

CONSTITUTION, BYLAWS AND CONTINUING RESOLUTIONS



**South Dakota Synod
Evangelical Lutheran
Church in America**
God's work. Our hands.

October 2022

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CODIFICATION EXPLANATION

The Constitution, the Bylaws, and the Continuing Resolutions of the South Dakota Synod have been placed together in this document.

The three types of provisions are codified (identified) separately.

- a. Constitutional provisions are codified with two sets of bold type numbers, as in **S9.08** or †**S10.01**
- b. Bylaw provisions are codified with three sets of numbers, as in S9.08.01. Numbers indicating bylaws are in light face type and are underlined.
- c. Continuing Resolutions are also codified with three sets of numbers, except that the third set is preceded by a capital letter, as in †*S6.04.B09*. Continuing Resolutions are printed in italics and are indented.

Major sections are designated as chapters. The chapters are numbered 1 through 18. The chapter designation becomes the first number in the codification sequence and is followed by a period. Thus provisions in "Chapter 7., Synod Assembly" are preceded by "7." All provisions in this Synod Constitution are prefaced with "S". The "plus" (†) preceding provisions within chapters indicates provisions that are required by the ELCA Constitution for Synods.

General subjects are normally titled and designated by a number ending in zero. Thus, a subdivision of Chapter 7. that contains provisions regarding the committees of the assembly is codified and titled "S7.40. Committees of the Assembly."

Constitutional provisions are codified with two sets of numbers: the chapter number and a two-digit number preceding the second period in the codification.

Bylaw provisions are codified with three sets of numbers: the chapter number, the related constitutional provision number, and a two digit number. Thus one bylaw provision related to the Synod Assembly's Election Committee is codified S7.40.20.

Continuing resolutions are also codified with three sets of numbers except that the third set is preceded by a capital letter. Thus, a continuing resolution might be numbered *S6.* to designate the chapter; *S6.04.* to designate the subject matter within the chapter; and the third set might be numbered *B09* in the codification *S6.04.B09* to indicate by the "B" that it is the second continuing resolution regarding that subject and by the "09" that it was adopted in 2009.

Chapter 1. NAME AND INCORPORATION

- †S1.01. The name of this synod, as determined by the Churchwide Assembly, shall be South Dakota Synod of the Evangelical Lutheran Church in America.
- †S1.02. For the purposes of this constitution and the accompanying bylaws, the South Dakota Synod of The Evangelical Lutheran Church in America is hereafter designated as "this synod" or "the synod."
- †S1.11. This synod shall be incorporated. Amendments to the articles of incorporation of this synod shall be submitted to the Church Council for ratification before filing.
- †S1.21. The seal of this synod has the Jerusalem cross embedded in an outline of the South Dakota Synod.

Chapter 2. STATUS

- †S2.01. This synod possesses the powers conferred upon it, and accepts the duties and responsibilities assigned to it, in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, which are recognized as having governing force in the life of this synod.
- †S2.02. The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.
- †S2.03. No provision of this constitution shall be inconsistent with the constitution and bylaws of this church.

Chapter 3. TERRITORY

- †S3.01. The territory of this synod, as determined by the Churchwide Assembly, shall be the State of South Dakota; the congregation Union Creek, Plymouth County, in the state of Iowa.
- †S3.02. "Determined by the Churchwide Assembly," as stipulated by †S3.01., is understood to include the reported changes in synod relationship made by any congregation in a border area agreed under ELCA bylaws 10.01.01. and 10.01.03.

Chapter 4. CONFESSION OF FAITH

- †S4.01. This synod confesses the Triune God, Father, Son, and Holy Spirit.
- †S4.02. This synod confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
- a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
 - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.

- c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.

- †S4.03. This synod accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- †S4.04. This synod accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this synod.
- †S4.05. This synod accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- †S4.06. This synod accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- †S4.07. This synod confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 5. NATURE OF THE CHURCH

- †S5.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this synod are to be carried out under his rule and authority.
- †S5.02. This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.
- †S5.03. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. This church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- †S5.04. This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.

Chapter 6. STATEMENT OF PURPOSE

- †S6.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- †S6.02. To participate in God's mission, this synod as a part of the Church shall:

- a. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
- b. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
- c. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, embracing and welcoming racially and ethnically diverse populations, and standing in solidarity with the poor and oppressed and committing itself to their needs.
- d. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
- e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
- f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

†S6.03. This synod, in cooperation with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in its territory. In fulfillment of this role and consistent with policies and procedures of this church, the synod shall:

- a. Provide for pastoral care of congregations and rostered ministers in the synod;
- b. Plan for, facilitate, and nurture the mission of this church through congregations;
- c. Strengthen interdependent relationships among congregations, synods, and the churchwide organization, and foster relationships with agencies and institutions affiliated with or related to this church as well as ecumenical partners.
- d. Interpret the work of this church to congregations and to the public on the territory of the synod.

†S6.03.01. The responsibilities of the synod include the following:

- a. providing for pastoral care of congregations, ministers of Word and Sacrament, and ministers of Word and Service in the synod, including:
 - 1) approving candidates for rostered ministry in cooperation with the appropriate seminaries of this church, which may be done through multi-synod committees;
 - 2) authorizing ordinations and ordaining rostered ministers on behalf of this church;
 - 3) consulting in the call process for rostered ministers.
- b. providing for leadership recruitment, preparation, and support in accordance with churchwide standards and policies, including:
 - 1) nurturing and supporting congregations and lay leaders;
 - 2) seeking and recruiting qualified candidates for the rostered ministries of this church;
 - 3) making provision for pastoral care, call review, and guidance;
 - 4) encouraging and supporting persons on the rosters of this church in stewardship of their abilities, care of self, and pursuit of continuing education to undergird their effectiveness of service; and
 - 5) supporting recruitment of leaders for this church's colleges, universities, seminaries, and social ministry organizations.
- c. providing for discipline of congregations, ministers of Word and Sacrament, and ministers of Word and Service; as well as for termination of call, appointment, adjudication, and appeals consistent with Chapter 20 of this church's constitution.
- d. providing for archives in conjunction with other synods.

†S6.03.02. In planning for, facilitating, and nurturing the mission of this church through congregations, the responsibilities of the synod include the following:

- a. developing of new ministries, redevelopment of existing ministries, and support and

- assistance in the conclusion, if necessary, of a particular ministry;
- b. leading and encouraging of congregations in their evangelism efforts;
- c. assisting members of its congregations in carrying out their ministries in the world;
- d. encouraging congregations to respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society;
- e. providing resources for congregational life;
- f. grouping congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.

†S6.03.03. In strengthening interdependent relationships among congregations, synods, and the churchwide organization, and in fostering relationships with agencies and institutions affiliated with or related to this church as well as with ecumenical partners, the responsibilities of the synod include the following:

- a. promoting interdependent relationships among congregations, synods, and the churchwide organization, and entering into relationships with other synods in the region;
- b. fostering organizations for youth, women, and men, and organizations for language or ethnic communities;
- c. developing relationships with social ministry organizations and ministries, participating in their mission planning, and providing supportive funding;
- d. supporting relationships with and providing supportive funding on behalf of colleges, universities, and campus ministries;
- e. maintaining relationships with and providing supportive funding on behalf of seminaries and continuing education centers;
- f. fostering supporting relationships with camps and other outdoor ministries;
- g. fostering supporting relationships with preschools, elementary schools, and secondary schools operated by congregations of the synod;
- h. fostering relationships with ecumenical and global companions;
- i. cooperating with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of the synod which can best be done cooperatively with other synods and the churchwide organization.

†S6.03.04 In interpreting the work of this church on the territory of the synod, the responsibilities of the synod include the following:

- a. encouraging financial support for the work of this church by individuals and congregations;
- b. participating in churchwide programs;
- c. interpreting social statements in a manner consistent with the interpretation given by the churchwide unit or office which assisted in the development of the statement, and suggestion of social study issues;
- d. providing ecumenical guidance and encouragement.

†S6.04. Except as otherwise provided in this constitution and bylaws, the Synod Council shall establish processes that will ensure that at least 60 percent of the members of the synod assemblies, councils, committees, boards, and other organizational units shall be laypersons; and that, as nearly as possible, at least 45 percent of the lay members of assemblies, councils, committees, boards, or other organizational units shall be women and, as nearly as possible, at least 45 percent shall be men; and that, where possible, the representation of rostered ministers shall include both men and women. This synod shall establish processes that will enable it to reach a minimum goal that 10 percent of its assemblies, councils, committees, boards, or other organizational units be persons of color and/or persons whose primary language is other than English.

†S6.04.01. It is the goal of this synod that at least 10 percent of the voting members of the Synod Assembly, Synod Council, committees, and organizational units of this synod be youth and young adults. The Synod Council shall establish a plan for implementing this goal. For purposes of the constitution, bylaws, and continuing resolutions of this synod, the term “youth” means a voting member of a congregation who has not reached the age of 18 at the time of election or appointment for service. The term “young adult” means a voting member of a congregation between the ages of 18 and 30 at the time of election or appointment for service.

