1 indicates that the congregation is required to *seek the counsel of the appropriate district president when calling ordained or commissioned ministers*. This is no perfunctory matter and expects and requires that the congregation and district president will have a robust conversation not only about the candidates about whom information has been requested but also the *religious condition* of the calling congregation. For a congregation to refuse to do so would be a violation of this bylaw. While it might be unwise to do so, a congregation is not obligated to follow the counsel received, and may call any ordained minister on the roster of the Synod, except for SMP pastors not certified as having the proper scope of preparation. Were a congregation to call a pastor on restricted or suspended status, that pastor would not be able to accept such a call until restricted or suspended status had been removed. Again, the commission's Op. 2069 (March 7, 1997) states that since the Synod is only advisory to the congregation with respect to self-government, a congregation may call any individual who is in good standing on the roster of the Synod.

#### **145. Florida-Georgia District Articles of Incorporation and Bylaw Proposal (22-2993)**

The Secretary of the Florida-Georgia (FG) District, by an email of April 3, forwarded his district's bylaw proposal for the commission's review, consisting of a single change in FG Bylaw D2.05, extending the period for assumption of duties by newly elected officers to assume duties from 30 days to 90 days following the district convention. As is its custom, the commission reviewed the district's articles and bylaws as a whole, especially noting the effect of changes made to the Constitution and Bylaws of the Synod by its 2019 convention. The commission noted the following.

##### Regarding the FG District Articles of Incorporation:

- FG Article V 2 should now read (Bylaw 4.3.1): "...when appropriate ~~residents~~ members of member congregations of appropriate regions during the course of their tenure." Similarly, FG Article V 4 should now read (Bylaw 4.3.1): "...shall cease to be a member of a member congregation of the District, or, in the case of regional positions, shall cease to reside within of a member congregation of the region he or she represents, he or she shall forthwith cease..."
- FG Article V 2 a (i): The district president, uniquely among the officers of the district, is elected *from the roster of the Synod*, not that of the district.
- FG Article V 2 a (iii): The commission presumes this should read "of the ~~Synod~~ District." (Bylaws 4.3.1, 3)
- FG Article V 2 b (i): This should indicate that the vice-presidents are to be elected from the roster of the district (Bylaws 4.3.1, 3).
- FG Article V 3 and FG Bylaw D2.04 indicate that the FG Bylaws will indicate a time for assumption of office by district officers (and presumably members of the board). A date definite, however, is not indicated by the FG Bylaws either as written or as to be amended (see remarks below on FG Bylaw D2.05).
- FG Article VI: The district should also include as an added first sentence in this Article the content of Bylaw 4.1.1.2: "The Constitution of The Lutheran Church—Missouri Synod is the Constitution of the District and the Bylaws of the Synod are primarily the bylaws of the District." The existing

sentence (rendered the second sentence) should therefore begin “~~The Further~~ Bylaws of this Corporation...”

- FG Article XI: The reference to “this article (Article X)” should read: “this article (Article XI)”

#### Regarding the FG District Bylaws:

- FG Bylaws in general: The commission notes no mention of a constitution committee, which the commission presumes, on the basis of Bylaws 2.2.1–2 and 2.4.1, the district has.
- FG Bylaw D1.02: Due in part to amendments adopted by the 2019 convention of the Synod, the entirety of this bylaw, including (a)–(d) should be replaced with the following (Const. Art XII 10 b): “Advisory delegates are all commissioned ministers, and those ordained ministers not presently serving as voting representatives of congregations, who are members of the Synod within the district. In addition, a congregation that is part of a multi-congregation parish, other than the congregation supplying the voting lay delegate, may elect and depute an advisory lay delegate.” This would also correct a significant misstatement in D1.02, which would seem to (incorrectly) bar Specific Ministry Pastors from serving *at the district convention* as voting pastoral delegates of congregations (it is true they are not allowed to serve as voting delegates at the Synod convention).
- FG Bylaw D2.03: The district needs to designate a committee, board, or individual responsible for stewardship (Bylaw 4.6.1).
- FG Bylaw D2.05: The lengthening of the period of transition in this bylaw, as proposed, may extend to three months the “interim” period in which the authority of the outgoing officers is diminished by Synod Bylaws (Bylaw 3.2.4 [g–h]) but the incoming officers are not yet in office. The commission questions how, within the stated period, a date definite of transition of office is determined. This seems a practical necessity.
- FG Bylaw D2.09 b 14: The district president is designated the “chief executive” of the district by Synod Bylaw 4.4.1 and is of course an officer of the district (Const. Art. XII 3) but is not identified by the Synod as “chief executive officer” of the district, which carries corporate trappings that do not entirely transfer. The term “chief executive officer” should read “chief executive” instead.
- FG Bylaw D2.13 e, f: rather than “Handbook of the Synod ... or its progeny,” the commission recommends the citation be followed by the language “as may hereafter be amended.”
- FG Bylaw D2.15 c: the word “District” following “deposited” seems to be out of place.
- FG Bylaw D2.16 b: Compare Bylaw 4.3.1. “Those members of the Board of Directors who are elected representatives for regions of the District shall cease to be members of the board if they are no longer ~~residing in~~ members of member congregations of the region which they represent.” Likewise, FG Bylaw D2.31 a: “...must be ~~residents~~ members of member congregations within the regions...” Likewise, in FG Bylaw D2.34.
- FG Bylaw D2.22 b: The commission understands the language should read: “The President may, or at the direction of at least one-third of the members of the Board of Directors shall, ~~may~~ call other meetings, special or regular, as may be deemed necessary.”
- FG Bylaw D2.24 a: The board should take care that the evaluation of the district president is limited to those aspects of “administrative performance” related to business, property, and legal matters delegated to him by the board itself.
- FG Bylaw D2.29 seems, except for the first sentence, to be redundant and partially conflicting with FG Bylaw D2.28 b, which provides the proper procedure in each case.
- FG Bylaw D2.32: The district may do well, as it has done in other instances (e.g., FG Bylaw 2.28 b), to specify explicitly the procedure that takes place if no majority is received on a given ballot.
- FG Bylaw D5.01 b: The reference should be to Synod Bylaw 3.9.2.2.3 (a–b).

