

Title **To Amend Dispute Resolution and Expulsion Bylaws**  
**to Address Practical Considerations and Clarity**

**Preamble**

The Commission on Handbook has, in keeping with its responsibility to “respond to requests...to propose new provisions to address specific *Handbook*-related issues that surface between conventions” (Bylaw 3.9.4.2 [d]), responded to suggestions for bylaw changes in the dispute resolution and expulsion bylaws of the Synod with the following. Areas for work and potential solutions were proposed by the Secretary of the Synod, assembled from his consultation with the Council of Presidents, the Commission on Constitutional Matters, and Ambassadors of Reconciliation, which provides training for Synod’s official roster of reconcilers and hearing facilitators. These fall in the following areas:

**A. CLARIFY THAT HEARING FACILITATOR SERVICE  
SURVIVES DISTRICT TRANSFER (COH 19-009A)**

**Rationale**

Hearing facilitators are drawn from the pool of district-based, trained reconcilers, onto a separate roster at the Synod level. A question has arisen about the sense of language in Bylaw 1.10.12 (a), which refers, nonetheless, to movement of hearing facilitators from district to district. Bylaw 1.10.12 (a). The commission determined that the language should be clarified by incorporating the sense of existing Bylaw 1.10.12.2 into 1.10.12 (a).

Therefore be it

*Resolved*, That Bylaw 1.10.12 be amended as follows:

**PRESENT/PROPOSED WORDING**

***Hearing Facilitators***

1.10.12 After the training of the reconcilers and in consultation with the appropriate district presidents, the Secretary of the Synod shall maintain a roster of 25 hearing facilitators selected from the roster of trained reconcilers. They may be ordained ministers, commissioned ministers, or laypersons and shall exhibit skills in the proper conduct of a fair and impartial hearing. They shall receive training for such purpose.

(a) Their term of service, monitored by the Secretary of the Synod, shall be six years, renewable without limit. Once appointed, the district membership of hearing facilitators no longer pertains to their eligibility for service in this position. Within three months after even-numbered conventions of the Synod (e.g., 64th in 2010, 66th in 2016, 68th in 2023, etc.), the Secretary of the Synod shall contact all hearing facilitators to learn of their availability and willingness to continue for an additional term. Resulting vacancies on the roster of hearing facilitators shall be filled by the Secretary of the Synod from the Synod roster of reconcilers after consultation with the appropriate district presidents in time for resulting vacancies on district rosters of reconcilers to be filled by appointment by district boards of directors.

(b) Any vacancy in an unexpired term shall be filled in the same manner as described above.

1.10.12.1 Limitations on holding multiple offices do not apply to hearing facilitators.

~~1.10.12.2 If a hearing facilitator moves from the district where nominated, such hearing facilitator may remain on the Synod’s roster of hearing facilitators.~~

1.10.12.32 A hearing facilitator shall not serve as a reconciler or as a voting member of a panel.

**B. TIMING, APPOINTMENT OF RECONCILERS  
AND HEARING FACILITATORS (COH 19-003)**

**Rationale**

2016 Res 12-09 adjusted the schedule and procedure for appointment of dispute resolution reconcilers and hearing facilitators, allowing district boards of directors to make such appointments before, rather than after, the Synod convention (after which terms of service begin). Reconcilers are trained once appointed but cannot serve without training.

1 Training occurs within six months following a national Synod convention (Bylaw 1.10.10). At that training it is  
2 determined which of the new reconcilers might be useful as hearing facilitators (Bylaw 1.10.12), and those, after  
3 consultation, are appointed such, as vacancies on the roster of hearing facilitators require. At that point, it is impossible  
4 for vacancies on the district rosters of reconcilers to be filled (meaningfully) as the training has already occurred and  
5 will not occur for another three years (Bylaw 1.10.10). The last portion of Res. 1.10.12(a), added in 2016, is therefore  
6 problematic—unless one is to bar the present year’s trainees from becoming hearing facilitators, which would pose a  
7 practical problem.

8 It may be possible to fill some of the hearing facilitator vacancies with previously trained reconcilers—but not if the  
9 vacancies are only addressed 3 mos. after the Synod convention, with training being provided within the 6 mos. after  
10 the Convention.

11 Therefore be it

12 *Resolved*, That Bylaw 1.10.12 be amended as follows:

13 **PRESENT/PROPOSED WORDING**

14 ***Hearing Facilitators***

15 1.10.12 After the training of the reconcilers and in consultation with the appropriate district presidents, the  
16 Secretary of the Synod shall maintain a roster of 25 hearing facilitators selected from the roster of trained  
17 reconcilers. They may be ordained ministers, commissioned ministers, or laypersons and shall exhibit  
18 skills in the proper conduct of a fair and impartial hearing. They shall receive training for such purpose.

19 (a) Their term of service, monitored by the Secretary of the Synod, shall be six years, renewable  
20 without limit. ~~Within three months after~~ Beginning six months before even-numbered conventions  
21 of the Synod (e.g., 64th in 2010, 66th in 2016, 68th in 2023, etc.), the Secretary of the Synod shall  
22 contact all hearing facilitators to learn of their availability and willingness to continue for an  
23 additional term. Resulting vacancies on the roster of hearing facilitators shall be filled by the  
24 Secretary of the Synod from the Synod roster of reconcilers (whether already serving, before the  
25 convention, or, being newly appointed, after their post-convention training) after consultation with  
26 the appropriate district presidents ~~in time for resulting vacancies on district rosters of reconcilers to~~  
27 ~~be filled by appointment by district boards of directors.~~

28 (b) Any vacancy in an unexpired term shall be filled in the same manner as described above.  
29

30 **C. REMOVAL OF HEARING FACILITATORS FOR CAUSE (COH 19-003)**

31 **Rationale**

32 Bylaw 1.10.10.4, added by 2013 Res. 7-12A (part E) at the request of the Commission on Handbook and the Secretary  
33 of the Synod, who administers the dispute resolution process, allows for reconcilers to be removed for cause, should  
34 the need arise. As that resolution noted, “Strict adherence by reconcilers to the instructions provided in the Bylaws  
35 and *Standard Operating Procedures Manual* is essential for uniformity and good order as reconcilers do their  
36 important work.” This is equally true for the work of hearing facilitators, who are to exhibit specific skills “in the  
37 proper conduct of a fair and impartial hearing” (Bylaw 1.10.12). No provision currently exists for the removal for  
38 cause of a hearing facilitator. In the impression of the process administrator and commission, this is a need that could  
39 conceivably arise and that should be provided for in the Bylaws.

40 Therefore be it

41 *Resolved*, That Bylaw 1.10.12.4 be added as follows:

42 **PRESENT/PROPOSED WORDING**

43 1.10.12.4 A hearing facilitator may be removed for cause from Synod’s roster of hearing facilitators by Synod’s  
44 Board of Directors upon report of the administrator of the dispute resolution process after consultation  
45 with the President of the Synod.

1 **D. APPEAL PANEL DETERMINATIONS (COH 19-009C)**

2 **Rationale**

3 In Bylaw sections 2.14–2.17, dealing with formal process for expulsion from the roster of the Synod, a suspended  
4 member (individual or congregation) may request a hearing of the matter by a Hearing Panel (Bylaw 2.14.7). Upon  
5 the issuance of a decision by that panel, *the suspended member, suspending ecclesiastical supervisor or, in some*  
6 *circumstances, the President of the Synod* may request an appeal (Bylaw 2.14.8). The appeal request is considered by  
7 an Appeal Panel, which determines on the basis of specific criteria (Bylaw 2.14.8 [d]) whether the decision of the  
8 Hearing Panel will stand, or whether the matter will be forwarded to a Final Hearing Panel. The language of Bylaws  
9 2.14.8 (e), 2.15.8 (e), and 2.17.8 (e) seems to suggest only an appeal by the suspended member of a decision to uphold  
10 the suspension. This language should be clarified.