- S6.04.03. The Synod Council shall allocate numbers and categories of Churchwide Assembly members and alternates among the conferences of this synod. Each conference shall nominate members and alternates of the Churchwide Assembly according to the Synod Council allocation and according to that conference's nomination procedures. Members and alternates elected shall be ratified by the Bishop.
- †**S6.05.** Each assembly, council, committee, board, commission, task force, or other body of this synod or any synod units shall be conclusively presumed to have been properly constituted, and neither the method of selection nor the composition of any such assembly, council, committee, board, commission, task force, or other body may be challenged in a court of law by any person or be used as the basis of a challenge in a court of law to the validity or effect of any action taken or authorized by any such assembly, council, committee, board, commission, task force, or other body.
- †**S6.06.** References herein to the nature of the relationship between the three expressions of this church – congregations, synods, and the churchwide organization – as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God’s mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

Chapter 7. SYNOD ASSEMBLY

- †**S7.01.** This synod shall have a Synod Assembly, which shall be its highest legislative authority. The powers of the Synod Assembly are limited only by the provisions in the Articles of Incorporation, this constitution and bylaws, the assembly’s own resolutions, and the constitutions and bylaws of the Evangelical Lutheran Church in America.
- †**S7.11.** A regular meeting of the Synod Assembly shall be held at least triennially.
- S7.11.01. The time and place of the South Dakota Synod Assembly shall be determined by the Synod Council. The time and place the next regular assembly normally shall be announced 12 months prior to the assembly.
- S7.12.** Special meetings of the Synod Assembly may be called by the bishop with the consent of the Synod Council, and shall be called by the bishop at the request of one-fifth of the voting members of the Synod Assembly.
- a. The notice of each special meeting shall define the purpose for which it is to be held. The scope of actions to be taken at such a special meeting shall be limited to the subject matter(s) described in the notice.
 - b. If the special meeting of the Synod Assembly is required for the purpose of electing a successor bishop because of death, resignation, or inability to serve, the special meeting shall be called by the Synod Council after consultation with the presiding bishop of the Evangelical Lutheran Church in America.
- S7.13.** Notice of the time and place of all meetings of the Synod Assembly shall be given by the secretary of this synod.
- S7.13.01. Notice of the date, time and place of the meeting of the Synod Assembly shall be published in official publications established by this Synod or mailed to the rostered ministers of the Evangelical Lutheran Church in America, and of this synod and congregations, not less than 90 days before the meeting of the Assembly.

S7.14.

One-half of members of the Synod Assembly shall constitute a quorum.

†S7.21.

The membership of the Synod Assembly, of which at least 60 percent of the voting membership shall be composed of lay persons, shall be constituted as follows:

- a. All rostered ministers under call on the roster of this synod shall be voting members of the Synod Assembly.
- b. A minimum of one lay member elected by each congregation with fewer than 175 baptized members and a minimum of two lay members elected by each congregation with 175 or more baptized members related to this synod, typically one of whom shall be a man and one of whom shall be a woman, shall be voting members. The Synod Council shall establish a formula to provide additional lay representation from congregations on the basis of the number of baptized members in the congregation. The Synod Council shall seek to ensure that, as nearly as possible, at least 45 percent of the lay members of the assembly shall be women and, as nearly as possible, at least 45 percent shall be men.
- c. Voting membership shall include the officers of this synod.

S7.21.A07

Any congregation of this synod which elects a 16-21 year old as a voting member shall be granted one additional voting member. Any congregation of this synod which elects a person of color and/or a person whose primary language is other than English as a voting member shall also be granted one additional voting member. The number of lay voting members per congregation is determined by the following scale:

* Baptized Member Increments	** Lay Voting Members	† 16-21 Year Old Member	† Person of Color and/or Non-English Origin	Maximum Total Lay Voting Members
0– 500	2	1	1	4
501 – 1000	3	1	1	5
1001 – 1500	4	1	1	6
1501 – 2000	5	1	1	7
2001 – 2500	6	1	1	8
2501 – 3000	7	1	1	9
3001 – 3500	8	1	1	10
3501 – 4000	9	1	1	11
4001 – 4500	10	1	1	12
4501 – 5000	11	1	1	13

**Figures used are the published baptized membership totals from the most recent South Dakota Synod Handbook. **Goal of a balance of female/male voting members.*

S7.21.B17

Rostered ministers of Word and Sacrament from a church body with which a relationship of full communion has been declared and established by a Churchwide Assembly of the Evangelical Lutheran Church in America shall be granted the privilege of both voice and vote in the Synod Assembly during the period of called or contracted service in a congregation of this synod, in accord with ELCA churchwide bylaw 8.72.12.

- S7.21.C17 Rostered ministers of Word and Sacrament serving as interim pastors, under contract to a congregation of this synod, shall be granted the privilege of both voice and vote in the Synod Assembly during the period of contracted service in a congregation of this synod.*
- S7.21.D17 Synodically Authorized Ministers (SAMs) certified by the South Dakota Synod, under contract to a congregation of this synod, shall be granted the privilege of both voice and vote, as an additional lay member, in the Synod Assembly during the period of contracted service in a congregation of this synod.*
- S7.21.E22 Each Synod Authorized Worshipping Community under the purview of the South Dakota Synod shall be afforded voting members, in addition to the Synod Authorized Minister, in accordance with S7.21. and S7.21.A07*
- S7.21.01.** Voting members shall begin serving with the opening of a regular Synod Assembly and shall continue serving until voting members are seated at the next regular Synod Assembly.
- †**S7.21.02.** If a special Synod Assembly is called and voting members at the previous assembly are unable to serve as voting members, where permitted by state law, the congregation through the Congregation Council may elect new members who shall continue to serve until the next regular Synod Assembly.
- S7.22.** This synod may establish processes that permit retired rostered ministers, or those granted disability status, or on leave from call, on the roster of the synod to serve as voting members of the Synod Assembly, consistent with †7.21.c. If the synod does not establish processes to permit the rostered ministers specified above to serve as voting members, they shall have voice but not vote in the meetings of the Synod Assembly.
- †**S7.23.** The presiding bishop of the Evangelical Lutheran Church in America and such other official representatives of the churchwide organization as may be designated by the presiding bishop, shall have voice but not vote in the meetings of the Synod Assembly. Like privileges shall be accorded to those additional persons whom the Synod Assembly or the Synod Council shall from time to time designate.
- S7.24.** Ministers under call on the rosters of this synod shall remain as members of the Synod Assembly so long as they remain under call and so long as their names appear on the rosters of this synod. Lay members of the Synod Assembly representing congregations shall continue as such until replaced by the election of new members or until they have been disqualified by termination of membership. Normally, congregations will hold elections prior to each regular meeting of the Synod Assembly.
- †**S7.25.** Except as otherwise provided in this constitution or in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, each voting member of the Synod Assembly shall be a voting member of a congregation of this synod.
- S7.26.** This synod may establish processes through the Synod Council that permit representatives of authorized worshipping communities of this synod, which have been authorized under ELCA bylaw 10.01.04., to serve as voting members of the Synod Assembly, consistent with †S7.21.
- S7.27.** This synod may establish processes through the Synod Council to grant a minister of Word and Sacrament from a church body with which a relationship of full communion has been declared and established by the Churchwide Assembly of the Evangelical Lutheran Church in America the privilege of both voice and vote in the Synod Assembly during the period of that minister's service in a congregation of this church.
- S7.28.** Duly elected voting members of the Synod Council who are not otherwise voting members of the Synod Assembly under †S7.21. shall be granted the privilege of both voice and vote as members of the Synod Assembly.
- †**S7.31.** Proxy and absentee voting shall not be permitted in the transaction of any business of the Synod Assembly.
- S7.32.** Robert's Rules of Order, latest edition, shall govern parliamentary procedure of the Synod Assembly, unless otherwise ordered by the assembly.
- S7.33.** *"Ex-officio"* as used herein means membership with full rights of voice and vote unless otherwise expressly limited.
- S7.40. Committees of the Synod Assembly**
- S7.40.10. **Credentials Committee**
- S7.40.11. Prior to the Synod Assembly, the Synod Bishop shall appoint three persons to act as a Credentials Committee. This committee shall report when requested on the number of voting members, visitors, advisors, and others in attendance.
- S7.40.20. **Election Committee**

S7.40.21. Prior to the Synod Assembly, the Synod Bishop shall appoint three ministers of Word and Sacrament and three laypersons to an Election Committee to supervise elections and announce the results to the Synod Assembly.

S7.40.30. **Resolutions Committee**

S7.40.31. Each conference shall elect one representative to a Resolutions Committee. The Synod Bishop shall appoint two representatives at large, and shall designate the convener of the committee. In the case of a vacancy, the Synod Bishop will appoint a replacement.

S7.40.32. The committee shall elect its own leadership.

S7.40.33. The committee shall receive all resolutions, prepare them, and make recommendations on them in accordance with the Synod Rules of Parliamentary Procedure for transmission to the Synod Assembly.

S7.40.34. The committee shall draft such resolutions as it is instructed to draft by the Synod Assembly, and may draft others it deems necessary.

S7.50. Conference Caucus

S7.50.10. The members of the Synod Assembly from each conference shall constitute the conference caucus.

S7.50.11. The caucus may draft resolutions for submission to the Resolutions Committee.

S7.50.12. The caucus may discuss resolutions, and transact such other business as the voting members determine.

S7.50.13. The caucus shall meet at the call of the Bishop, the President of the Conference or the request of 15 percent of the voting members of the conference.

S7.50.14. The officers of the conference shall serve as the leadership of the caucus.

Chapter 8. OFFICERS

†**S8.01.** The officers of this synod shall be a bishop, a vice president, a secretary, and a treasurer.

S8.10. Bishop

†**S8.11.** The bishop shall be elected by the Synod Assembly. The bishop shall be a minister of Word and Sacrament of the Evangelical Lutheran Church in America.