The commission understands that revision of the district’s articles may not be possible at the upcoming convention, given notice requirements, but gives its approval to the bylaw proposal—subject to the above caution—and to amendments addressing the above concerns. The commission notes that the district is

believed to have adopted articles of incorporation compliant with Bylaw 1.5.3.6 and 2016 Res. 9-02A (approved in Op. 18-2878) in its 2018 convention but may not have filed these articles with the state. The commission requests a clean copy of these articles indicating their filing and looks forward to receiving also a clean copy of the district's bylaws as amended and a proposed revision of the district's articles reflecting the above. The district and its secretary are, finally, thanked for submitting these documents for review.

#### **146. Central Illinois District Bylaw Proposal (22-2994)**

By an email of April 12, the President of the Central Illinois (CI) District forwarded his district's bylaw proposal for the commission's review. The commission noted the following:

- CI Bylaw 2.05 a: In the interest of clarity, a reference could be made here to CI Bylaw 2.11, which provides these “special provisions.”
- CI Bylaws 2.05; 2.06 a 7: “teacher or DCE” should read “commissioned minister,” given the change proposed to CI Bylaw 2.22 to allow the election of other categories of commissioned minister. The commission questions whether a similar change might not have been intended in CI Bylaws 2.37 a, 2.46 a, and 2.06 a 10; if so, such change is also approved.
- CI Bylaw 2.05 d: This does not appear to deal properly with the term limit of the Nominations Committee, on which no member may succeed him or herself, or with the vice-presidents of the district, who can serve three consecutive terms (CI Bylaw 2.04 a–b). It may be better to say, in place of the second sentence, as Bylaw 3.2.4.2 (b) does, “More than one half a term shall be regarded as a full term under limited tenure rules.”
- CI Bylaw 2.09 c: Language needs to be revised to reflect regular, not annual, submission of roster changes; the second reference to the Synod Bylaws is to statistical reports, so language has also been suggested in that regard: “~~The District President shall annually revise the official roster of Ministers of Religion Ordained and Ministers of Religion Commissioned for publication in the LUTHERAN ANNUAL and remove the names of those who have died, have severed their connections with the Synod, have been eliminated from the roster by the Council of Presidents, have resigned their status as Ministers of Religion Ordained or Ministers of Religion Commissioned in the Synod, or have in some way disqualified themselves for service in the church~~ shall be responsible for maintaining the official rosters of his district, reporting changes regularly to the Secretary of the Synod, and shall, with the assistance of the circuit visitors, promote and pursue unanimous participation by congregations in the submission of annual statistical reports (Synodical Bylaws 4.4.7 and 4.4.8).”
- CI Bylaw 2.09 g: “supervising officer” is noted as strange language, especially given that the role seems to consist of giving advice (cf. Bylaw 1.2.1 [u], [j], and [p]); “officer charged with oversight” may be more consonant with bylaw definitions, as regards, at least, that area of work for which the board is ultimately responsible.
- CI Bylaw 2.10 a: “as an assistant pastor” should now read “to a congregation in an assisting capacity” (cf. Bylaw 3.3. 1 [a]).
- CI Bylaw 2.12 a: The language “shall at the time of the election be in the ... region” (two instances) should be clarified as follows (Bylaw 4.3.1): “shall at the time of election and throughout time of service be in the hold membership in a congregation of the ... region.”
- CI Bylaw 2.12 b: “moves out of” should, corresponding to the above, read “no longer hold membership in a congregation of”
- CI Bylaw 2.15 b: Again, “resides in” should, corresponding to the above, read “holds membership in a congregation of”
- CI Bylaw 2.16: should read “who is a member of the District and of one of the congregations of the District” (Bylaw 4.3.3). The commission notes also, under CI Bylaw 2.17 c (as reordered), that this implies the Assistant Secretary must also meet the above qualifications.