11 Therefore be it

12 *Resolved*, That Bylaw 2.14.8 (e) be amended as follows:

13 **PRESENT/PROPOSED WORDING**

14 ***Appeal Panel***

15 2.14.8 The decision of the Hearing Panel may be appealed by the accused (if an active participant in the hearing  
16 before the Hearing Panel), by the suspending ecclesiastical supervisor, or by the President of the Synod  
17 if a question of doctrine or practice is involved (Constitution Art. XI B 1–3) within 15 days after  
18 receiving the decision. Such request for an appeal shall be submitted to the Secretary of the Synod with  
19 copies provided to the district president(s) of the accuser and the accused, the hearing facilitator of the  
20 Hearing Panel, the accuser, and the President of the Synod, and shall be accompanied by a written  
21 memorandum stating the basis for the request.

22 ...

23 (e) Within 30 days after its formation, the Appeal Panel shall issue its written decision in response  
24 to the request for reconsideration. If the Appeal Panel denies the request for reconsideration of the  
25 decision of the Hearing Panel ~~and upholds the suspension of the ecclesiastical supervisor~~, the  
26 decision of the Hearing Panel shall be regarded as final and shall

- 27 (1) be binding upon the parties to the matter and not be subject to further appeal;  
28 (2) have no precedential value;  
29 (3) be carried out by the district president or the President of the Synod; and  
30 (4) shall be publicized as deemed appropriate under the circumstances by the district president  
31 or the President of the Synod.

32 (f) If the Appeal Panel grants the request for reconsideration of the decision of the Hearing Panel,  
33 a Final Hearing Panel shall be selected by the Secretary of the Synod.

34 and be it further

35 *Resolved*, That Bylaw 2.15.8 (e) be amended as follows:

36 **PRESENT/PROPOSED WORDING**

37 ***Appeal Panel***

38 2.15.8 The decision of the Hearing Panel may be appealed by the accused (if an active participant in the hearing  
39 before the Hearing Panel), or by the President of the Synod if a question of doctrine or practice is  
40 involved (Constitution Art. XI B 1–3) within 15 days after receiving the decision. Such request for an  
41 appeal shall be submitted to the Secretary of the Synod with copies provided to the district president(s)  
42 of the accuser and the accused, the chairman of the Hearing Panel, the accuser, and the President of the  
43 Synod, and shall be accompanied by a written memorandum stating the basis for the request.

44 ...

45 (e) Within 30 days after its formation, the Appeal Panel shall issue its written decision in response  
46 to the request for reconsideration. If the Appeal Panel denies the request for reconsideration of the  
47 decision of the Hearing Panel ~~and upholds the suspension of the ecclesiastical supervisor~~, the  
48 decision of the Hearing Panel shall be regarded as final and shall

- 49 (1) be binding upon the parties to the matter and not be subject to further appeal;

- (2) have no precedential value;  
(3) be carried out by the district president or the President of the Synod; and  
(4) shall be publicized as deemed appropriate under the circumstances by the district president or the President of the Synod.  
(f) If the Appeal Panel grants the request for reconsideration of the decision of the Hearing Panel, a Final Hearing Panel shall be selected by the Secretary of the Synod.

and be it finally

*Resolved*, That Bylaw 2.17.8 (e) be amended as follows:

**PRESENT/PROPOSED WORDING**

***Appeal Panel***

2.17.8 The decision of the Hearing Panel may be appealed by the accused (if an active participant in the hearing before the Hearing Panel), by the suspending ecclesiastical supervisor, or by the President of the Synod if a question of doctrine or practice is involved (Constitution Art. XI B 1–3) within 15 days after receiving the decision. Such request for an appeal shall be submitted to the Secretary of the Synod with copies provided to the district president(s) of the accuser and the accused, the chairman of the Hearing Panel, the accuser, and the President of the Synod, and shall be accompanied by a written memorandum stating the basis for the request.

...

(e) Within 30 days after its formation, the Appeal Panel shall issue its written decision in response to the request for reconsideration. If the Appeal Panel denies the request for reconsideration of the decision of the Hearing Panel ~~and upholds the suspension of the ecclesiastical supervisor~~, the decision of the Hearing Panel shall be regarded as final and shall

- (1) be binding upon the parties to the matter and not be subject to further appeal;  
(2) have no precedential value;  
(3) be carried out by the district president or the President of the Synod; and  
(4) be publicized as deemed appropriate under the circumstances by the district president or the President of the Synod.  
(f) If the Appeal Panel grants the request for reconsideration of the decision of the Hearing Panel, a Final Hearing Panel shall be selected by the Secretary of the Synod.

Originator (Commission on Handbook)

**Signatures**

\_\_\_\_\_  
Dale L. Sattgast, Chairman

\_\_\_\_\_  
John W. Sias, Secretary

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7

The 2019 convention of the Synod in its Resolution 10-02A (B) included in Bylaws 2.5.1–3, which required *congregations* of the Synod to consult district presidents in call processes and to call and be served by only such ordained and commissioned ministers or candidates therefor, also “association schools, agencies, auxiliaries, and recognized service organizations” (RSOs). The Commission on Constitutional Matters (CCM; Op. 20-2957, Minutes of Oct. 30–31, 2020) and Commission on Handbook (Item 19-005) have, in consultation with the Council of Presidents and the LCMS Recognized Service Organization Office, noted potential unclarities or unintended implications of this requirement being inserted as it is into paragraphs that ordinarily deal with congregations. At a minimum, the “association schools, agencies, auxiliaries, and recognized service organizations” to which the language now applies need to look in a “foreign” section of the *Handbook* to find a regulation that applies to them. In certain areas, because of the very different sort of work done by RSOs, in particular, the language may create a certain degree of confusion regarding how it applies to positions that are not involved directly in teaching or practice of doctrine.

Agencies are by definition part of the Synod and would be precluded from calling an individual who is not a member of the Synod. This should be made explicit in Section 1.5, dealing with agencies. Requirements incumbent on auxiliaries and RSOs should be dealt with in the appropriate sections (Bylaw sections 6.1 and 6.2, respectively), not in Section 2.5, which deals with congregations and their association schools, which, by virtue of their governance strictly be member congregations, are subject to the same requirements as their constituent congregations.

Therefore be it

PRESENT/PROPOSED WORDING

2.5.1 ~~Congregations, and their association schools, agencies, auxiliaries, and recognized service organizations of the Synod shall seek the counsel of the appropriate~~ their respective district president when calling ordained or commissioned ministers.

~~(b) An agency, auxiliary, or recognized service organization shall seek the counsel of the district president who would, by virtue of the call, assume supervision of the minister (Bylaw section 2.12). If the call is such that the district president to assume supervision is not known, the counsel of the president of the district within which the entity is located or with which it is associated shall be sought.~~

2.5.2 Congregations that are members of the Synod, ~~as well as and their~~ association schools, ~~agencies,~~  
~~auxiliaries, and recognized service organizations~~ shall call and be served only by (1) ordained ministers  
who have been admitted to their respective ministries in accordance with the rules and regulations set  
forth in these Bylaws and have thereby become members of the Synod; (2) candidates for the pastoral

1 ministry who have satisfied the qualifications and requirements for assignment of first calls by the  
2 Council of Presidents acting as the Board of Assignments; or (3) ordained ministers who are members  
3 in good standing of church bodies that have been formally recognized to be in altar and pulpit fellowship  
4 with the Synod when agreements for such calls are in place.