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

- a. Preach, teach, and administer the sacraments in accord with the Confession of Faith of this church.
- b. Have primary responsibility for the ministry of Word and Sacrament in this synod and its congregations, providing pastoral care and leadership for this synod, its congregations, its ministers of Word and Sacrament, and its ministers of Word and Service.
- c. Exercise solely this church's power to ordain (or provide for the ordination by another synod bishop of) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ministry of Word and Sacrament (and as provided in the bylaws of the Evangelical Lutheran Church in America).
- d. Ordain (or provide for the ordination of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as ministers of Word and Service of this church.
- e. Attest letters of call for persons called to serve congregations in the synod, letters of call for persons called by the Synod Council, and letters of call for persons on the rosters of this synod called by the Church Council.
- f. Install (or provide for the installation of) rostered ministers whose calls the bishop has attested.
- g. Exercise leadership in the mission of this church and in so doing:
 - 1) Interpret and advocate the mission and theology of the whole church;
 - 2) Lead in fostering support for and commitment to the mission of this church within this synod;
 - 3) Coordinate the use of the resources available to this synod as it seeks to promote the health of this church's life and witness in the areas served by this synod;
 - 4) Submit a report to each regular meeting of the Synod Assembly concerning the synod's life and work; and
 - 5) Advise and counsel this synod's related institutions and organizations.
- h. Practice leadership in strengthening the unity of the Church and in so doing:
 - 1) Exercise oversight of the preaching, teaching, and administration of the sacraments within this synod in accord with the Confession of Faith of this church;

- 2) Be responsible for administering the constitutionally established processes for the resolution of controversies and for the discipline of rostered ministers, and congregations of this synod;
 - 3) Be the chief ecumenical officer of this synod;
 - 4) Be a member of the Conference of Bishops and consult regularly with other synod bishops;
 - 5) Foster awareness of other churches throughout the Lutheran world communion and, where appropriate, engage in contact with leaders of those churches;
 - 6) Cultivate communion in faith and mission with appropriate Christian judicatory leaders functioning within the territory of this synod; and
 - 7) Be *ex officio* a member of the Churchwide Assembly.
- i. Oversee and administer the work of this synod and in so doing:
- 1) Serve as the president of the synod corporation and be the chief executive and administrative officer of this synod, who is authorized and empowered, in the name of this synod, to sign deeds or other instruments and to affix the seal of this synod;
 - 2) Preside at all meetings of the Synod Assembly and provide for the preparation of the agenda for the Synod Assembly, Synod Council, and the council's Executive Committee;
 - 3) Ensure that the constitution and bylaws of the synod and of the churchwide organization are duly observed within this synod, and that the actions of the synod in conformity therewith are carried into effect;
 - 4) Direct and guide the work of the other officers;
 - 5) Exercise supervision over the work of all synod staff members;
 - 6) Appoint all committees for which provision is not otherwise made;
 - 7) Be a member of all committees and any other organizational units of the synod, except as otherwise provided in this constitution;
 - 8) Provide for preparation and maintenance of synod rosters containing the names and addresses of all rostered ministers of this synod and a record of the calls under which they are serving or the date on which their retired or disability status took effect;
 - 9) Annually bring to the attention of the Synod Council the names of all rostered ministers on leave from call or engaged in approved graduate study in conformity with the constitution, bylaws, and continuing resolutions of this church and pursuant to prior action of this synod through the Synod Council;
 - 10) Provide for prompt reporting to the secretary of this church of:
 - a) additions to and subtractions from the rosters of this synod;
 - b) the issuance of certificates of transfer for rostered ministers in good standing who have received and accepted a properly issued, duly attested, regular letter of call under the jurisdiction of another synod; and
 - c) the entrance of the names of such persons for whom proper certificates of transfer have been received;
 - 11) Provide for preparation and maintenance of a roster of the congregations of this synod and the names of the laypersons who have been elected to represent them; and
 - 12) Appoint a statistician of the synod, who shall secure the reports of the congregations and make the reports available to the secretary of this church for collation, analysis, and distribution of the statistical summaries to this synod and the other synods of this church.

†S8.13. The synod bishop may appoint an attorney, admitted to the bar within the territory of the synod or the state where the synod is located, to be Synod Attorney. The appointment must be approved by the Synod Council and reported to the Synod Assembly and to the secretary of this church. The appointment continues until resignation or until a successor is appointed. The Synod Attorney provides legal advice and counsel to the synod officers and the Synod Council. The Synod Attorney is expected to be familiar with the governing documents and policies of the synod and, as necessary, to attend meetings of the Synod Council. The Synod Attorney serves without salary but may be retained and compensated for specific legal services requested by the synod.

S8.14. The synod bishop may have such assistants as this synod shall fromtime to time authorize.

†**S8.15.** The presiding bishop of this church, or the appointee of the presiding bishop, shall install into office, in accord with the policy and approved rite of this church, each newly elected synod bishop.

†S8.16

Conflicts of Interest

†S8.16.01.

The following procedures shall govern matters of potential conflicts of interest for synod bishops:

- a. Whenever a synod bishop determines that a matter of the kind described in †S8.16.01.b. may require the bishop's determination or action with respect to a related individual as defined in †S8.16.01.c., the synod bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synod bishop from the same region to handle the matter to conclusion. In dealing with such matter, the appointed bishop shall exercise all of the functions and authority to the same extent as if the appointed bishop were the elected bishop of the withdrawing bishop's synod.
- b. Matters include any proceedings under Chapter 20, proceedings under provisions 7.46 and 7.75. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (†S14.18. and †S14.43), candidacy reinstatement, and similar matters where determinations or actions by the synod bishop could change, limit, restrict, approve, authorize, or deny the related individual's ministry on one of the official rosters of this church.
- c. A related individual is one who, with respect to the synod bishop, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, including corresponding members of blended families and in-laws (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).

S8.20.

Vice President

†S8.21.

The vice president shall be elected by the Synod Assembly. The vice president shall be a layperson. The vice president shall be a voting member of a congregation of this synod. The vice president shall not receive a salary for the performance of the duties of the office.

S8.22.

The vice president shall chair the Synod Council.

S8.30.

Secretary

†S8.31.

The secretary shall be elected by the Synod Assembly. The secretary shall be a voting member of a congregation of this synod. The secretary may be either a layperson or a rostered minister.

†S8.32.

The secretary shall:

- a. Keep the minutes of all meetings of the Synod Assembly and Synod Council, be responsible for distribution of such minutes, and perform such other duties as this synod may from time to time direct.
- b. Be authorized and empowered, in the name of this synod, to attest all instruments which require the same, and which are signed and sealed by the bishop.
- c. In consultation with the bishop, classify and arrange all important papers and documents and deposit them in the archives of this synod.
- d. Submit to the secretary of this church at least nine months before each regular Churchwide Assembly a certified list of the voting members elected by the Synod Assembly.

S8.40.

Treasurer

†S8.41.

The treasurer may be elected by the Synod Assembly or may be appointed by the Synod Council. The treasurer shall be a voting member of a congregation of this synod. The treasurer may be either a layperson or a rostered minister.

S8.42.

The treasurer shall provide and be accountable for:

- a. Management of the monies and accounts of this synod, its deeds, mortgages, contracts, evidences of claims and revenues, and trust funds, holding the same at all times subject to the order of this synod.
- b. Investment of funds upon the authorization of the Synod Council.
- c. Receipt and acknowledgment of offerings, contributions, and bequests made to this synod, collecting interest and income from its invested funds, and paying regular appropriations and orders on the several accounts as approved and directed by the Synod Council. The treasurer shall transmit each month to the treasurer of the Evangelical Lutheran Church in America the funds received by this synod for the general work of this church.
- d. Maintenance of a regular account with each congregation of this synod and informing the congregation, at least quarterly, of the status of this account.
- e. Rendering at each regular meeting of the Synod Assembly a full, detailed, and duly audited report of receipts and disbursements in the several accounts of this synod for the preceding fiscal year, together with the tabulation, for record and publication in the minutes, of the

contributions from the congregations.

- f. Obtaining a fidelity bond in the amount determined by the Synod Council for persons handling synod funds, which bond shall be in the custody of the secretary. The premium for the bond shall be paid by this synod. Fidelity coverage provided by the Evangelical Lutheran Church in America shall be deemed a fulfillment of this requirement.

S8.50.

General Provisions

†**S8.51.**

The terms of office of the officers of this synod shall be as follows:

- a. The bishop of this synod shall be elected to a term of six years and may be re-elected.
b. The vice president and secretary of this synod shall be elected to a term of four years and may be re-elected. The officer shall serve until a successor takes office.
c. The treasurer of this synod shall be elected or appointed to a term of four years and may be re-elected or reappointed. The treasurer shall serve until a successor takes office.

S8.51.10.

The Bishop may be elected to no more than two consecutive terms and shall serve until a successor assumes office.

S8.51.11.

The Vice President shall be limited to two consecutive terms.

S8.51.12.

The Secretary shall be limited to two consecutive terms.

S8.51.13.

The Treasurer shall be limited to three consecutive terms.

†**S8.52.**

The terms of the officers shall begin as determined by the Synod Council.

S8.52.A17

The term of the bishop shall begin the first day of September following the election, or in special circumstances at the time designated by the Synod Council.

S8.52.B17

The term of the other officers (vice president, secretary, and treasurer) shall begin at the start of new business at the Synod Council meeting following the election, or in special circumstances at the time designated by the Synod Council.

†**S8.53.**

Each officer shall be a voting member in a congregation of this synod, except that the bishop need not be a member of a congregation of this synod at the time of election.

†**S8.54.**

Should the bishop die, resign, or be unable to serve, the vice president, after consultation with the presiding bishop of the Evangelical Lutheran Church in America, shall convene the Synod Council to arrange for the appropriate care of the responsibilities of the bishop until an election of a new bishop can be held or, in the case of temporary disability, until the bishop is able to serve again. Such arrangements may include the appointment by the Synod Council of an interim bishop, who during the vacancy or period of disability shall possess all of the powers and authority of a regularly elected bishop. The term of the successor bishop, elected by the next Synod Assembly or a special meeting of the Synod Assembly called for the purpose of election, shall be six years with the subsequent election to take place at the Synod Assembly closest to the expiration of such a term and with the starting date of a successor term to be governed by constitutional provision S8.52.

S8.55.

Should the vice president, secretary, or treasurer die, resign, or be unable to serve, the bishop, with the approval of the Executive Committee of the Synod Council, shall arrange for the appropriate care of the responsibilities of the officer until an election of a new officer can be held, or, in the case of temporary disability, until the officer is able to serve again. The term of the successor officer, elected by the next Synod Assembly, shall be four years. If the treasurer is appointed by the Synod Council, the Synod Council shall appoint a new treasurer to a four year term.