- CI Bylaws 2.18 and 2.20: Given the potential existence of congregations without women’s suffrage or with other requirements of voting membership, the commission suggests “lay voting member” should read “lay member.” Bylaw 4.3.2 does not require that the treasurer be a *voting* member of a member congregation, only a (presumably communicant) member thereof (cf. also CI Bylaw 2.22 d, as re-lettered). See also instances in CI Bylaws 2.22 a, 2.33 a, 2.34 a, 2.35 a, 2.36 a, 2.37 a, and 2.46 a.
- CI Bylaw 2.31 d: The commission notes that the text suggests that procedures for terminating an assistant appointed to a fixed term (CI Bylaw 2.31 c) are to be found in the Bylaws of the Synod, but that the bylaw cited (“cf. Bylaw 3.11.1”) indicates only that “all employees shall serve *at the pleasure* of the appointing authorities” “unless otherwise specified by the board of directors of the respective agency.” This presents a question of whether the term is really fixed, with removal requiring cause, or whether service during the term is “at the pleasure” of the board.
- CI Bylaw 2.34 a: “commissioned church worker” should probably read, for consistency, “commissioned minister.”
- CI Bylaw 2.38: The language should be modernized: “~~In the year preceding the election of the officers of Synod~~At the regular conventions of the district, the elections shall proceed as follows”
- CI Bylaw 2.39: Bylaw 3.12.4.1 requires that candidates’ names be listed on ballots “without any distinctive mark,” except where regional representation is a preference or requirement. Congregational affiliation and post office address of the congregation should be removed *from the ballot* (though these certainly may be present in other biographical material provided on the candidates).
- CI Bylaw 2.45 a should read: “to make possible official visits to each congregation once in three years, should the assistance of the circuit visitor be requested by the district president, in accordance with Synodical Bylaw 4.4.4.”
- CI Bylaw 2.45 b: In the third paragraph, should read “...The privilege of voting shall be exercised by the representatives from each member congregation or parish of the circuit, who shall have been selected in the manner prescribed by the congregation (Synodical Bylaw 5.3.2).”
- CI Bylaw 2.47: No explicit allowance or prohibition is made with regard to floor nominations, although the possibility of amendment is likely contemplated in Bylaw 2.48 a, where the nominations must be approved by the convention. This may bear clarification.
- CI Bylaw 3.02 a: It should be clarified (cf. Bylaw 5.3.2.1) that the reference of the pronoun in “should he deem it necessary” is *the District President*.
- CI Bylaw 3.04 a: Language needs to be replaced with the following (cf. Bylaw 5.3.2): “Representation: The circuit forum consists of one pastor and one layperson from each member congregation or multi-congregation parish designated by the congregation or parish. Congregations of a multi-congregation parish not contributing a lay voter may send an advisory lay representative, with voice but no vote.”
- CI Bylaw 3.04 d should be clarified thus: “The circuit forum of an electoral circuit (which may consist of one or two adjacent visitation circuits) shall...”
- CI Bylaw 3.04: it should be added to the list of forum functions that it “selects the circuit visitor to be ratified by the convention.” (Bylaw 5.2.2)
- CI Bylaw 3.07 a: “his circuit” should, to allow for the possibility of two visitation circuits being combined into one electoral circuit, read “the circuit(s) represented.”
- CI Bylaw 8.01 i (iv), (v): These requirements cannot be imposed on subsidized congregations. The district could limit itself to subsidizing only congregations that were willing to consent, or determine not to subsidize unless the congregation does so consent, but cannot force congregations to act in matters of self-government (Const. Art. VII) simply because the district has elected to provide a subsidy.

With the above issues addressed as suggested, the commission approves the district's bylaw proposal for presentation to the convention and requests, for the commission's files, a clean copy of the bylaws as adopted.

The commission also notes its uncertainty as to whether the CI District articles have been filed with the State of Illinois following their presumptive adoption at the district's 2018 convention, as approved in CCM Op. 18-2874. The district is asked to please forward, for the commission's files, a clean copy of these articles as adopted and indicating their filing with the State of Illinois. The district and its president are, finally, thanked for submitting these documents for review.

**147. Closing Prayer and Future Meetings**

With the evening's agenda concluded, Dr. Gude concluded with prayer. Reviewing outstanding business, the commission determined to arrange by email for an in-person meeting date during the month of October and to handle intervening business on an as-needed basis by internet conference meeting.