5 2.5.3 Congregations that are members of the Synod, ~~as well as and their~~ association schools, ~~agencies,~~  
6 ~~auxiliaries, and recognized service organizations~~ shall call only (1) commissioned ministers who have  
7 been admitted to their ministries in accordance with the rules and regulations set forth in these Bylaws  
8 and have thereby become members of the Synod; (2) candidates of LCMS colleges and universities who  
9 have satisfied the qualifications and requirements for assignment of first calls by the Council of  
10 Presidents acting as the Board of Assignments; or (3) commissioned ministers (or those holding positions  
11 comparable to commissioned ministers) who are members in good standing of church bodies that have  
12 been formally recognized to be in altar and pulpit fellowship with the Synod when agreements for such  
13 calls are in place.

14 2.5.4 Congregations that violate these requirements and persist in such violation shall, after due admonition,  
15 forfeit their membership in the Synod.

16 ...

17 and be it further

18 *Resolved*, That Bylaw 1.5.5.2 be added as follows:

19 PRESENT/PROPOSED WORDING

20 *Agency Operations*

21 ...

22 1.5.5.2 When calling ordained or commissioned ministers, agencies shall seek the counsel of the district  
23 president who would, by virtue of the call, assume supervision of the minister (Bylaw section 2.12). If  
24 the call is such that the district president to assume supervision is not known, the counsel of the president  
25 of the district within which the agency is located or with which it is associated shall be sought.

26 and be it further

27 *Resolved*, That Bylaw 6.1.2.1 be amended as follows:

28 PRESENT/PROPOSED WORDING

29 **6.1 Auxiliaries**

30 ...

31 6.1.2.1 An organization desiring to be recognized as an auxiliary of the Synod shall satisfy the following  
32 requirements:

33 ...

34 (g) Seek, when calling an ordained or commissioned minister, the counsel of the district president  
35 who would, by virtue of the call, assume supervision of the minister (Bylaw section 2.12).

- 36 • If the call is such that the district president to assume supervision is not known, the counsel  
37 of the president of the district within which the entity is located or with which it is  
38 associated shall be sought.

- 39 • If such a call involves multiple districts (such as by entity location or connection and/or  
40 position locale), the presidents of all such districts shall be consulted and mutually agree  
41 on which one of them will counsel the entity regarding the call and assume supervision of  
42 the worker called.

43 (h) Call and, in any sense involving distinctive function(s) of the pastoral office, be served by only  
44 those ordained ministers or candidates designated by Bylaw 2.5.2.

45 (i) Call only those commissioned ministers or candidates designated by Bylaw 2.5.3.

47 6.1.2.2 Auxiliaries shall continue to meet the above requirements for continued recognition.

48 and be it finally

Resolved, That Bylaws 6.2.1 and 6.2.2.2 be amended as follows:

**PRESENT/PROPOSED WORDING**

**6.2 Recognized Service Organizations**

6.2.1 The granting of recognized service organization status by the Synod signifies that a service organization, while independent of the Synod, fosters the mission and ministry of the church, engages in program activity that extends the mission and ministry of the Synod, is in harmony with the programs of the Synod, and respects and does not act contrary to the doctrine and practice of the Synod.

...

(d) A recognized service organization shall call and, in any sense involving distinctive function(s) of the pastoral office, be served by only those ordained ministers or candidates designated by Bylaw 2.5.2.

(e) A recognized service organization shall call only those commissioned ministers or candidates designated by Bylaw 2.5.3.

(f) ...

...

6.2.2.2 The right to extend a Synod-recognized, regular call to a rostered worker is afforded to the board of directors of a recognized service organization, provided that:

(a) ~~the~~ The board's composition contains at least the proportion of members of Synod member congregations required by recognized service organization program policies; ~~and~~

(b) ~~the appropriate~~ district president who would, by virtue of the call, assume supervision of the minister (Bylaw section 2.12), is properly consulted in the call process; and,

- If the call is such that the district president to assume supervision is not known, the counsel of the president of the district within which the entity is located or with which it is associated shall be sought.

- If such a call involves multiple districts (such as by entity location or connection and/or position locale), the presidents of all such districts shall be consulted and mutually agree on which one of them will counsel the entity regarding the call and assume supervision of the worker called.

(c) ~~the~~ The call document is approved by the district president who would assume ecclesiastical supervision of the member as clearly stating that the organization:

- (1) expects that the worker will, without compromise or constraint, carry out the ministry for which ordained or commissioned, and to which called, according to the doctrine and practice of the Synod.

- (2) agrees to accommodate and encourage the ecclesiastical supervision of the worker by the appropriate district president.

- (3) submits, as an exclusive remedy, to the dispute resolution process of the Synod for the resolution of any issues arising under the divine call.

(d) ~~the~~ The organization demonstrates to the district president its ability to provide for the reasonable needs of the called worker for the duration of the period of the call.

Originator (Commission on Handbook)

1  
2  
3  
4  
5  
6  
7

**Signatures**

---

Dale L. Sattgast, Chairman

---

John W. Sias, Secretary



1 **Title To Amend Bylaws to Provide Clarity for Cross-Circuit and Cross-District Multi-**  
2 **Congregation Parishes**

### 3 Preamble

4 The 2019 Synod convention labored significantly to clarify the representation of multi-congregation parishes in Res.  
5 9-05, “To Amend the Constitution to Address Individual Membership and Advisory Representation;” Res. 9-08, “To  
6 Amend Bylaws to Clarify Multi-congregation Parish Representation at the Circuit Forum;” and Res. 9-12, “To Clarify  
7 the Meaning of *Parish* as it Relates to Congregational Representation at District Conventions and Election of the  
8 Synod President, and to Distinguish Assisting Capacity Pastoral Calls.” These resolutions had the following principal  
9 relevant effects:

- 0 • The multi-congregation parish now has a clear definition and clear and consistent representational expectations:  
1 “The total number of congregations regularly cared for (served) by a pastor or pastors constitutes a parish as it  
2 applies to bylaws dealing with representation at circuit forums (Bylaws 3.1.2.1 [c]; 5.3.2) and district  
3 conventions (Bylaw 4.2.2; Const. Art. XII 10 A), and in voting for the Synod President (Bylaw 3.12.2.3).”  
4 (Bylaw 2.5.5)
- 5 • Congregations of a multi-congregation parish other than the one supplying the district convention voting lay  
6 delegate may send an advisory / non-voting lay delegate to the district convention.
- 7 • Multi-congregation parishes are now represented at circuit forums by one pastor and one voting lay  
8 representative (lay representatives of congregations other than the one supplying the voting lay delegate are  
9 possible, but advisory / non-voting). Previously each congregation got a voting lay delegate.

0 The convention's new bylaws did not, however, provide clarity about *which* district conventions and circuits these  
1 representatives and delegates attend when multi-congregation parishes cross circuit and/or district lines. While the  
2 several congregations of a multi-congregation parish reside ideally within one visitation circuit, this is not necessarily  
3 the case. Congregations of one parish may belong to distinct visitation/electoral circuits and even different districts.  
4 As of March 5, 2021, records appear to indicate 13 parishes involving congregations from more than one district:

- 4 established cross-district parishes involving a non-geographic district and a geographic one
- 7 established cross-district parishes involving two geographic districts
- 2 apparent but not recorded cross-district parishes involving two geographic districts

8 In addition, there appear to be 63 additional parishes (all the above, of course, naturally involve multiple circuits and  
9 are not included in the counts below) that involve congregations from more than one visitation circuit:

- 38 established parishes (including two triples and a quad) involving two visitation circuits each
- 12 apparent but not recorded parishes involving two visitation circuits.