†**S8.56.**

The Executive Committee of the Synod Council shall determine whether an officer is unable to serve; the officer may appeal the decision of the Executive Committee by requesting a hearing before the Synod Council. A meeting to determine the ability of an officer to serve shall be called upon the request of at least three members of the Executive Committee and prior written notice of the meeting shall be given to the officer in question at least 10 calendar days prior to the meeting.

†**S8.57.**

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

- a. Proceedings for the recall or dismissal of a synod bishop shall be instituted by written petition by:
1) the Synod Council on an affirmative vote of at least two-thirds of its elected

- 2) members present and voting;
- 2) the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting;
- 3) at least 10 synod bishops; or
- 4) the presiding bishop of this church.
- b. Proceedings for the recall or dismissal of an officer of a synod, other than the synod bishop, shall be instituted by written petition by:
 - 1) the Synod Council on an affirmative vote of at least two-thirds of its elected members present and voting;
 - 2) the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting; or
 - 3) the synod bishop.
- c. The petition shall be filed with the chair of the Committee on Appeals (in care of the secretary of the Evangelical Lutheran Church in America, 8765 West Higgins Road, Chicago, Illinois 60631) and shall set forth the specific charge or charges.
- d. Upon the filing of a written petition, the Executive Committee of the Synod Council may temporarily suspend the officer from service in the synod without prejudice, but with continuation of compensation, including benefits, if the officer is a salaried employee of the synod.
- e. In the case of alleged physical or mental incapacity of an officer of the synod, the procedures outlined in †S8.56. shall be followed, and such officer shall comply with the decision of the Synod Council. If such officer fails or refuses to comply, the Synod Council may proceed to petition for recall or dismissal as follows:
 - 1) the Synod Council will submit a written report of their findings and the basis of their decision to the Committee on Appeals.
 - 2) the Committee on Appeals, exclusive of any members who are disqualified, shall review the findings and decision of the Synod Council and by an affirmative vote of at least two-thirds of those present and voting may adopt the findings and grant the petition.
- f. If the synod officer is a minister of Word and Sacrament, grounds for recall or dismissal include those set forth in ELCA bylaw 20.22.01. and as defined under the process described in ELCA constitutional provisions 20.21 and 20.22. as grounds for discipline. If the officer is a minister of Word and Service, grounds for recall or dismissal include those set forth in ELCA bylaw 20.23.01. and as defined under the process described in ELCA constitutional provisions 20.21. and 20.22. as grounds for discipline.
- g. If the officer is a layperson, grounds for recall or dismissal include those set forth in ELCA bylaw 20.41.01. as grounds for discipline.
- h. If the case of alleged willful disregard or violation of the constitutions, bylaws, and continuing resolutions or of alleged conduct as would subject the officer to disciplinary action, the following procedures shall apply:
 - 1) the petition shall be referred to the Committee on Appeals, which shall function as the discipline hearing committee that shall conduct a hearing in accordance with the rules provided for in ELCA bylaw 20.22.14. except to the extent that those rules are in conflict with the provisions of this bylaw; and
 - 2) the members of the Committee on Appeals, other than those who are disqualified, may grant the petition by an affirmative vote of at least two-thirds of those present and voting.
- i. Written notice of a decision by the Committee on Appeals that the charges have been sustained shall be given to the affected officer and to the Synod Council, and the office shall be vacated.

†S8.58. If the bishop is to be temporarily absent from the synod for an extended period, not to exceed 90 days, the bishop, after consultation with the presiding bishop and with the consent of the Synod Council, may appoint as acting bishop for such period a minister of Word and Sacrament of this church. Except as limited by action of the Synod Council, an acting bishop shall possess all of the powers and authority of a regularly elected bishop other than authority to ordain or to authorize the ordination of properly approved candidates for ordination.

Chapter 9. NOMINATIONS AND ELECTIONS

- †**S9.01.** The Synod Assembly shall elect such officers of this synod and such other persons as the constitution and bylaws may require, according to procedures set forth in the bylaws. The Synod Assembly shall elect members of the Churchwide Assembly in accordance with bylaw 12.41.11. of the constitution and bylaws of the Evangelical Lutheran Church in America.
- S9.01.10.a. The Synod Assembly shall elect the 21 members of the Synod Council upon nominations from the conferences for four-year terms with no consecutive reelection, providing for one minister of Word and Sacrament, one lay woman and one lay man from each conference.
- S9.01.10.b. If any individual so elected ceases to be a member of a congregation within the conference that nominated that person, the position shall become vacant.
- S9.01.11. The Synod Council shall elect three rostered ministers to serve on the Board of Directors of Lutheran Social Services of South Dakota.
- S9.01.14. The Synod Assembly shall elect the South Dakota Synod voting members of the Churchwide Assembly in accordance with the policies and procedures of the ELCA.
- a. The ratio of voting members and alternates among the conferences shall be determined by the Synod Council.
- b. Each conference shall nominate voting members and alternates in accordance with the formula established by the Synod Council as authorized in S9.01.14a.
- S9.01.15. No person shall be simultaneously an elected member of a committee provided for in the constitution and bylaws of this synod, an officer of this synod, or a conference representative on the Synod Council. No person shall be elected to membership on more than one committee of this synod.
- S9.01.A20 The election of Synod Council members by the Synod Council as a result of the cancellation of the 2020 Synod Assembly, shall be ratified by the 2021 Synod Assembly in accordance with S10.03.f. with the terms of office expiring with the election of a successor at the 2024 Synod Assembly. For the purposes of S9.01.10.a., such ratification shall be considered a full term.*
- †**S9.02.** In all elections by the Synod Assembly, other than for the bishop, a majority of the legal votes cast shall be necessary for election.
- S9.03.** There shall be a Nominating Committee consisting of the conference deans and the lay persons representing the conferences on the Synod Committee for Support to Ministries. The Nominating Committee shall make nominations for each position to be filled by election at the Synod Assembly, except for positions for which other nominating procedures have been provided. The nominations of the Committee shall be included in the information sent to voting members prior to the Assembly. Additional nominations may be made from the floor for all elections for which nominations are made by the Nominating Committee.
- S9.04.** The Bishop shall be elected by the Synod Assembly. The process of nomination and election shall be as provided in the bylaws.
- S9.04.01 The Bishop shall be elected by ecclesiastical ballot. Three-fourths of the legal votes cast shall be necessary for election on the first ballot. If no one is elected, the first ballot shall be considered the nominating ballot. Three fourths of the legal votes cast on the second ballot shall be necessary for election. The third ballot shall be limited to the seven persons (plus ties) who received the greatest number of legal votes on the second ballot, and two-thirds of the legal votes cast shall be necessary for election. The fourth ballot shall be limited to the three persons (plus ties) who receive the greatest number of legal votes on the third ballot, and 60 percent of the legal votes cast shall be necessary for election. On subsequent ballots a majority of the legal votes cast shall be necessary for election. These ballots shall be limited to the two persons (plus ties) who receive the greatest number of legal votes on the previous ballot.
- S9.04.02 Other election matters, such as the process of identifying potential nominees leading to the election of a bishop, and the rules of procedure for the election of a bishop shall be specified in the continuing resolutions of the South Dakota Synod Constitution, as approved by the Synod Assembly one (1) year prior to the assembly at which a bishop is to be elected.
- S9.04.A18 Process of Identifying Potential Nominees Leading to the Election of a Bishop*
1. *An incumbent bishop shall announce to the Synod Council whether he or she is willing to serve a subsequent term. Such announcement shall take place no later than the Synod Council meeting the fall prior to the Synod Assembly during which a bishop is to be*

elected.

2. *The processes for identifying potential nominees for Bishop and election of a Bishop shall apply for all elections of a Bishop.*
3. *The Synod Council shall arrange for a synod study to be completed by the Synod Council meeting the fall prior to the beginning of the election process. The synod study shall be distributed to rostered ministers and congregations of the synod six months prior to the election, providing guidance throughout this synod as potential nominees for bishop are identified.*
4. *At the assembly of each conference prior to the election of a bishop, held no later than 75 days prior to Synod Assembly, the voting members will be asked to use the synod study document to guide conversation regarding the gifts desirable and necessary in a bishop.*
5. *At the same conference assembly, the voting members will be asked to identify current rostered ELCA ministers of Word and Sacrament whom the voting members believe have gifts desirable in a bishop. Identified pastors do not need to be members of the conference or of the South Dakota Synod. All ELCA pastors are encouraged to give permission to be considered in the discernment process.*
6. *The names of ministers of Word and Sacrament identified by conference assemblies will be forwarded to the Bishop Election Committee on the day of the conference assembly.*
7. *The Bishop Election Committee will contact the individuals identified by the conferences to confirm their willingness to have their names included as possessing gifts for the office of bishop. If these individuals reaffirm their willingness to be so identified, the Bishop Election Committee will facilitate their completion of a biographical information form. The potential nominees are to submit these completed forms to the Bishop Election Committee within ten days of the conference assembly.*
8. *Forty-five days before the Synod Assembly begins the names and biographical information of the potential nominees for the office of bishop identified by the conferences will be posted on the synod website.*
9. *While these individuals are identified as potential nominees for the office of bishop, the South Dakota Synod will use the ecclesiastical ballot in which the name of any ELCA rostered minister of Word and Sacrament may be placed in nomination on the first ballot. Any person identified as a potential nominee must still be nominated on the first ballot by a voting member at the assembly.*
10. *The Synod Assembly will adopt Rules of Procedure for the Election of a Bishop based upon the ecclesiastical ballot as required by the South Dakota Synod Constitution.*

