

# ADMINISTRATIVE BYLAWS EVANGELICAL LUTHERAN CHURCH IN CANADA

## Table of Contents

Part I	Headquarters	1
Part II	Congregations	1
Part III	Rostered Ministers-Ordained	2
Part IV	Rostered Ministers-Diaconal	5
Part V	Synods	8
Part VI	Conventions	9
Part VII	Youth Assembly	10
Part VIII	Nominations and Elections	10
Part IX	National Church Council	12
Part X	Officers	13
Part XI	Recall or Dismissal of an Officer	15
Part XII	Conference of Bishops	16
Part XIII	Financial Matters	16
Part XIV	Colleges, Universities and Seminaries	16
Part XV	Department of Finance and Administration	17
Part XVI	Benefit and Pension Plans	17
Part XVII	Evangelical Lutheran Women	18
Part XVIII	Special Interest Conferences	18

The Administrative Bylaws were last amended at the 2009 National Convention.

### **PART I HEADQUARTERS**

- Section 1. The headquarters of this church shall be located in Winnipeg, Manitoba.
- Section 2. All executive offices shall be located at the headquarters. Exceptions may be made by action of the convention upon recommendation of the National Church Council.

### **PART II CONGREGATIONS**

(Constitution, ARTICLE VI)

- Section 1. A congregation seeking to be admitted into this church shall submit to the bishop of the appropriate synod a formal application and a copy of the constitution of the congregation which the synod, prior to admitting said congregation, shall ascertain to be in harmony with the faith and polity of this church.
- Section 2. Each congregation of this church shall:
- a) Regularly and faithfully proclaim the Word and administer the Sacraments;

- b) Endeavour to hold at least one service of worship on each Sunday;
- c) Cultivate in its members a life of prayer and an awareness of the presence of God;
- d) Educate persons of all ages in the faith confessed by this church and in its implications for daily living;
- e) Encourage and stimulate its members in their witness to Christ, in works of mercy and in the practice of Christian fellowship and stewardship;
- f) Provide adequately for the material needs of its pastor(s) and other employees, including ensuring their participation, when eligible, in the benefit plan and in the pension plan as set out in Part XIV;
- g) Share responsibly in providing the funds needed for the life and work of this church and of the synod;
- h) Assure that only those on the roster of ministers of this church serve it in a pastoral capacity, except as this principle is waived in a specific instance with the approval of the bishop of the synod, subject to review by the synod council;
- i) Comply with the constitution, bylaws and enactments of this church and of the synod, taking no actions in conflict therewith; and
- j) Place on file in the synod office a copy of its constitution and bylaws and report promptly any amendments it may adopt.

Section 3. At the time of a pastoral vacancy, the congregation or its council in consultation with the bishop of the synod shall appoint an interim pastor.

Section 4. A congregation considering dissolution of its organization shall confer with the bishop of the synod before any formal steps are taken leading to such action.

Section 5. A congregation desiring to sever its relationship with this church shall require a two-thirds majority vote at any legally called and conducted meeting. Such a decision shall not be effective until at least ninety days after the bishop of the synod has been notified and until the initial action has been ratified by a two-thirds majority vote at a subsequent legally called and conducted meeting.

Section 6. A congregation may be suspended or excluded from this church by action of a synod if the congregation persists in any of the following offences:

- a. Turning aside from the faith confessed by the Evangelical Lutheran Church in Canada as set forth in ARTICLE II of its constitution;
- b. Refusing or neglecting to exercise proper discipline over its members; or
- c. Wilfully violating or disregarding the constitution or official actions of this church or the synod.

The bishop of the synod shall counsel with any congregation where such offences exist. If necessary, the bishop shall then admonish the congregation in writing. If the admonition is unheeded, a representative committee composed of ordained ministers and laity shall be appointed by the Synod Council to investigate the congregation. Upon the recommendation of the committee the Synod Council may suspend or exclude the congregation from this church.

Disciplinary action of the synod council may be appealed to the Court of Adjudication within forty-five days of receiving notification of the action of the synod council. The decision of the Court of Adjudication is final.

### **PART III ROSTERED MINISTERS-ORDAINED** (Constitution, ARTICLE VII)

Section 1. Standards for Acceptance.

To be eligible for ordination or acceptance onto the roster of ministers of this church, a candidate must have accepted a call (which call may be subject to the candidate's ordination) and must have met the standards set forth in the candidacy manual of this church.

Section 2. Colloquy.