2 Bylaws are presently silent as to how congregations involved in such situations are to be represented at district  
3 conventions and electoral and visitation circuit meetings. The Commission on Constitutional Matters has from time  
4 to time been called upon to opine on questions of representation for such parishes and has reached a variety of  
5 conclusions on the basis of various principles and inferences. Of these, the following are held at present:

- 6 • No parish divided across circuit or district lines is entitled to additional representation on account of the division  
7 (i.e., each parish gets one pastoral and one lay vote and garners no additional votes in the “other” circuits or  
8 districts in which it may be involved).
- 9 • No pastor, due to a multi-congregation parish involving multiple districts, votes in the convention of a district  
0 in which he himself is not a member (CCM Op. 11-2618). (But cf. Bylaws 2.12.1–2 and following)

1 In CCM Op. 11-2618, the commission opined: “When a parish crosses district lines, it is nonetheless entitled to  
2 representation at district conventions by one pastor and one lay member. The pastor is a voting delegate to the  
3 convention of the district of which he is a member. The lay vote is shared by the congregations as in any other parish,  
4 presumably in a manner that is fair and equitable. The district membership of the congregation of the lay delegate

determines the district convention that he/she will attend as a voting delegate.” [Previously, in Ag. 1959 (Oct. 16, 1993), the commission had ruled: “Because two districts would be involved in the circumstances described, because the congregation cannot be deprived of its vote, and because the matters under consideration vary from district to district [including also elections], each congregation would have a lay vote in the respective district in which the congregation holds membership.” Before that, Apr. 23–24, 1970, the commission in an unnumbered opinion indicated that the lay delegate of such a parish would cast his vote in the same district as the pastor, even if the congregation to which he belongs is of the other district.]

The Commission on Handbook has proposed the following bylaw amendments (Item 19-019), consistent with the above guidance from currently standing CCM opinions, which will make clear how cross-circuit and cross-district multi-congregation parishes are to be represented at circuit forums and district conventions. These will provide clarity, with regard to important representational processes, to the not insignificant and increasing number of member congregations, circuits, and districts involved in such situations, without reference to CCM opinions external to the *Handbook*.

## **A. WITH REGARD TO DISTRICT CONVENTIONS**

### **Rationale**

At the district level, the sense of existing CCM Op. 11-2618 may simply be implemented in the bylaw treating accreditation of delegates, which already mentions a “multi-congregation parish.”

Therefore be it

*Resolved*, That Bylaw 4.2.2 be amended as follows:

### **PRESENT/PROPOSED WORDING**

## **4.2 District Conventions**

...

4.2.2 The delegates of a voting congregation or multi-congregation parish to a district convention shall be accredited.

(a) To be entitled to vote, delegates shall return the proper credentials provided by the district secretary and signed by two of the congregation’s officers, either by mailing them to the district office at a date determined by the district or by presenting them to the district secretary at the opening of the convention.

(b) All duly elected voting delegates shall attend all sessions of the convention regularly until the close of the convention.

(c) Should a multi-congregation parish involve congregations having membership in different districts, the pastoral delegate shall be accredited in the convention of the district in which he holds membership and lay delegates, voting and advisory, shall be accredited in the convention of the district in which each delegate’s respective congregation holds membership. No multi-congregation parish is entitled to more than one pastoral and one lay voting delegate because of its inclusion of congregations from different districts.

## **B. WITH REGARD TO VISITATION CIRCUITS**

### **Rationale**

While any number of arbitrary rules could be applied, the following seemed to the commission the simplest, most readily applicable, and most aligned with the role of the circuit visitor as assistant and representative of a particular district president (Bylaws 5.2.3–5.2.3.1): At the visitation circuit level, lay representatives attend the circuit of which their respective congregations are members; the pastor attends that circuit (of those to which belong the congregations he serves, and within his own district only) to which he is assigned by his district president.

Therefore be it

*Resolved*, That Bylaw 5.3.2 be amended as follows:

### **PRESENT/PROPOSED WORDING**

### 5.3 Circuit Forums

5.3.2 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 representative, with voice but no vote.

...

(d) Should a multi-congregation parish involve congregations having membership in different visitation circuits, each lay representative, voting and advisory, shall attend the forum of the circuit of which the representative's congregation is a member. The pastoral representative shall attend the forum of that circuit, within which he serves a congregation and within the district in which he holds membership, to which he is assigned by his district president. No multi-congregation parish is entitled to more than one pastoral and one lay voting representative because of its inclusion of congregations from different visitation circuits.

#### C. WITH REGARD TO ELECTORAL CIRCUITS

##### Rationale

At the electoral circuit level, the same rule is proposed (with regard to the pastor, his assignment to a visitation circuit will dictate his assignment to an electoral circuit). It is important to note that this impacts his eligibility to serve as circuit delegate.

Therefore be it

*Resolved*, That Bylaw 3.1.2.1 be amended as follows:

##### PRESENT/PROPOSED WORDING

##### *Voting Delegates*

...

3.1.2.1 Elections of voting delegates shall take place in accordance with established policy and procedure.

(a) Each electoral circuit shall meet at the call of the circuit visitor(s) to elect its delegates not later than nine months prior to the opening day of the convention. When in-person meetings are burdensome (e.g., geographically large circuits), a circuit may select another manner of meeting (e.g., e-meeting technologies) that is suitable and made available to all participants, taking into consideration the need to provide for an open and fair exchange of ideas and secure, private, and confidential voting.

(b) Each electoral circuit may adopt procedures and methods that will insure efficiency and accuracy, including the use of mechanical, electronic, or other methods of casting, recording, or tabulating votes.

(c) The privilege of voting shall be exercised by one pastor and one layperson from each member congregation or multi-congregation parish of the circuit, both of whom shall have been elected in the manner prescribed by the congregation or parish. Congregations of a multi-congregation parish not contributing a lay voter may send an advisory representative, with voice but no vote. A pastor serving a congregation in an assisting capacity (Bylaw 2.5.6) is not eligible to cast that congregation's pastoral vote.

(d) Should a multi-congregation parish involve congregations having membership in different electoral circuits, each lay representative, voting and advisory, shall attend the forum of that circuit of which the representative's congregation is a member. The pastoral delegate shall attend the forum of the circuit, within which he serves a congregation and within the district in which he holds membership, to which he is assigned by his district president. His eligibility for election as circuit delegate shall be within that circuit only. No multi-congregation parish is entitled to more than one pastoral and one lay voting representative because of its inclusion of congregations from different electoral circuits. No circuit shall elect as a lay delegate or alternate a member of any congregation that is served (in other than an assisting capacity) by a pastor elected as delegate or alternate.

1  
2  
3  
4  
5  
6  
7  
8

**Signatures**

---

Dale L. Sattgast, Chairman

---

John W. Sias, Secretary

Title **To Amend Various Bylaws to Provide Clarity  
or to Address Practical Considerations**

**Preamble**

The Commission on Handbook (COH) “responds to requests from agencies of the Synod to propose new provisions to address specific *Handbook*-related issues that surface between conventions” (Bylaw 3.9.4 [e]). Where it finds that these changes may be of a substantive nature, it proposes them to the Synod convention for adoption. This omnibus contains a variety of more minor changes, which are severable by a floor committee or by the convention but otherwise not likely to merit individual convention consideration. As a result of its work in the 2019–2023 “triennium,” in consultation with the noted officers and agencies, COH has proposed the following for adoption:

**A. ELECTION OF SYNOD CONVENTION ADVISORY DELEGATES**

**Rationale**

The Commission on Constitutional Matters (CCM) in its Opinion 22-3000 (Minutes, Nov. 4–5, 2021), in response to a request from a university faculty member for an opinion to clarify, in Bylaw 3.1.4.1, who participates in election of faculty representatives and who could serve in that capacity, ultimately found that if an inference had to be drawn from Bylaw section 3.1.3, it would be sensible for those members of the faculty included in the ratio calculation to be those who do the electing of, and who are eligible to be elected as, the advisory representatives. The opinion continues:

However, this is clearly an inference and, since Bylaw 3.1.4.1 (a) does not address the issue of how the advisory representative of an educational institution is to be selected, the commission must conclude that Bylaw 3.1.4.1 (a) does not provide a definitive answer to the question as asked.