S9.04.B18

Rules for the Procedure for the Election of a Bishop

1. *In accordance with the South Dakota Synod Constitution, the election of a bishop shall be by ecclesiastical ballot. There shall be no spoken nominations from the floor.*
2. *Any ELCA rostered minister of Word and Sacrament is eligible for nomination for bishop. A valid ballot is to contain the nominee's full name and any other applicable identifying information. All registered voting members of the South Dakota Synod Assembly shall be eligible to cast a ballot.*
3. *Three-fourths of the legal votes cast on the first ballot shall be necessary for the election of a bishop.*
4. *If no election occurs, the first ballot is the nominating ballot. This ballot becomes the total slate of nominees. The Bishop Election Committee will attempt to contact all nominees identified on the first ballot.*
5. *Ministers of Word and Sacrament nominated on the first ballot shall have the right to withdraw their names from subsequent ballots before the casting of the second ballot. A form requesting the name to be withdrawn must be secured from and returned to the Bishop Election Committee by a time designated in the Standing Rules. This may be done electronically or via phone for candidates not present.*
6. *On the second and all subsequent ballots, the order of listing of the nominees on the ballot shall be from the greatest number of ballots cast to the least. Ties shall be listed alphabetically. Three-fourths of the legal votes cast on the second ballot shall be necessary for election.*

7. *Following the report of the second ballot, biographical data for the seven nominees (plus ties) who receive the greatest number of ballots cast on the second ballot shall be available to all voting members. Background checks will be conducted for all nominees, to be reviewed by the Bishop Election Committee.*
8. *Before the casting of the third ballot, the seven nominees (plus ties) who receive the greatest number of ballots cast on the second ballot shall be invited to the stage and be introduced by name to the members of the assembly. There shall be no applause before, during, or after each individual introduction. After time has been allotted for all voting members to review the biographical information of the seven nominees (plus ties), they will be invited to address the assembly on a subject of their own choosing, with each speech limited to five minutes. If any such person is not present at the assembly, the individual may address the assembly in real time via audio or audiovisual means. A time keeper shall indicate to the speaker when 30 seconds remain of the allocated time and when the allocated time has elapsed. The sequence of the speeches shall be determined by lot. There shall be no applause before, during, or after individual speeches; only after all have spoken is there to be such affirmation. There shall be ten minutes' time allotted after these speeches for voting members to engage in prayer, reflection on the speeches, and informal conversation with other voting members before the third ballot is cast.*
9. *Two-thirds of the legal votes cast shall be necessary for election on the third ballot.*
10. *Prior to the fourth ballot for synod bishop, the three persons (plus ties) who received the greatest number of votes on the third ballot will be invited to participate in a question-and-answer period. The period shall be moderated by the designated presider for the election process. The same five questions shall be asked of each of the nominees. Only one nominee shall be in the assembly room at a time. The order that the nominees shall appear on stage to answer the questions shall be determined by the draw of name. Each nominee shall have a maximum of two minutes to respond to each question. If any nominee is not present at the assembly, that individual may address the assembly in real time via audio or audiovisual means. A time keeper will indicate to the speaker when 30 seconds remain of the allotted time and when the allotted time has ended. The time for the question-and-answer period shall be a maximum of 45 minutes. There shall be no applause before, during, or after each answer; only after the question-and-answer period has come to an end is there to be such affirmation.*
Questions to be asked shall be determined by the Bishop Election Committee. Any voting member of the Synod Assembly may submit questions in a process determined by the Bishop Election Committee by a time designated in the Standing Rules.
11. *Prior to the casting of the fourth ballot, there will be time for prayer, reflection on the speeches, and informal conversation with other voting members. Sixty percent of the legal votes cast shall be necessary for election on the fourth ballot.*
12. *On ballots after the fourth ballot, the ballots shall be limited to the two nominees (plus ties) who receive the greatest number of votes cast.*
13. *On all subsequent ballots a majority of the legal votes cast shall be necessary for election.*
14. *The results of each ballot shall be announced to the assembly.*

- S9.04.10.** The process of the nomination and election of the Synod Bishop shall be supervised by the Bishop Elections Committee which shall consist of three persons appointed by the Synod Council. The Bishop Elections Committee shall have final authority for all matters pertaining to the election.
- S9.05.** The Nominating Committee shall nominate at least one person for vice president; additional nominations may be made from the floor.
- S9.05.10.** The candidate(s) for the office of vice president shall address the Synod Assembly before the first ballot is taken.
- S9.06.** The Nominating Committee shall nominate at least one person for secretary; additional nominations may be made from the floor.
- S9.07.** The Synod Council shall nominate one person for treasurer; additional nominations may be made from the floor.
- S9.08.** In all elections, except for the bishop, the names of the persons receiving the highest number of legal votes, but not elected by a majority of the legal votes cast on a preceding ballot, shall be entered on the

next ballot to the number of two for each vacancy unfilled. On any ballot when only two names appear, a majority of the legal votes cast shall be necessary for election.

S9.09.

The result of each ballot in every election shall be announced in detail to the assembly.

†S9.10.

When notified by the secretary of this church, on behalf of the Nominating Committee of the Churchwide Assembly, the Synod Assembly shall nominate two persons in the specified categories for possible election by the Churchwide Assembly to the Church Council.

†S9.12.

Background checks and screening shall be required and completed for persons nominated as synod officers prior to their election, if possible, or as soon as practical after their election. The specific procedures and timing of the background checks and screening shall be determined by the Synod Council.

Chapter 10. SYNOD COUNCIL

†S10.01.

The Synod Council, consisting of the four officers of the synod, 10 to 24 other members, and at least one youth and at least one young adult, shall be elected by the Synod Assembly.

a. Each person elected to the Synod Council shall be a voting member of a congregation of this synod, with the exception of ministers on a roster of this synod who reside outside the territory of this synod. The process for election and the term of office when not otherwise provided shall be specified in the bylaws. A member of the Church Council of the Evangelical Lutheran Church in America, unless otherwise elected as a voting member of the Synod Council, may serve as an advisory member of the Synod Council with voice but not vote.

b. The term of office of members of the Synod Council, with the exception of the officers and the youth member, shall be four years.

S10.01.10.

The Synod Council shall consist of the four officers of this Synod, 21 other members and two youth. The provisions of †S6.04. shall apply.

S10.01.11.

The two youth members of the Synod Council shall be elected by the Synod Assembly upon nomination of this synod's Nominating Committee for two-year terms.

S10.01.12.

The synod presidents of the Women of the ELCA, Lutheran Men in Mission and others designated by the Synod Council shall be advisors to the Synod Council with voice, but no vote.

†S10.02.

The Synod Council shall be the board of directors of this synod and shall serve as its interim legislative authority between meetings of the Synod Assembly. It may make decisions that are not in conflict with actions taken by the Synod Assembly or that are not precluded by provisions of this constitution or the constitution and bylaws of the Evangelical Lutheran Church in America.

S10.03.

The functions of the Synod Council shall be to:

- a. Exercise trusteeship responsibilities on behalf of this synod.
- b. Recommend program goals and budgets to the regular meetings of the Synod Assembly.
- c. Carry out the resolutions of the Synod Assembly.
- d. Provide for an annual review of the roster of Ministers of Word and Sacrament and the roster of Ministers of Word and Service, receive and act upon and make appropriate recommendations regarding those persons whose status is subject to reconsideration and action under the constitution and bylaws of the Evangelical Lutheran Church in America, and make a report to the Synod Assembly of the Synod Council's actions in this regard.
- e. Issue letters of call to rostered ministers as authorized by Chapter 7 of the constitution and bylaws of the Evangelical Lutheran Church in America.
- f. Fill vacancies until the next regular meeting of the Synod Assembly, except as may otherwise be provided in the constitution or bylaws of this synod, and determine the fact of the incapacity of an officer of this synod.
- g. Report its actions to the regular meeting of the Synod Assembly.
- h. Perform such other functions as are set forth in the bylaws of this synod, or as may be delegated to it by the Synod Assembly.
- i. Appoint task forces or committees necessary to carry out its duties and responsibilities and approve long term task forces or committees recommended by this synod's boards and committees, the synod, or as may be delegated to it by this Synod Assembly.

S10.04.

Any proposal to appropriate funds, whether by amendment to the budget or otherwise, which is presented to a meeting of the Synod Assembly without the approval of the Synod Council, shall require

a two-thirds vote for adoption.

- S10.05.** No elected member of the Synod Council shall receive compensation for such service.
- S10.06.** If a member of the Synod Council ceases to meet the requirements of the position to which she or he was elected, the office filled by such member shall at once become vacant.
- S10.07.** The composition of the Synod Council, the number of its members, and the manner of their selection, as well as the organization of the Synod Council, its additional duties and responsibilities, and the number of meetings to be held each year shall be as set forth in the bylaws.
- S10.07.11. Vacancies in the Synod Council shall be filled by the Synod Council upon nomination by the conference in which the vacancy occurs.
- S10.07.12. The Synod Council shall meet at least twice each year. Additional meetings may be called by the Synod Bishop or by the Synod Vice President, and must be called if requested in writing by at least seven members of the Council.
- S10.07.13. The Synod Council shall elect a vice chair from its own membership for a one year term.
- S10.08.** Robert's Rules of Order, latest edition, shall govern parliamentary procedure of all meetings of the Synod Council.
- S10.08.01 To the extent permitted by state law, meetings of the Synod Council and its committees may be held electronically or by telephone conference, and notice of all meetings may be provided electronically.