Synodical examining committees shall interview all candidates for ordination and all persons applying for acceptance on the roster of ministers and shall ensure their:

- a) Acceptance of and adherence to the Confession of Faith of this church;
- b) Fulfilment of academic requirements; and
- c) Personal qualifications for carrying out the functions of ordained ministry.

Section 3. Continuance on the Roster of Ministers

- a) In order to remain on the roster of ministers of this church, each ordained minister must be in possession of a proper call, be on leave from call, or be an individual who has been suspended from exercising the office and privileges of the ordained ministry, in accordance with these administrative bylaws. A synod council may remove an individual from the roster of ministers for reasons established in ARTICLE VII of the constitution or in accordance with the provisions of this Part.
- b) Calls may be issued for the ministries specified below by the agencies indicated:

	Type of Ordained Ministry	Source of Call
i.	Parish pastor	Congregation
ii.	Bishop of the church and other officers	Convention of this church
iii.	Staff of this church	National Church Council
iv.	Synod bishop and other officers	Synod Convention
v.	Staff of synod	Synod Council
vi.	Staff of an educational or eleemosynary institution or agency	Synod Council on whose territory the institution or agency carried out its functions
vii.	Staff of Federation of Lutheran Churches	National Church Council
viii.	Staff of nationwide inter-Lutheran agency	National Church Council
ix.	Staff of a provincial agency or institution	Synod Council
x.	Staff of an interdenominational agency	National Church Council
xi.	Chaplain in the armed forces or in an institution operated by the federal government	National Church Council
xii.	Pastor developing a new congregation	Synod Council
xiii.	Pastor of an independent congregation in Canada	Synod Council on whose territory the congregation is situated
xiv.	Pastor serving an institution or agency outside of Canada	National Church Council
xv.	World missionary	National Church Council
xvi.	Pastor serving in a congregation under synod supervision	Synod Council
xvii.	Ministries not otherwise provided for (as in conjunction with occupations in unusual ministries in approved situations)	Synod Council on whose territory the ministry is located or National Church Council if the ministry involves more than one synod or is outside Canada, upon recommendation of the Conference of Bishops
xviii.	Pastor ordained through the Alternative Route	Synod Councils

- c) All ordained ministers of this church shall make an annual report of their ministry to their synod bishop.

- d) Each ordained minister shall, when eligible, participate in the benefit plan and in the pension plan referred to in Part XIV unless, with respect to the pension plan, such ordained minister is required to participate in another registered pension plan as defined in section 147.1 of the Income Tax Act. An ordained minister required to participate in another registered pension plan shall provide proof of such participation to the committee or board appointed to administer the pension plan established for ordained ministers of this church.

Section 4. No ordained minister of this church shall divulge any confidential disclosure given in the course of the care of souls or otherwise in a professional capacity, except with the express permission of the person involved, or where required by law, or in order to prevent the commission of a crime.

Section 5. Ordained ministers on the faculty of the Lutheran Theological Seminary must maintain status on the roster of ministers of the British Columbia Synod of the Evangelical Lutheran Church in Canada, the Alberta Synod of the Evangelical Lutheran Church in Canada, the Saskatchewan Synod of the Evangelical Lutheran Church in Canada or the Manitoba/Northwestern Ontario Synod of the Evangelical Lutheran Church in Canada. The synod in which the faculty member will be rostered will be decided by the Board of Governors of Lutheran Theological Seminary.

Section 6. An ordained minister of this church who accepts a call in another Lutheran church shall, upon application to the bishop of the synod, be entitled to a certificate of transfer.

Section 7. Except as provided for in Section 5 above, an ordained minister of this church who enters the ministry or joins a congregation of a church other than this church shall cease to be a member of this church and shall be removed from the roster of ministers.

Section 8. An ordained minister may voluntarily resign from the ministry by giving written notice to the bishop of the synod. Request for reinstatement shall be submitted to the synod examining committee. Upon favourable action by this committee, the bishop shall declare the person eligible for a call. Upon acceptance of a call, the person shall be reinstated on the roster of ministers.

A person who has failed to be approved by one synod may re-apply only to the same synod. If the second application is declined, the candidate may appeal to the National Church Council through the bishop of this church for an exception to this regulation.

Section 9. An ordained minister serving under a call shall not engage in an additional occupation without approval of the calling authority and the bishop of the synod.