The commission notes that the present questions reflect the reality that the essential content of these provisions has remained static while the makeup of Concordia college and university faculties has changed substantially over time. This commission therefore recommends that the Commission on Handbook consider this matter and provide language that clarifies—if the above inference is to be made normative—that the representative is to be selected by those individuals being represented, which would be consistent, regarding those eligible to make the selection, with Bylaw section 3.1.3.

The commission therefore offers the following proposal to the convention to make Bylaw 3.1.4.1 more precise, specifying who does the electing of, and who is to be elected as, the advisory representatives of Synod educational institutions.

Therefore be it

*Resolved*, That Bylaws 3.1.4.2 be amended as follows:

**PRESENT/PROPOSED WORDING**

***Other Advisory Representatives***

...

3.1.4.2 Each educational institution of the Synod shall be represented at conventions of the Synod.

(a) Educational institutions of the Synod shall be represented by one board member in addition to the district president, by their presidents, and by one faculty member for every 30 full-time faculty members who are members of the Synod, electd from among and by the same.

(b) Fractional groupings shall be disregarded except that each institution having any full-time faculty members on the roster of the Synod shall be entitled to at least one faculty representative.

## B. ELECTION OF EDUCATIONAL INSTITUTION ADVISORY REPRESENTATIVES

### Rationale

The Commission on Constitutional Matters (CCM) in its Opinion 22-2999 (Minutes, Nov. 4–5, 2021), in response to a request for opinion from a district secretary, interpreted Bylaws 3.1.3–3.1.3.1, regarding the election of Synod convention advisory delegates. While its interpretation did not challenge current practice, it did note unclarities that should be remedied, some of which resulted from or were exacerbated by features of 2019 Res. 9-05. The proposal removes the first sentence of Bylaw 3.1.3, which relates to district conventions instead of the Synod conventions treated here. It is also redundant with Bylaw 4.2.3 and Const. Art. XII 10 b. It also treats uniformly the two reasons an individual might be excluded from the advisory delegate pool: either potential for election as circuit delegate or for selection as an advisory representative. Finally, the bylaw is updated to take into account those who may be serving in only an assisting capacity (cf. Bylaw 2.5.6), a feature not previously made explicit.

Therefore be it

*Resolved*, That Bylaws 3.1.3–3.1.3.1 be amended as follows:

### PRESENT/PROPOSED WORDING

#### *Nonvoting Advisory Delegates*

3.1.3 ~~The advisory delegates of a district convention shall consist, unless they present a valid excuse, of all individual members of the Synod within the district, except those pastors representing member congregations as voting delegates. In a convention of the Synod, all commissioned ministers and those ordained ministers not eligible for election as a voting delegate under Bylaw 3.1.2.1 (d) and who are not eligible to represent other entities or offices in the Synod as advisory representatives in any category under Bylaw 3.1.4 shall be represented as follows:~~

3.1.3.1 ~~Each~~ Within each district shall select one advisory delegate shall be selected for every 60 such advisory ordained ministers and specific ministry pastors, and one advisory delegate shall be selected for every 60 such commissioned ministers on the roster of the Synod. Fractional groupings shall be disregarded except that each district shall be entitled to at least one advisory delegate in each category.

(a) Selection of district advisory delegates to conventions of the Synod shall be made by the respective groups meeting at the call of the district secretary, ~~either~~ during the district convention ~~or~~, at official district conferences of ordained and/or commissioned ministers, or via electronic means according to Board of Directors policy (Bylaw 1.5.3). The district secretary may assist the groups by facilitating the elections.

(b) Such selections must be completed at least nine months prior to the opening day of the convention.

(c) ~~Individuals~~ Ordained ministers who are eligible for election as a voting delegate under Bylaw 3.1.2.1 (d) (that is, all parish pastors except specific ministry pastors and those serving only in an assisting capacity) and all individuals who are eligible for selection in any category under Bylaw 3.1.4 shall not be counted in determining the number of advisory delegates from each district, shall not be eligible to be selected as delegates from the groups defined in this bylaw, and shall not participate in the election process.

3.1.3.2 All district voting and nonvoting advisory delegates and representatives and their alternates shall be certified before attending a convention of the Synod.

(a) The names and addresses of all voting and nonvoting advisory delegates and representatives and their alternates shall be forwarded by the district secretary before the announced registration deadline to the Secretary of the Synod on registration forms provided by the latter.

(b) This procedure shall constitute certification.

1  
2 **C. COMMISSION ON THEOLOGY AND CHURCH RELATIONS, STAFF REPRESENTATION AT**  
3 **SYNOD CONVENTIONS**

4 **Rationale**

5 The Commission on Theology and Church Relations (CTCR) requested attention to Bylaw 3.1.4.1, which fixes the  
6 default advisory representation of the Synod's commissions at Synod conventions, for CTCR, providing for a single  
7 "principal staff person" (Bylaw 3.1.4.1 [a]) to participate unless the Board of Directors makes an exception prior to  
8 each convention. CTCR has two executive staff members (not just one "principal staff person."), of whom it desires  
9 to make maximal use at the convention and during prior floor committee work. The Board of Directors has regularly  
10 granted an exception to allow this, but CTCR desires not to have to make this a standing request. Bylaw 3.1.4.1 (a)  
11 was amended in 2016 (Res. 11-17) to include the executive directors of ONM and OIM. The CTCR staff issue was  
12 left unaddressed. The CTCR is the only commission with executive staff. The Commission on Handbook has proposed  
13 the following (Item 19-022).

14 Therefore be it

15 *Resolved*, That Bylaw 3.1.4.1 (b) be amended as follows:

16 **PRESENT/PROPOSED WORDING**

17 3.1.4.1 Each board and commission of the Synod shall be represented at conventions of the Synod.

18 (a) Each board or commission shall be represented by its chairman or another board or commission  
19 member and by its principal staff person. The boards for National and International Mission shall  
20 also be represented by the executive directors of the Offices of National and International Mission,  
21 respectively.

22 (b) Standing exceptions shall be the Board of Directors, the Commission on Constitutional Matters,  
23 the Commission on Handbook, and the Commission on Theology and Church Relations, who may  
24 be represented by as many of their membership and executive staff as they deem necessary.

25 (c) Other exceptions must have the approval of the Board of Directors of the Synod prior to each  
26 convention.  
27

28 **D. LUTHERAN CHURCH EXTENSION FUND DISTRICT MEMBERSHIP FORMULA**

29 **Rationale**

30 The formula by which the corporate membership of The Lutheran Church Extension Fund—Missouri Synod (LCEF)  
31 is calculated is stated in the Bylaws of LCEF and was also copied into the Synod Bylaws pursuant to 1983 Resolution  
32 4-03 (*Proceedings*, 166), presently as Bylaw 3.6.4.2.2. (Typographical errors in the formula, present in the printed  
33 2016 and 2019 *Handbooks*, have already been corrected by the Commission on Handbook.)

34 While the formula itself has remained unchanged, the LCEF Bylaws were amended in November 1990 to limit the  
35 total number of district members to a maximum of 135, so that the formula was used thereafter on a *pro rata* basis, to  
36 compute the *fraction* of the total 135 district members to be assigned to each district, rather than to compute a raw  
37 number of members per district, which would have allowed the membership to grow without bound. The formula has  
38 been applied in this manner ever since.

39 No corresponding change has, however, been made to Synod Bylaws to indicate explicitly that the formula is to be  
40 applied on a *pro rata* basis. Noting that this is not a change to the formula, but a clarification of how the formula has  
41 historically been applied, it is proposed to revise Bylaw 3.6.4.2.2 as follows to reflect more clearly what is the  
42 established and ongoing practice. The proposal leaves the definite number of delegates to be prescribed in LCEF  
43 Bylaws, where, subject to approval by the Synod's Commission on Constitutional Matters and Board of Directors, as  
44 well as by the LCEF membership (Bylaws 3.6.1.7, 8 [c]), the cap may someday be adjusted in the interest of efficient  
45 and effective membership meetings. The Commission on Handbook has proposed the following (Item 19-021).