Chapter 11. COMMITTEES AND TASK FORCES

- †**S11.01.** There shall be an Executive Committee, a Consultation Committee, a Committee on Discipline, a Mutual Ministry Committee, an Audit Committee, and such other committees as this synod may from time to time determine. The duties and functions of such committees, or any other organizational units created by this synod, and the composition and organizational structure of such units, shall be as set forth in this constitution or in the bylaws or continuing resolutions, and shall be subject to any applicable provisions or requirements of the constitution and bylaws of the Evangelical Lutheran Church in America.
- S11.01.01 The Synod Council shall appoint such committees and task forces as it deems necessary to carry out its duties and responsibilities, consistent with S10.03.i.
- S11.01.10. **Executive Committee**
- S11.01.11. The Executive Committee shall consist of the Synod Bishop, the Synod Vice President, the Synod Secretary, the Synod Treasurer, the vice chair of the Synod Council, and three members at large, elected by the Synod Council from its own membership for terms of one year.
- S11.01.12. At least four members of the Executive Committee shall be laypersons.
- S11.01.40. **Candidacy Committee**
- S11.01.41. This synod shall establish a Candidacy Committee composed of the Bishop or the Bishop's designate, the seminary representative appointed by the churchwide Program Unit for Vocation and Education, four at-large members, one minister of Word and Service and one minister of Word and Sacrament ordained from the TEEM program appointed by the Bishop, and one representative elected from each of the seven conferences of this synod. At least five members shall be lay persons. The Candidacy Committee shall reflect as much as possible a balance of gender and race and include one or more youth/young adult members. The length of term or appointment to the committee shall be five years with provisions for a second term. Terms/appointments shall be staggered so that only a portion of the Candidacy Committee membership changes in a given year.
- The Candidacy Committee shall:
- a. Function according to the guidelines of the Division for Ministry of the Evangelical Lutheran Church in America for candidates in rostered ministry.
 - b. Disperse funds appropriated by this synod to assist South Dakota Synod students preparing for rostered ministry.
 - c. Submit to the Synod Assembly a comprehensive report of its activities.
 - d. Perform other duties as assigned by this synod.
- S11.01.50. **Committee for Support to Ministries**
- S11.01.51. The Committee for Support to Ministries shall be composed of the Bishop, the Assistants to the Bishop, and two persons, one lay person and one minister of Word and Sacrament, elected by each conference.

Conference elected members shall serve four-year terms with no consecutive election. Vacancies of conference elected members shall be filled by the conference in which the vacancy occurs.

The Committee for Support to Ministries shall:

- a. Assist congregations in calling of ministers of Word and Sacrament and the placement of ministers of Word and Service.
- b. Assist in carrying out the responsibilities assigned to the bishop in †S8.12.c., †S8.12.i., †S14.11., S14.12., and S14.18.; and to this synod in †S6.03.a. and †S6.03a.(3) and in 9.21.a. and 9.21.a.(4) of the ELCA constitution.
- c. Designate the ordained ministers of Word and Sacrament of this board to serve as deans of their respective conferences. Duties of the dean include providing information about pastors' availability for call from the conference and representing the bishop at installations in the conference and other duties the bishop may assign.
- d. Provide annually for a committee to review and recommend compensation and benefit guidelines of this synod.
- e. Provide for programs and activities of a spiritual, theological, supportive and practical nature for rostered personnel in partnership with regional centers for mission and churchwide agencies of the ELCA.
- e. Cooperate with the appropriate churchwide unit, and Conference of Bishops of this Church in the support of persons and congregations engaged in ministry within this synod.

S11.01.60

The Evangelical Outreach Committee

S11.01.61

The Evangelical Outreach Committee shall be composed of the Director of Evangelical Mission, and two persons, one lay person and one minister of Word and Sacrament, elected by each conference, and up to five additional members appointed by the Bishop. Conference elected members shall serve three-year terms with provision for a second term. Vacancies of conference elected members shall be filled by the conference in which the vacancy occurs in consultation with the Director of Evangelical Mission. Each conference is encouraged to seek members representing a diversity of backgrounds and cultures. The Evangelical Outreach Committee shall:

- a. Oversee the discernment and funding process for new, redeveloping, ethnic specific and renewing congregations.
- b. Submit to the South Dakota Synod Assembly a strategic plan for mission in South Dakota that includes as a part of its plan: the development of new congregations, the renewal of congregations, the development of ethnic specific ministries, and the development of ministries with the poor.
- c. Plan for and assist in the development of Local Area Mission Strategy tables which will conduct and carry out mission planning at the local level.
- d. Conduct annual reviews of funded ministries and report stories from each mission field to all the congregations of the South Dakota Synod.
- e. Maintain a relationship of mutual accountability with congregations, synod and the Churchwide organization for the benefit of new and renewing congregations.
- f. Seek generous financial giving, prayers and participation from churches and individuals toward the cause of new and renewing congregations, ethnic specific ministries and ministries with the poor.

S11.01.B17

The Multi-cultural Committee

The Multi-cultural Committee shall be composed of the Director of Evangelical Mission, and two persons, one lay person and one minister of Word and Sacrament, elected by each conference, and up to five additional members appointed by the Bishop. Conference elected members shall serve three-year terms with provision for a second term. Vacancies of conference elected members shall be filled by the conference in which the vacancy occurs in consultation with the Director of Evangelical Mission. Each conference is encouraged to seek members representing a diversity of backgrounds and cultures.

The Multi-cultural committee shall:

- a. *Advise the Evangelical Outreach Committee on matters related to the oversight and funding of ethnic specific congregations.*
- b. *Develop strategies to help us become a more multicultural church.*
- c. *Advocate with and for ethnic communities at every level of ministry and leadership*

- in our Synod, and stand in solidarity with people who experience injustice.*
- d. *Teach the people of our Synod how to listen and interact with different cultures, so that there may be a mutual blessing.*
 - e. *Encourage congregations and leaders who are involved in multicultural ministry.*
 - f. *Seek generous giving and participation from churches, individuals and organizations toward the cause of multicultural ministry.*

†S11.02. The Consultation Committee of this synod shall consist of at least six persons and not more than 12 persons, of whom half shall be rostered ministers and half shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election. The functions of the Consultation Committee are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and in Chapter 17 of this constitution. The size of the Consultation Committee, in accord with this provision, shall be defined in this synod's bylaws.

S11.02.20. **Consultation Committee**

S11.02.21. The Consultation Committee shall consist of six persons, of whom three shall be ministers of Word and Sacrament, and shall be elected by the Synod Assembly for terms of six years without consecutive reelection. (ref. ELCA Chapter 20)

S11.02.22. In the case of a vacancy the Synod Council shall appoint a replacement to act until the next Synod Assembly at which time a new committee member shall be elected to a full term.

S11.02.23. The Synod Bishop shall be an ex-officio member of the committee except in cases where the Bishop brings charges.

S11.02.24. The committee shall discharge its duties in accordance with the current provisions of Chapter 20 of the constitution and the bylaws of the ELCA, and any relevant bylaws to that constitution.

†S11.03. The Committee on Discipline of this synod shall consist of 12 persons, of whom six shall be rostered ministers and six shall be lay persons, who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election.

a. The functions of the Committee on Discipline of this synod are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

b. The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term.

S11.03.30. **Committee on Discipline**

S11.03.31. The Synod Assembly shall elect six ministers of Word and Sacrament and six laypersons for terms of six years without consecutive reelection as the Synod Committee on Discipline. (ref. ELCA Chapter 20)

S11.03.32. In case of a vacancy the Synod Council shall appoint a replacement to act until the next Synod Assembly at which time a new committee member shall be elected to a full term.

S11.03.33. The Synod Bishop shall not be a member of the Synod Committee on Discipline.

S11.03.34. The Executive Committee of the Synod Council shall designate the chair of the synod Committee on Discipline as needed.

S11.03.37. The Committee on Discipline shall discharge its duties in accordance with the current provisions of Chapter 20 of the ELCA constitution and any relevant bylaws to that constitution.

†S11.04. The Mutual Ministry Committee shall be appointed by the Executive Committee of the Synod Council to provide support and counsel to the bishop.

†S11.05. The Audit Committee of this synod shall consist of three to six persons, none of whom is a member of the synod staff. Up to half of the committee members may be Synod Council members. The Audit Committee members shall be elected by the Synod Council for a term of three years and be eligible for re-election to a second consecutive three-year term. The terms of the Audit Committee members shall be staggered. The Audit Committee shall be responsible for assisting the Synod Council in fulfilling its general oversight of the synod's accounting, financial reporting, internal control systems, and external audit processes as provided in †S15.31.

S11.10. General Provisions

†S11.11. This synod shall in its bylaws or by continuing resolution establish a process to ensure that the members of its committees and other organizational units will be persons possessing the necessary knowledge

and competence to be effective members of such units, and to meet the requirements of †S6.04. With the exception of ministers on the rosters of this synod who reside outside the territory of this synod, each member of a committee of this synod, or any other organizational unit created by this synod, shall be a voting member of a congregation of this synod.

S11.11.A17

At least 30 days prior to the time of conference or synod assemblies, the Nominating Committee shall determine and notify the conference or Synod Assembly which elected positions, other than Bishop, shall become vacant. They shall determine which conferences or at-large positions shall be represented by which categories (layman, laywoman, minister of Word and Sacrament) to maintain the elected positions in compliance with this Constitution and Bylaws especially †S6.04, and to provide for alternating categories being elected by any conference.

Chapter 12. CONFERENCES, CLUSTERS, COALITIONS, AREA SUBDIVISIONS, AND NETWORKS

†S12.01. This synod may establish conferences, clusters, coalitions, area subdivisions, and networks as appropriate within its territory and in collaboration with other synods and entities, as specified in the bylaws and continuing resolutions. The purpose of such groupings shall be to foster interdependent relationships for missional purposes among congregations, synods, the churchwide organization, and other affiliates.

S12.01.10. There shall be seven conferences which shall be geographically located as shown on the map adopted by the Synod Assembly.

S12.01.11. Each conference shall elect its president from among its members of the Synod Council.

S12.01.12. Congregations wishing to change conference affiliation may apply to this synod through the Synod Bishop.

S12.01.13. Each conference shall have a president and a dean and such other officers as it chooses. The Dean of the Conference must be a minister of Word and Sacrament; the other officers may be laypersons.

Chapter 13. CONGREGATIONS

†S13.01. Each congregation, except those certified as congregations of the Evangelical Lutheran Church in America by the uniting churches, prior to being listed in the roster of congregations of this synod, shall adopt the *Model Constitution for Congregations* or one acceptable to this synod that is not in contradiction to the constitution and bylaws of the Evangelical Lutheran Church in America.

a. **New Congregations.** A congregation newly formed by this church and any congregation seeking recognition and reception by this church shall:

1) Accept the criteria for recognition and reception as a congregation of this church, fulfill the functions of the congregation, and accept the governance provisions as provided in Chapter 9 of the constitution and bylaws of this church.