Section 10. An ordained minister desiring to be on leave from call shall make application to the bishop of the synod, who shall bring the request to the synod council for action. The synod council may grant the application for a period of up to three years, subject to an annual review, at which time the status of "on leave from call" may be cancelled by the synod council. Before cancelling the status of "on leave from call" the synod council shall give an individual 90 days written notice of intention to consider such cancellation. The action of the synod council may be appealed to the Court of Adjudication within 45 days of receiving notification of the action of the synod council. The decision of the Court of Adjudication shall be final. An ordained minister who has been granted status "on leave from call" may apply for an extension of such leave for an additional five years based upon parental or study leave. When the time granted for "on leave from call" has expired, the synod council shall remove the ordained minister from the roster of ministers.

Section 11. Upon application, the status of retired shall be granted by synod council to an ordained minister who has attained the age of 55 years or who has 30 years of service.

## Section 12. Discipline

A synod shall undertake to put in place the following provisions to deal with the discipline of ordained ministers:

The synod council shall subject an ordained minister to discipline for:

- a. Preaching or teaching of doctrine in conflict with the confession of faith of this church (Constitution, ARTICLE II);
- b. Conduct unbecoming an ordained minister;
- c. Willful disregard for or violation of the functions and standards established by this church for the office of Word and sacrament; an
- d. Willful disregard of the constitution, administrative by-laws or enactments of this church or of the synod.

The National Church Council may from time to time establish guidelines to define or to assist in the interpretation of the above grounds for discipline.

The National Church Council shall also maintain a *Manual on Discipline of Ministers* containing materials which provides guidance to individuals involved in a process dealing with a complaint against, or the discipline, of an ordained minister.

## Section 13.

- a. Upon removal of suspension by a synod council, an ordained minister who was suspended from the office and privileges of the ordained ministry may apply for status of "on leave from call" as provided in Section 10.
- b. After three years an ordained minister suspended from the office and privileges of the ordained ministry by a synod council shall be removed from the roster of ministers by the synod council which suspended such individual unless, within three years of the date of such suspension, that synod council receives evidence satisfactory to it of repentance and amendment of life.

Section 14. An ordained minister under discipline by a synod or otherwise removed by it from the roster of ministers must be restored by that synod to good standing before becoming eligible for acceptance by another synod. If not restored by that synod, the ordained minister may appeal to the National Church Council through the bishop of this church for an exception to this ruling.

## **PART IV ROSTERED MINISTERS-DIACONAL**

(Constitution, ARTICLE VIII)

### Section 1. Standards for Acceptance.

To be eligible for consecration into the diaconal ministry, a candidate must have accepted a call (which call may be subject to the candidate's consecration) and must have met the standards set forth in the candidacy manual of this church.

### Section 2. Colloquy.

The synod shall appoint synodical examining committees which shall interview all candidates for consecration and all persons applying for acceptance on the roster of ministers and shall ensure their:

- a. Acceptance of and adherence to the Confession of Faith of this church;
- b. Fulfillment of academic requirements; and
- c. Personal qualifications for carrying out the functions of diaconal ministry to which a call has been extended.

Section 3. Continuance on the Roster of Ministers

- a. In order to remain on the roster of ministers, each diaconal minister must be in possession of a proper call or be on leave from call or be an individual who has been suspended from exercising the office and privileges of the diaconal ministry, in accordance with these administrative bylaws. A synod council may remove an individual from the roster of ministers in accordance with the provisions of this Part.
- b. Calls may be issued for the ministries specified below by the agencies indicated:

Type of Diaconal Ministry	Source of Call
i. Congregational Diaconal Minister	Congregation
ii. Officers of this church	Convention of this church
iii. Staff of this church	National Church Council
iv. Synod officer	Synod Convention
v. Staff of the synod	Synod Council
vi. Staff of an educational or eleemosynary institution or agency	Synod Council on whose territory the institution or agency carried out its functions
vii. Staff of federation of Lutheran Churches	National Church Council
viii. Staff of nationwide inter-Lutheran agency	National Church Council
ix. Staff of a provincial agency or institution	Synod Council
x. Staff of an inter- denominational agency	National Church Council
xi. Chaplain in an institution operated by the federal government	National Church Council
xii. Congregational diaconal minister of an independent congregation in Canada	Synod Council on whose territory the congregation is situated
xiii. Diaconal minister serving an institution or agency outside of Canada	National Church Council
xiv. World missionary	National Church Council
xv. Ministries not otherwise provided for (as in conjunction with occupations in unusual ministries in approved situations).	Synod Council on whose territory the ministry is located or National Church Council if the ministry involves more than one synod or is outside Canada, upon recommendation of the Conference of Bishops.