46 Therefore be it

47 *Resolved*, That Bylaw 3.6.4.2.2 be amended as follows:

**PRESENT/PROPOSED WORDING**

***The Lutheran Church Extension Fund—Missouri Synod***

...

3.6.4.2 As established by its bylaws, the members of the Lutheran Church Extension Fund—Missouri Synod are divided into two classes.

3.6.4.2.1 One class of members consists of the President of the Synod or his representative, the Chief Financial Officer of the Synod, and such additional members appointed by the Board of Directors of The Lutheran Church—Missouri Synod as shall equal one for each ten members of the other class of members.

3.6.4.2.2 The second class of members consists of representatives of participating districts, ~~the number determined according to the following formula, with any fraction rounded to the nearest whole number of a total number set by the bylaws of the Lutheran Church Extension Fund—Missouri Synod, with representation allotted proportionally to the districts according to the following formula, except that at least one representative shall be allotted to each district:~~

$$\frac{\text{Baptized Members}}{50,000} + \frac{\text{Investments}}{\$10,000,000} + \frac{\text{Investments}}{\text{Baptized Members}} \times 0.015 + \frac{\text{Fund Balance}}{\$100,000} \times 0.010 = \text{Number of Members per District}$$

**E. SEMINARY AND UNIVERSITY “SURPLUS FUNDS”**

**Rationale**

Bylaws 3.10.5.5 (e)(2) and 3.10.6.4 lack a clear definition of “surplus institutional funds.” The Board of Directors (BOD) Governance Committee (Minutes of the Board of Directors, November 15–16, 2018, and May 21–22, 2021) has addressed itself to the requirement that such be deposited with the Chief Financial Officer of the Synod (seminaries) or Concordia University System (universities) for investment, the earnings being credited to the depositing institution. It may be noted that: (1) the requirement of Bylaw 3.10.6.4 (e)(2), dealing with the Synod’s universities, is proposed for removal in the 2019 Res. 7-03 proposal on university governance, as presently conceived; (2) the Lutheran Church Extension Fund is today principally managing lines of credit and deposits of surplus funds, rather than doing so through the Concordia University System as an intermediary; (3) that the seminaries and universities have developed capacity for other investment approaches. In its meeting of April 28, 2021, the BOD Governance Committee recommended simply striking both passages, a proposal with which the Commission on Handbook concurs in its Item 19-004.

Therefore be it

*Resolved*, That Bylaw 3.10.5.5 (e) be amended as follows:

**PRESENT/PROPOSED WORDING**

***E. Seminary Boards of Regents***

...

3.10.5.5 The board of regents of each theological seminary shall become familiar with and develop an understanding of pertinent policies, standards, and guidelines of the Synod.

...

(e) It shall approve institutional fiscal arrangements, develop the financial resources necessary to operate the seminary, and participate in its support program.

~~(1) Only the board of regents is authorized to establish a line of credit or to borrow for operating needs, subject to the policies of the Board of Directors of the Synod.~~

~~(2) All surplus institutional funds above an adequate working balance shall be deemed to be surplus and shall be deposited with the Chief Financial Officer of the Synod for investment. Earnings from such investments shall be credited to the depositing seminary.~~

...



and be it further

*Resolved*, That Bylaw 3.10.6.4 (e) be amended as follows:

**PRESENT/PROPOSED WORDING**

***F. Concordia University System Boards of Regents***

3.10.6.4 The board of regents of each institution shall become familiar with and develop an understanding of pertinent policies, standards, and guidelines of the Synod and the Board of Directors of Concordia University System.

...

(e) It shall approve institutional fiscal arrangements, develop the financial resources necessary to operate the institution, and participate in its financial support.

~~(1) Only the board of regents is authorized to establish a line of credit or to borrow for operating needs, subject to the policies of the Board of Directors of Concordia University System and the Board of Directors of the Synod.~~

~~(2) All surplus institutional funds above an adequate working balance shall be deposited with the Concordia University System for investment. Earnings from such investments shall be credited to the depositing institution.~~

...

**F. REGISTRATION PROCEDURE FOR PRESIDENTIAL VOTERS**

**Rationale**

Bylaw 3.12.2.3 governs the registration of presidential voters by the congregations-and-parishes of the Synod. This process involves the collection of name, address, e-mail address, phone, and a “security question” for the pastoral and lay voters to be registered. Handwriting of this information on a form and subsequent data entry have proven very error-prone and time-consuming. Especially the important e-mail address has been a challenge. Improperly completed or signed forms take a long time to detect and correct, with the consequence that some congregations have difficulty completing the process in time.

The Office of the Secretary implemented an online registration process in preparation for this convention to address the above issues and to allow for districts to be involved in reminding congregations to register their voters, as required by 2019 Res. 9-16 and its amendment of Bylaw 3.12.2.3 (d). This required an interpretation of the Commission on Constitutional Matters (CCM Op. 20-2930) to understand an online interface to be within the definition of “form” and the “signatures” required to be satisfied by “verifiable attestations, by some commonly understood means of physical or electronic signature.”

Proposed is to adapt the language of the Bylaw to be similar to the “secure and verifiable method” used elsewhere, so as to clarify requirements without seeming to imply use of an unwieldy paper process.

Therefore be it

*Resolved*, That Bylaw 3.12.2.3 be amended as follows:

**PRESENT/PROPOSED WORDING**

3.12.2.3 The Secretary of the Synod shall compile and maintain the voters list for the election of the President of the Synod. This list and any of its parts shall not be disseminated.

(a) This voters list shall include:

(1) the pastor of each member congregation or multi-congregation parish (assisting pastors are not eligible)

(2) a lay person from the congregation or parish

(b) The congregation or parish shall present to the Secretary of Synod 90 days prior to the election a proper credentials form provided, via a secure and verifiable method provided by the Secretary, the voter(s) selected by the congregation or parish, signed as well as an attestation by two of the congregation’s officers that the voter(s) are properly authorized by the congregation to vote on its

1 behalf. If a congregation or parish has more than one pastor eligible to vote, the congregation shall  
2 designate ~~on the credentials form~~ which pastor will cast a vote on behalf of the congregation.

3 (c) If one or both voters are unavailable, congregations shall be provided opportunity to select  
4 substitute voters up to a deadline designated by the Secretary.

5 (d) The registration status of congregations shall be made available to respective district presidents  
6 for the sole purpose of their encouraging registration for greater congregational participation. The  
7 registration status of congregations shall not be further disseminated.  
8

## 9 **G. NOMINATION PROCEDURE FOR REGIONAL VICE-PRESIDENTS**

### 10 **Rationale**

11 The Office of the Secretary implemented for the first time, in connection with the 2023 convention, “a secure and  
12 verifiable” online method for submission of congregational nominations for President, First Vice-President, and  
13 regional vice-presidents of the Synod. The use of a “secure and verifiable” (possibly electronic) method was enabled  
14 by 2010 Res. 3.12.2.4, to which this language in Bylaw 3.12.2 (b–c) is due. The same convention made the second  
15 and following vice-presidents regional (2010 Res. 8-14A) but copied over the *old* procedure used for pre-convention  
16 nomination of the President and First Vice-President (paper ballots, signed by two officers) rather than adopting the  
17 new “secure and verifiable method” language. At the request of the Office of the Secretary, the Commission on  
18 Constitutional Matters (CCM) found in its Op. 20-2930 (CCM Minutes, April 24, 2020) that:

19 [In addition to 2010 Res. 8-14A, which provided for vice-presidents after the first to be elected  
20 regionally] [t]he 2010 Synod convention also adopted Resolution 4-07, which made a large number of  
21 bylaw changes pertaining to the preparations for conventions of the Synod. One of these bylaw changes  
22 altered how the President and *all vice-presidents* of the Synod were to be nominated. The 2010 change  
23 to then-Bylaw 3.12.1 eliminated the requirement of 3.12.1 (b) that all nominating ballots be signed by  
24 the president and secretary of the nominating congregation, replacing it instead with a provision directing  
25 the Secretary of the Synod to provide “a secure and verifiable method that will offer opportunity to every  
26 congregation of the Synod to submit nominations.” This change was not, however, incorporated into the  
27 2010 *Handbook* with regard to the nomination of regional vice-presidents.