2) Adopt governing documents that include fully and without alterations the Preamble, Chapter 1, where applicable, and all required provisions of Chapters 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, and 19 in the *Model Constitution for Congregations* consistent with requirements of the constitutions, bylaws, and continuing resolutions of this church. Bylaws and continuing resolutions, appropriate for inclusion in these chapters and not in conflict with these required provisions in the *Model Constitution for Congregations*, the constitution of this synod, or the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, may be adopted as described in Chapters 17 and 18 of the *Model Constitution for Congregations*.

3) Accept the commitments expected of all congregations of this church as stated in *C6.01., *C6.02., and *C6.03. of the *Model Constitution for Congregations*.

b. **Congregations from another church body.** If a congregation is a member of another church body, the leadership of the congregation first should consult with the appropriate authorities of that church body before taking action to leave its current church body. After such consultation, leaders of the congregation should contact the ELCA synod bishop or staff where the congregation is located. The synod bishop or synod staff where the transferring or independent congregation is located shall confer with the congregation to assure its

understanding and acceptance of commitment to and affiliation with this church.

- c. **Recognition and reception.** Recognition and reception into this church of transferring or independent congregations by the Evangelical Lutheran Church in America is based on the judgment of the synod and action by the synod through the Synod Council and Synod Assembly. The synod bishop shall provide for prompt reporting of such additions to the secretary of this church for addition to the roster of congregations.

†S13.02. It shall be the responsibility of each congregation of this synod to elect from among its voting members laypersons to serve as members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. Normatively, congregations should hold elections prior to each regular meeting of the Synod Assembly. The number of persons to be elected by each congregation and other qualifications shall be as prescribed in guidelines established by this synod.

S13.11. When a rostered minister resigns, the Congregation Council shall receive the letter of resignation, report it to the congregation, and at once notify the bishop of this synod.

S13.11.10. When filling such a vacant position it is expected, but not required, for the congregation to use the service of the Committee for Support to Ministries.

S13.12. A congregation under financial obligation to its rostered minister shall make satisfactory settlement of the obligation before calling a successor.

†S13.20. A congregation considering relocation shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.

†S13.21. A congregation considering development of an additional site to be used regularly for worship shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action.

†S13.22. Each congregation of the Evangelical Lutheran Church in America within the territory of this synod, except those which are in partnership with the Slovak Zion Synod, shall establish and maintain a relationship with this synod.

†S13.23. Provision 9.71. of the constitution of this church shall govern the relationship of this synod and a congregation of this synod regarding the property of the congregation. This synod may transfer or convey property to a congregation of the synod, subject to restrictions accepted by the congregation, including provision that if the Synod Council, in its sole and exclusive discretion, determines (1) that the property is not being used to serve the mission and ministry needs of this church, or (2) that the congregation has transferred, encumbered, mortgaged, or in any way burdened or impaired any right, title, or interest in the property without the prior approval of the Synod Council, then title to the property shall revert to the synod, and the congregation, upon written demand, shall reconvey the property to the synod.

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

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

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

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

S13.30. Discipline

†S13.31. Congregations and members of congregations are subject to discipline in accordance with the provisions of Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The synod's involvement in and responsibility for such disciplinary processes shall be as set forth in that chapter.

S13.40 Synod-authorized Worshiping Communities

S13.41 Authorized worshiping communities, acknowledged under criteria, policies, and procedures approved by the Church Council of the Evangelical Lutheran Church in America, shall accept and adhere to the Confession of Faith and Statement of Purpose of this church, shall be served by leadership under the criteria of this church, and shall be subject to the discipline of this church.

Chapter 14. ROSTERED MINISTERS

†S14.10. **Ministers of Word and Sacrament**

†S14.11. The time and place of the ordination of those persons properly called to ministry in this synod shall be authorized by the bishop of this synod.

†S14.12. Consistent with the faith and practice of the Evangelical Lutheran Church in America,

- a. Every minister of Word and Sacrament shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care;
 - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 6) impart knowledge of this church and its wider ministry through available channels of effective communication;
 - 7) witness to the Kingdom of God in the community, in the nation and abroad; and
 - 8) speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations.
- b. Each pastor with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead.
 - 2) relate to all schools and organizations of the congregation;
 - 3) install regularly elected members of the Congregation Council;
 - 4) with the council, administer discipline;
 - 5) endeavor to increase the support given by the congregation to the work of the churchwide organization and of this synod; and
 - 6) encourage adherence to covenantal relationship with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

S14.13. The pastor (a) shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation, (b) shall submit a summary of such statistics annually to this synod, and (c) shall become a member of the congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.

S14.14. Whenever members of a congregation move to such a distance that regular attendance at its services becomes impractical, it shall be the duty of the pastor to commend them, upon their consent, to the pastoral care of a congregation nearer to their place of residence.

S14.15. Each minister of Word and Sacrament on the roster of this synod shall submit a report of his or her ministry to the bishop of this synod at least 90 days prior to each regular meeting of the Synod Assembly.

†S14.16. When a congregation of this church desires to call a pastor or a candidate for the ministry of Word and Sacrament of this church:

- a. Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective pastor.
- b. For issuance of a letter of call to a pastor or candidate by a congregation of this synod in accord

with ELCA constitutional provision 7.41., a two-thirds vote shall be required of voting members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.

- c. When the congregation has voted to issue a call to a prospective pastor, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.

S14.17.

No minister of Word and Sacrament shall accept a call without first conferring with the bishop of this synod. A minister of Word and Sacrament shall respond with an answer of acceptance or declination to a letter of call within 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the president of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.

†S14.18.

The provisions for termination of the mutual relationship between a minister of Word and Sacrament and a congregation shall be as follows:

- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the pastor's death or, following consultation with the synod bishop, for any of the following reasons:
- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in that congregation in view of local conditions;
 - 4) inability to conduct the pastoral office effectively in view of disability or incapacity of the pastor;
 - 5) suspension of the pastor through discipline for more than three months;
 - 6) resignation or removal of the pastor from the roster of Ministers of Word and Sacrament of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.
- b. When allegations of disability or incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be

- taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop’s committee concerning the pastor’s call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
 - f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop’s committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church’s constitution, bylaws, and continuing resolutions.
- †S14.19. Ministers of Word and Sacrament shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the pastor, or if there is no duly called pastor, then by the interim pastor in consultation with the Congregation Council.
- †S14.21. The records of all baptisms, confirmations, marriages, burials, communicants, members received, members transferred or dismissed, members who have become inactive, or members excluded from the congregation shall be kept accurately and permanently. They shall remain the property of each congregation. At the time of the closure of a congregation, such records shall be sent to the regional archives. The secretary of the congregation shall attest to the bishop of this synod that such records have been placed in the secretary’s hands in good order by a departing pastor before:
- a. installation in another call, or
 - b. approval of a request for change in roster status.
- †S14.22. The pastor shall make satisfactory settlement of all financial obligations to a former congregation before:
- a. installation in another call, or
 - b. approval of a request for change in roster status.
- †S14.23. During service to a congregation, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor. The interim pastor may delegate the same in part to an interim supply pastor with the consent of the bishop of this synod. The interim pastor and any rostered minister who may assist shall refrain from exerting influence in the selection of a pastor. Upon completion of service, the interim pastor shall certify to the bishop of this synod that the congregation records, for the period for which the interim pastor was responsible, are in order.
- †S14.24. With the approval of the synod bishop expressed in writing, which sets forth a clear statement of the purpose to be served by such a departure from the normal rule of permanency of the call as expressed in †S14.18., a congregation may call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop of this synod or a representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of †S14.18.
- S14.25. All ministers of Word and Sacrament under a call shall attend meetings of the Synod Assembly, and the pastors of congregations shall also attend the meetings of the conference, cluster, coalition, or other area subdivision to which the congregation belongs.
- S14.30. Ministers of Word and Service**
- †S14.31. The time and place of the ordination of those persons properly called to ministry in this synod shall be authorized by the bishop of this synod.
- †S14.32. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
- a. Be rooted in the Word of God, for proclamation and service;
 - b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church’s outreach, giving particular attention to the suffering places in God’s world;
 - c. Speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse

- populations;
- d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
- e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
- f. Practice stewardship that respects God's gift of time, talents, and resources;
- g. Be grounded in a gathered community for ongoing diaconal formation;
- h. Share knowledge of this church and its wider ministry of the gospel, and advocate for the work of all expressions of this church; and
- i. Identify and encourage qualified persons to prepare for ministry of the gospel.

S14.33. The minister of Word and Service shall become a member of the congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the minister of Word and Service shall hold membership in one of the congregations.

S14.34. Each minister of Word and Service on the roster of this synod shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

†**S14.41.** When a congregation of this church desires to call a minister of Word and Service or a candidate for the ministry of Word and Service of this church:

- a. Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective minister of Word and Service.
- b. For issuance of a letter of call to a minister of Word and Service or candidate by a congregation of this synod in accord with ELCA constitutional provision 7.71., a two-thirds vote shall be required of members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.
- c. When the congregation has voted to issue a call to a prospective minister of Word and Service, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.

S14.42. No minister of Word and Service shall accept a call without first conferring with the bishop of this synod. A minister of Word and Service shall respond with an answer of acceptance or declination to a letter of call within 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the president of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.

†**S14.43.** The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:

- a. The call of a congregation, when accepted by a minister of Word and Service, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the deacon's death or, following consultation with the synod bishop, for any of the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the minister of Word and Service, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the office effectively in that congregation in view of local conditions;
 - 4) inability to conduct the office effectively in view of disability or incapacity of the minister of Word and Service;
 - 5) suspension of the minister of Word and Service through discipline for more than three months;
 - 6) resignation or removal of the minister of Word and Service from the roster of Ministers of Word and Service of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.
- b. When allegations of disability or incapacity of the minister of Word and Service under paragraph a.4) above, or ineffective conduct of the ministry of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of

the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.