- c. All diaconal ministers shall make an annual report of their ministry to their synod bishop.
- d. Each diaconal minister shall, when eligible, participate in the benefit plan and in the pension plan referred to in Part XIII unless, with respect to the pension plan, such diaconal minister is required to participate in another registered pension plan as defined in section 147.1 of the Income Tax Act. A diaconal minister required to participate in another registered pension plan shall provide proof of such participation to the committee or board appointed to administer such pension plan.

Section 4. No diaconal minister shall divulge any confidential disclosure given in the course of the care of souls or otherwise in a professional capacity, except with the express permission of the person involved, or where required by law, or in order to prevent the commission of a crime involving violence.

- Section 5. If a diaconal minister resides at too great a distance from any congregation to be able to sustain a living relationship thereto, the bishop of the synod may grant permission to hold membership in a congregation of another church.
- Section 6. A diaconal minister who enters the ministry or joins a congregation of a church other than this church shall be removed from the roster of ministers except as provided for in Section 5.
- Section 7. A diaconal minister may voluntarily resign from the ministry by giving written notice to the bishop of the synod. Request for reinstatement shall be submitted to the synod examining committee. Upon favourable action by this committee, the bishop of the synod shall declare the person eligible for a call. Upon acceptance of a call, the person shall be reinstated on the roster of ministers.  
A person who has failed to be approved by one synod may re-apply only to the same synod. If the second application is declined, the candidate may appeal to the National Church Council through the bishop of this church for an exception to this limitation.
- Section 8. A diaconal minister serving under a call shall not engage in an additional occupation without approval of the calling authority and the bishop of the synod.
- Section 9. A diaconal minister desiring to be on leave from call shall make application to the bishop of the synod or other calling authority, who shall bring the request to the synod council or council of other calling authority for action. The synod council or other calling authority may grant the application for a period of up to three years, subject to an annual review, at which time the status of "on leave from call" may be cancelled by the synod council or other calling authority. Before cancelling the status of "on leave from call" the synod council or other calling authority shall give an individual 90 days written notice of intention to consider such cancellation. The action of the synod council or other calling authority may be appealed to the Court of Adjudication within 45 days of receiving notification of the action of the synod council or other calling authority. The decision of the Court of Adjudication shall be final. A diaconal minister who has been granted status "on leave from call" may apply for an extension of such leave for an additional five years based upon parental or study leave. When the time granted for "on leave from call" has expired, the synod council shall remove the diaconal minister from the roster of ministers.
- Section 10. Upon application, the status of retired shall be granted by synod council or other calling authority to a diaconal minister who has attained the age of 55 years or who has 30 years of service.
- Section 11. Discipline (Diaconal Ministers)  
The Synod Council shall subject a diaconal minister to discipline for:
- a. Preaching or teaching of doctrine in conflict with the confession of faith of this church;
  - b. Conduct unbecoming a diaconal minister;
  - c. Willful disregard for or violation of the functions and standards established by this church for the office of Diaconal Ministry; and
  - d. Willful disregard of the constitution, bylaws or enactments of this church or of the synod.
- The National Church may from time to time establish guidelines to define or to assist in the interpretation of the above grounds for discipline.  
The National Church Council shall also maintain a *Manual on Discipline of Ministers* containing material which provides guidance to individuals in a process dealing with a complaint against, or the discipline of, a diaconal minister.

Section 12.

- a. Upon removal of suspension by a synod council, a diaconal minister who was suspended from the office and privileges of the diaconal ministry may apply for status of "on leave from call" as provided in Section 9.
- b. After three years a diaconal minister suspended from the office and privileges of the diaconal ministry by a synod council shall be removed from the roster of ministers by the synod council which suspended such individual unless, within three years of the date of such suspension, that synod council receives evidence satisfactory to it of repentance and amendment of life.

Section 13 A diaconal minister under discipline by a synod or otherwise removed by it from the roster of ministers must be restored by that synod to good standing before becoming eligible for acceptance on the roster of ministers by another synod. If not restored by that synod, the diaconal minister may request an exemption from this limitation from the National Church Council.

Section 14 All diaconal ministers consecrated by the ELCIC have the right to use the title Deacon.