28 ...

29 Since the procedure for nomination by the congregations today applies only to the offices of President  
30 of the Synod, First Vice-President, and the five regional vice-presidents [and no longer to regional Board  
31 of Directors or mission board offices, which used a parallel paper process in the 2013 and 2016  
32 conventions], it is the opinion of the commission that Resolution 4-07, adopted by the 2010 convention,  
33 can be followed in its original intention to allow the Secretary of the Synod to provide “a secure and  
34 verifiable method that will offer opportunity to every congregation of the Synod to submit nominations,”  
35 not only for the President of the Synod and the First Vice-President, but also for the five regional vice-  
36 presidents as well, without requiring the signature of the president and secretary of nominating  
37 congregations.”

38 In its Item 19-014B, the Commission on Handbook has proposed “finishing the work” of 2010 Res. 4-07 and amending  
39 the language of Bylaw 3.12.2.7 to allow explicitly for the use of a “secure and verifiable” (possibly electronic) method  
40 for the election of the regional vice-presidents, to parallel exactly the language used for President and First Vice-  
41 President. While it found the change would only make explicit the sense of Bylaw 3.12.3.7 already determined by the  
42 CCM, it found the change important enough to be presented to the convention for adoption.

43 Therefore be it

44 *Resolved*, That Bylaw 3.12.2.7 be amended as follows:

### 45 **PRESENT/PROPOSED WORDING**

#### 46 ***Nominations and Elections of Regional Vice-Presidents***

47 3.12.2.7 After the results of the first-vice-presidential election have been announced, the convention shall elect  
48 five regional vice-presidents according to the following nominations and elections process.

(a) Each member congregation of a region (including any non-geographic-district congregations in that region) shall have been given opportunity, through a secure and verifiable method provided by the Secretary of the Synod, to nominate two ministers of religion—ordained from the clergy roster of the Synod with residence in its designated region as candidates for regional vice-president.

~~(b) The Secretary of the Synod shall receive such nominations (signed by the president and secretary of the nominating congregation).~~

(e**h**) The names of the five ministers of religion—ordained residing within the boundaries of each geographic region who receive the most nominating votes shall form the slate from which the Synod convention shall select by majority vote each regional vice-president.

...

## H. ELECTION OF DISTRICT PRESIDENT AND VICE-PRESIDENTS

### Rationale

In Commission on Constitutional Matters (CCM) Opinion 22-2987, a review of district bylaws, the commission noted that Bylaw 4.7.3 specifies a procedure for successive balloting for offices of the districts *other than* president and the vice-presidents. It is customarily understood that the proper procedure for president and vice-presidents is, should a ballot not produce a majority election, to produce a successive ballot by removing the candidate who received the fewest votes, repeating until an election occurs (cf. Bylaw 3.12.2.6 [b] but ctr. Bylaws 3.12.2.4 and 3.12.2.7 [e–f]). The variety of approaches available for President and regional vice-presidents of the Synod—both of which, to be sure, have unique election mechanisms not likely to be reproduced exactly on the district level—leads to a question, especially given Bylaw 4.7.1, which allows for district election regulations, provided that “these do not conflict with the Bylaws of the Synod,” of what is the proper procedure for use by the districts (Const. Art. XII 5).

In its Item 19-024, COH proposed that the common understanding be implemented clearly and explicitly in the Bylaws.

Therefore be it

*Resolved*, That Bylaw 4.7.3 be amended as follows:

### PRESENT/PROPOSED WORDING

#### 4.7 District Nominations, Elections, and Appointments

4.7.1 Each district may adopt regulations for the nomination and election of its president; the nomination, selection, election, ranking, and succession in case of vacancies of its vice-presidents; and the nomination or selection of any regional officers or regional board of directors members, as long as these provisions do not conflict with the Bylaws of the Synod.

4.7.2 A nominating committee of each district shall be elected by the district convention. Nominating committees may not be employed in the election of the president and vice-presidents.

4.7.3 A majority of all votes cast by a district convention shall be required in every election to all elective offices and elective board positions. ~~Except in the election of the president and the vice-presidents, the~~ The following regulations shall apply:

(a) Candidates receiving a majority on the first ballot shall be declared elected.

(b) In the election of the president and the vice-presidents, when a second or succeeding ballot is required for a majority, the candidate receiving the fewest votes shall be dropped from the ballot.

~~(bc)~~ In other elections, when ~~When~~ a second or succeeding ballot is required for a majority, the candidate receiving the fewest votes and all candidates receiving less than 15 percent of the votes cast shall be dropped from the ballot, unless fewer than two candidates receive 15 percent or more of the votes cast, in which case the three highest candidates shall constitute the ballot.

~~(ed)~~ In every election balloting shall continue until every position has been filled by majority vote.

## I. SUGGESTION OF NOMINEES FOR CIRCUIT VISITOR

### Rationale

When the 2010 convention amended the process for election of a circuit visitor, an amendment made in the course of the convention adopted, instead of the initially proposed language (that “nominations for circuit [visitor] may be submitted by a voting congregation of the circuit *and by the district president, in consultation with the praesidium of the district*”) the practice that “the district president be provided opportunity to [instead of *nominate*, as initially proposed] *suggest* eligible candidates from within the circuit.” The fact that the convention made this evident distinction between *nominating* and *suggesting a nomination* has led to triennial guidance of circuit visitors by the Office of the Secretary as follows:

“Nominations for candidates for the office of circuit visitor may be submitted by a voting congregation of the circuit and suggested by the district president, in consultation with the praesidium of the district” (Bylaw 5.2.2 [b]). Unlike names *suggested* by district presidents, which names may be added to the slate of candidates at the meeting by majority vote of the assembly, the names *submitted* by congregations must appear on the ballot for circuit visitor. All suggested or submitted names of pastors, whether serving congregations or emeriti, should be accompanied by pertinent information regarding each nominee (Bylaws 5.2.2 [d] [1] and 3.12.3.6[c]). All nominations must be received by the circuit visitor before the day of the circuit forum (Bylaw 5.2.2 [b]).

In its item 19-018, the Commission on Handbook, at the suggestion of the Secretary, proposed the following change that would make this practice, with regard to suggested nominations, an explicit part of the *Handbook*.

Therefore be it

*Resolved*, That Bylaw 5.2.2 be amended as follows:

### ~~PRESENT~~/PROPOSED WORDING

5.2.2 The circuit visitor shall hold his position by virtue of his selection by the circuit forum and ratification by the district convention.

(a) Circuit forums shall meet at the call of their circuit visitors to select their circuit visitors no later than the time established by the district. When in-person meetings are burdensome (e.g., geographically large circuits), a circuit may select another manner of meeting (e.g., e-meeting technologies) that is suitable and made available to all participants, taking into consideration the need to provide for an open and fair exchange of ideas and secure, private, and confidential voting.

(b) Prior to the day of the circuit forum, nominations for candidates for the office of circuit visitor may be submitted by a voting congregation of the circuit and suggested by the district president, in consultation with the praesidium of the district. Names suggested by the district president may, during the circuit forum, be received into nomination by a majority vote of the assembly.

(c) Each circuit may adopt procedures and methods that will insure efficiency and accuracy, including the use of mechanical, electronic, or other methods of casting, recording, or tabulating votes. The privilege of voting shall be exercised by the representatives from each member congregation of the circuit, who shall have been selected in the manner prescribed by the congregation (Bylaw 5.3.2).