- c. In case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the minister of Word and Service's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the minister of Word and Service to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the minister of Word and Service and then to the congregation. The recommendations of the bishop's committee address whether the minister of Word and Service's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the minister of Word and Service, if appropriate. If the minister of Word and Service and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the minister of Word and Service's call, the congregation may dismiss the minister of Word and Service only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

†S14.44. Ministers of Word and Service shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the Congregation Council.

†S14.45. The minister of Word and Service shall make satisfactory settlement of all financial obligations to a former congregation before:

- a. installation in another call, or
- b. approval of a request for change in roster status.

†S14.46. With the approval of the synod bishop expressed in writing, which sets forth a clear statement of the purpose to be served by such a departure from the normal rule of permanency of the call as expressed in †S14.43., a congregation may call a minister of Word and Service for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop of this synod or a representative of the bishop shall meet with the minister of Word and Service and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of †S14.43.

S14.47. All ministers of Word and Service under a call shall attend meetings of the Synod Assembly, and the ministers of Word and Service of congregations shall also attend the meetings of the conference, cluster, coalition, or other area subdivision to which the congregation belongs.

Chapter 15. FINANCIAL MATTERS

†S15.01. The fiscal year of this synod shall be February 1 through January 31.

†S15.11. Since the congregations, synods, and churchwide organization are interdependent expressions that share in God's mission, all share in the responsibility to develop, implement, and strengthen the financial support of the whole church. The gifts and offerings of the members of the Evangelical Lutheran Church in America are given to support all parts of this church; thus the unity of this church should be evidenced in determining each part's share of the gifts and offerings. Therefore:

- a. The mission of this church beyond the congregation is to be supported by such a proportionate share of each congregation's annual budget as each congregation determines. This synod shall develop guidelines for determining "proportionate share," and shall consult with

- congregational leaders to assist each congregation in making its determination.
- b. This synod shall receive the proportionate share of the mission support from its congregations, and shall transmit that percentage or amount of each congregation's mission support as determined in consultation with the churchwide organization and approved by the Synod Assembly as part of its budget consideration.
 - c. Should the Synod Assembly not approve the proportionate share of mission support determined in consultation with the churchwide organization, a new consultation with the churchwide organization shall take place. The Synod Council is authorized to amend the budget adopted by the Synod Assembly to reflect the results of this consultation.

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

S15.13. On the basis of estimated income, the Synod Council shall authorize expenditures within the budget for the fiscal year. Expenditure authorizations shall be subject to revision, in light of changing conditions, by the Synod Council.

S15.14. Except when such procedure would jeopardize current operations, a reserve amounting to no more than 16 percent of the sum of the amounts scheduled in the next year's budget for regular distribution to synod causes shall be carried forward annually for disbursement in the following year in the interest of making possible a more even flow of income to such causes. The exact number of dollars to be held in reserve shall be determined by the Synod Council.

S15.21. No appeal to congregations of this or any other synod of the Evangelical Lutheran Church in America for the raising of funds shall be conducted by congregations or organizations related to or affiliated with this synod without the consent of the Synod Assembly or the Synod Council.

†S15.31. This synod shall arrange to have an annual audit of its financial records conducted by a certified public accountant firm recommended by the synod Audit Committee and approved by the Synod Council. The audited annual financial report shall be submitted by this synod to the churchwide Office of the Treasurer and to the congregations of this synod.

†S15.32. This synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.

Chapter 16. INDEMNIFICATION

†S16.01. Subject to the limitations and duties imposed by law, each person who is or was made or threatened to be made a party to any proceeding by reason of the present or former capacity of that person as a Synod Council member, officer, employee, or committee member of this synod shall be indemnified against all costs and expenses incurred by that person in connection with the proceeding. Indemnification of any person by reason of that person's capacity as a director, officer, employee, or committee member of any other organization, regardless of its form or relationship to this synod, is subject to the provisions of †S16.02.

- a. The term "proceeding" means a threatened, pending, or completed lawsuit, whether civil or criminal, an administrative or investigative matter, arbitration, mediation, alternative dispute resolution, or any other similar legal or governmental action. Except as otherwise required by law, the term "proceeding" does not include (a) any action by this synod against the individual seeking indemnification, or (b) subject to †S16.04., a disciplinary hearing or related process described in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- b. The term "indemnification" includes reimbursement and advances of costs and expenses for judgments, penalties, fines, settlements, excise taxes, reasonable attorneys' fees, disbursements, and similar required expenditures.

†S16.02. Whenever a person who, while a Synod Council member, officer, committee member, or employee of this synod, is or was serving at the request of this synod (or whose duties in that position involve or involved service in the capacity of) a director, officer, partner, trustee, employee, or agent of another organization, is or was made or threatened to be made a party to a proceeding by reason of such capacity, then such person shall be entitled to indemnification only if (a) the Synod Council has established a process for determining whether a person serving in the capacity described in this section shall be

entitled to indemnification in any specific case, and (b) that process has been applied in making a specific determination that such person is entitled to indemnification.

†S16.03. This synod may purchase and maintain insurance on behalf of itself or any person entitled to indemnification pursuant to this chapter against any liability asserted against and incurred by this synod or by such other person in or arising from a capacity described in †S16.01. or †S16.02.

†S16.04. When written charges against a rostered minister of this church are made in disciplinary proceedings under Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* by the synod bishop or when written charges against a congregation are made in disciplinary proceedings by the Synod Council or the synod bishop, and the discipline hearing committee determines that no discipline shall be imposed, then if such determination is not reversed or set aside on appeal, indemnification shall be made by the synod to the accused for reasonable attorney's fees and other reasonable expenses related to the defense of the charges. The determination of the reasonableness of such fees and expenses shall be made by the Synod Council.

Chapter 17. CONSULTATION AND ADJUDICATION

†S17.01. The synod bishop and the Executive Committee of the Synod Council shall be available to give counsel when disputes arise within this synod.

†S17.02. The synod bishop and the Executive Committee of the Synod Council shall receive expressions of concern from rostered ministers of this church, congregations, and organizations within this synod; provide a forum in which the parties concerned can seek to work out matters causing distress or conflict; and make appropriate recommendations for their resolution. When a concern relates directly to the synod bishop, the synod vice president will lead the Executive Committee's efforts at resolving the matter. When the matter at issue cannot be resolved in this manner, applicable procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to the discipline of a rostered minister of this church shall not be addressed by the Executive Committee but shall be resolved through the disciplinary process set forth in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

†S17.03. When there is disagreement between or among congregations of this synod on a substantive issue that cannot be resolved by the parties, the council of an affected congregation may petition the synod bishop for a consultation after informing the other affected congregation(s) of its intent to do so. If this consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the issue(s), the entire matter shall be referred to the Synod Council for adjudication by whatever process the council deems necessary. The decision of the Synod Council shall be final.

†S17.04. When conferences, clusters, coalitions, or area subdivisions of this synod have a disagreement on a substantive issue that they cannot resolve, the aggrieved party or parties may petition the synod bishop and the Executive Committee of the Synod Council requesting a consultation after informing the other affected parties of their intent to do so. In this case the decision of the Executive Committee shall prevail, except that, upon the motion of a member of the Synod Council, the decision shall be referred to the Synod Council for final action.

†S17.10. Adjudication in a Congregation

†S17.11. When there is disagreement between or among factions within a congregation on a substantive issue which cannot be resolved by the parties, members of the congregation may petition the synod bishop for consultation after informing the president of the Congregation Council of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the council deems necessary. The Synod Council's decision shall be final.

Chapter 18. AMENDMENTS, BYLAWS, AND CONTINUING RESOLUTIONS

†S18.10. Amendments to Constitution

†S18.11. Certain sections of this constitution incorporate and record therein required provisions of the constitution and bylaws of this church. If such provisions are amended by the Churchwide Assembly,

corresponding amendments shall be introduced at once into this constitution by the secretary of this synod upon receipt of formal certification thereof from the secretary of the Evangelical Lutheran Church in America.

†S18.12. Whenever the secretary of the Evangelical Lutheran Church in America officially informs this synod that the Churchwide Assembly has amended the *Constitution for Synods*, this constitution may be amended to reflect any such amendment by a majority vote at any subsequent meeting of the Synod Assembly without presentation at a prior Synod Assembly. An amendment that is identical to a provision of the *Constitution for Synods* shall be deemed to have been ratified upon its adoption by this synod. The Church Council, through the secretary of this church, shall be given prompt notification of its adoption.

†S18.13. Other amendments to this constitution may be adopted by this synod through either of the following procedures:

- a. Introduced with the support of at least 50 voting members and having been approved by a two-thirds vote of the voting members present and voting at a regular meeting of the Synod Assembly, an amendment may be adopted unchanged by a two-thirds vote at the next regular meeting of the Synod Assembly.
- b. The Synod Council may propose an amendment, with notice to be sent to the congregations of this synod at least six months prior to the next regular meeting of the Synod Assembly. Such an amendment shall require for adoption a two-thirds vote of the voting members present and voting at such a regular meeting of the Synod Assembly.

All such amendments shall become effective upon ratification by the Churchwide Assembly or by the Church Council.

S18.14.10. The Synod Secretary and/or Synod Council is authorized to correct typographical, gender, grammatical, and minor errors in the constitution and bylaws.

†S18.20. **Amendments to Bylaws**

†S18.21. This synod may adopt bylaws not in conflict with this constitution or with the constitution and bylaws of the churchwide organization. This synod may amend its bylaws at any meeting of the Synod Assembly by a two-thirds vote of voting members of the assembly present and voting. Newly adopted bylaws and amendments to existing bylaws shall be reported to the secretary of this church.

†S18.30. **Amendments to Continuing Resolutions**

†S18.31. This synod may adopt continuing resolutions not in conflict with this constitution or its bylaws or the constitution, bylaws, and continuing resolutions of the churchwide organization. Such continuing resolutions may be adopted or amended by a majority vote of the Synod Assembly or by a two-thirds vote of the Synod Council. Newly adopted continuing resolutions and amendments to existing continuing resolutions shall be reported to the secretary of this church.