Originator (Commission on Handbook)

Signatures

Dale L. Sattgast, Chairman



1 **Title** **To Clarify Bylaws regarding Appointment of a Synodwide Corporate Entity Chief**  
2 **Executive**

3 **Rationale**

4 The Commission on Constitutional Matters (CCM) in its Opinion 21-2970 (Minutes, Dec. 3–4, 2021), in response to  
5 a request for clarification from a member of a synodwide corporate entity board, interpreted Bylaw 3.6.1.5 (a) to  
6 envision—instead of a process whereby the board would present nominees to the President of the Synod for him to  
7 strike unacceptable names, leaving the remainder as the board’s appointment slate—a “continued dialogue by which  
8 the board and President jointly construct—by a process not specified in further detail in the bylaw—a slate of  
9 candidates in which they can mutually concur.” CCM referred the matter to the Commission on Handbook for  
10 clarification of the bylaw language; the latter commission now presents the following proposal, which recasts the  
11 appointment process, including any interim, in chronological order and more precisely describes its various steps.

12 Therefore be it

13 *Resolved*, That Bylaw 3.6.1.5 be amended as follows:

14 **PRESENT/PROPOSED WORDING**

15 **3.6 Synodwide Corporate Entities**

16 ***General Principles***

17 ...

18 3.6.1.5 Synodwide corporate entities may create chief executive positions (who may be designated as an officer  
19 of the corporation) pursuant to Bylaw 1.2.1, and fill them in accordance with the Bylaws of the Synod  
20 and the human resources policies adopted pursuant to Bylaw 1.5.5.

21 (a) The chief executive shall serve at the pleasure of the governing board. be appointed by the  
22 governing board according to the following process:

23 ~~(1) The slate of candidates for the initial appointment of the chief executive shall be selected~~  
24 ~~by the governing board in consultation with and with the mutual concurrence of the President~~  
25 ~~of the Synod.~~

26 ~~(2) In the event of a vacancy, the appropriate governing board and the President of the Synod~~  
27 ~~shall act expeditiously to fill the vacancy. This governing board shall present its list of~~  
28 ~~candidates to the President.~~

29 (2) Any appointment of an interim chief executive shall be made by the governing board in  
30 consultation with and the concurrence of the President of the Synod. Interim service shall last  
31 no more than 18 months, unless renewed by the governing board with the concurrence of the  
32 President of the Synod.

33 (3) Nominations shall be gathered by a process that includes solicitation, in an official  
34 publication of the Synod, of nominations from agencies and officers of the Synod and the  
35 congregational and individual members of the Synod, along with lay persons of the  
36 congregations of the Synod.

37 (4) The governing board shall from the nominees gathered, in consultation with and ultimately  
38 with the concurrence of the President of the Synod, select the slate (consisting of one or more  
39 candidates), from which the governing board shall attempt to select a chief executive for  
40 appointment.

41 (5) In the event of a failure to appoint or a declination, the governing board may as necessary  
42 repeat stages of nomination gathering, candidate selection, and appointment, but may only  
43 select an appointee from a slate established as described above.

44 (b) The chief executive shall serve at the pleasure of the governing board.

45 ~~(3) The governing board shall conduct an annual review of its chief executive and, before the~~  
46 ~~expiration of five years, conduct a comprehensive review.~~

(42) At the conclusion of each five-year period, the appointment shall terminate unless the governing board takes specific action to continue the person in the office, each subsequent term not to exceed five years.

~~(b) Any interim appointment of a chief executive shall follow a process similar to the initial appointment of a chief executive.~~

~~(1) Such interim appointees must be approved by the President of the Synod, and may not serve more than 18 months without the concurrence of the President of the Synod.~~

~~(2) Such interim appointees shall be ineligible to serve on a permanent basis without the concurrence of the President of the Synod.~~

(c) The chief executives shall normally attend all meetings of their board except when their own positions are being considered.

Originator (Commission on Handbook)

### Signatures

---

Dale L. Sattgast, Chairman

---

John W. Sias, Secretary

1 **Title** **To Clarify and Simplify Bylaws Regarding Routes to Altar and Pulpit Fellowship**

2 **Preamble**

3 The Commission on Theology and Church Relations (CTCR) has reviewed Bylaw 3.9.5.2.2 and proposed  
4 consolidation and clarification of the language dealing with its role in recognition of altar and pulpit fellowship.  
5 Presently routes to fellowship are presented in four cases (b–e), which are stated in terms of certain presumptions  
6 (e.g., that all fellowship requests originate from potential partners and not in the other direction), redundancies (e.g.,  
7 in each of [b–e], there exists a relatively uniform statement that the convention must approve; [e] seems, furthermore,  
8 to be redundant with [b–d]), and potential unclarities. CTCR submitted its proposal to the Commission on Handbook,  
9 which consulted with the Commission on Constitutional Matters (Op. 22-3001, Minutes of Nov. 4–5, 2022) and now  
10 presents the proposal for adoption. It understands the change to be *non-substantive*, in that it should allow the same  
11 scope of actions under new bylaw language, but *substantial* enough a change of language regarding a critical function  
12 of the Synod that it should be presented for the convention’s consideration and for its more prominent historical record.

13 By way of explanation, existing paragraphs (b–d) are subsumed under a new summary heading as (b)(1–3) and (e) is  
14 deleted; situations formerly falling under (e) will be handled under the new (b)(1–3) as appropriate.

15 Therefore be it

16 *Resolved*, That Bylaw 3.9.5.2.2 be amended as follows:

17 **PRESENT/PROPOSED WORDING**

18 ***Commission on Theology and Church Relations***

19 ...

20 3.9.5.2.2 The Commission on Theology and Church Relations shall assist the President of the Synod at his request  
21 in discharging his constitutional responsibilities for maintaining doctrinal integrity as he relates to other  
22 church bodies.

23 (a) It shall address itself to and evaluate existing fellowship relations for the purpose of mutual  
24 admonition and encouragement.

25 (b) It shall address itself to potential fellowship and/or partner church relations as follows:

26 (b1) ~~When a church body applies for formal~~ Formal recognition of altar and pulpit fellowship  
27 ~~with between the Synod and another church body, such recognition~~ shall be proposed at a  
28 convention of the Synod only after the approval of the commission.

29 (e2) ~~When a Formal recognition of altar and pulpit fellowship between the Synod and a small,~~  
30 formative, emerging confessional Lutheran church body (identified as such by the President of  
31 the Synod as chief ecumenical officer) ~~requests recognition of altar and pulpit fellowship with~~  
32 ~~the Synod may be declared by the Synod President only after the approval of the commission~~  
33 ~~and, after consultation with the Praesidium and approval by the commission, such. Such~~  
34 ~~recognition may be declared by the President of the Synod shall be~~ subject to the endorsement  
35 of the subsequent Synod convention.

36 (d3) ~~When a Formal recognition of a mission of the Synod applies for formal recognition~~ as a  
37 self-governing partner church, ~~such recognition~~ shall be proposed at convention of the Synod  
38 by the Board for International Mission ~~with after~~ the approval of the commission.

39 (e) ~~When an entity (e.g., a district, mission, group of congregations, etc.) of a self-governing partner~~  
40 ~~church is established as an independent church body in altar and pulpit fellowship with that partner~~  
41 ~~church body, and subsequently requests recognition of altar and pulpit fellowship with Synod, such~~  
42 ~~recognition may be declared by the President of Synod, after consultation with the Praesidium and~~  
43 ~~approval by the commission, subject to the endorsement of the subsequent Synod convention.~~

44 **Originator** **Commission on Handbook**

45  
46 **Signatures**



1  
2  
3  
4  
5  
6

---

Dale L. Sattgast, Chairman

---

John W. Sias, Secretary