**PART V SYNODS**

(Constitution, ARTICLE X)

Section 1. This church shall be organized into five synods with names and territories as follows:

- a. Name: British Columbia Synod of the Evangelical Lutheran Church in Canada.  
Territory: The Province of British Columbia.
- b. Name: Alberta Synod of the Evangelical Lutheran Church in Canada, also known as the Synod of Alberta and the Territories.  
Territory: The Province of Alberta, plus the Yukon, the Northwest Territories and Nunavut.
- c. Name: Saskatchewan Synod of the Evangelical Lutheran Church in Canada.  
Territory: The Province of Saskatchewan.
- d. Name: Manitoba/Northwestern Ontario Synod of the Evangelical Lutheran Church in Canada.  
Territory: The Province of Manitoba and that portion of Ontario west of 86 degrees longitude.
- e. Name: Eastern Synod of the Evangelical Lutheran Church in Canada.  
Territory: The Province of Ontario east of 86 degrees longitude and the Provinces of Quebec, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador.

Section 2. The number and size of synods shall be reviewed by the National Church Council every five years or when a request for such a review is made by a synod seeking a change to its boundaries or by at least forty congregations seeking a change to the boundaries of their synod. The establishment of a new synod must receive a two-thirds majority vote by the delegates present and voting at the convention(s) of the synod(s) involved and thereafter it must be approved by the convention of this church by a majority vote.

Section 3. Congregations, which might benefit from inclusion in an adjoining synod may apply to this church for reassignment to that synod.

- Section 4. The bishop of this church, or a bishop otherwise appointed by the bishop of this church, shall preside according to the duly authorized rite of this church when a newly elected synodical bishop is set apart and/or installed to that office.
- Section 5. Within the context of this church's policy and structure as set forth in these bylaws and by convention resolution, each synod bears primary responsibility for:
- a) Initiating and developing new congregations on its territory;
  - b) Providing chaplaincies and other forms of ministry to institutions on its territory;
  - c) Relating to regional social structures, councils of churches and the like;
  - d) Operating camps and other centres for conferences and retreats;
  - e) Developing programs and providing resources for evangelism, Christian education, social ministry, stewardship, worship and music, and youth ministry among its members in cooperation with the church and the synods; and
  - f) Promoting and supporting the cause of mission in the world.
- Section 6. Each synod shall report promptly to the secretary of this church all changes in the roster of ministers of this church which occur within its jurisdiction. At the written request of rostered ministers who are members in good standing and who are called into another synod, the secretary of each synod shall issue a Certificate of Transfer and shall enter on the roster of ministers of the synod the names of all rostered ministers for whom proper Certificates of Transfer have been received.
- Section 7. Each synod shall be responsible for all acts of installation of its rostered ministers, except in the case of rostered officers of this church and other rostered ministers serving under call from the National Church Council.
- Section 8. Each synod shall receive contributions from congregations for the work of the church and shall forward to this church a proportion thereof determined by mutual consultation between the synod and this church.

## **PART VI CONVENTIONS**

(Constitution, ARTICLE XI)

- Section 1. Invitations from synods wishing to host a convention of this church shall be submitted to the National Church Council at least four years prior to the convention.
- Section 2. The time and place for the next regular convention shall be announced at each convention by the National Church Council.
- Section 3. The secretary shall send out a bulletin of reports to all delegates-elect at least forty-five days before each regular convention.
- Section 4. Arrangements for conventions of this church shall be made by the National Church Council in conjunction with a committee appointed by the host synod for that purpose.
- Section 5. This church shall defray the travel expenses of the delegates to its conventions from the church treasury at a rate determined by the National Church Council. Each parish shall pay the per diem cost of its delegate(s) at a rate determined by the National Church Council.
- Section 6. All appointments for general religious services or public meetings shall be subject to approval by the bishop of this church, who shall appoint a chaplain to be responsible for the devotional periods of the convention.
- Section 7. The secretary of each synod shall forward to the secretary of the church at least ninety days before the convention a certified list of the regular and alternate delegates elected in the synod. The roll of the delegates to each convention shall be prepared by the secretary in advance of the convention. Changes in the roll of delegates must be authorized by the synod concerned prior to the afternoon session on the second day of the convention.

- Section 8. Petitions from synods and congregations shall be submitted to the secretary of this church prior to the convention for referral to the Committee of Reference and Counsel.
- Section 9. During the first session of each regular convention, the bishop of this church shall announce the membership of the following committees appointed by the officers:
- a. Committee of Reference and Counsel;
  - b. Committee on Registration and Credentials;
  - c. Committee on Minutes;
  - d. Committee on Conduct of Elections.
- Section 10. A resolution of a general character which is not germane to the pending question or report shall be given to the Committee of Reference and Counsel by the delegate proposing such resolution. The Committee of Reference and Counsel shall report all such resolutions to the convention with its recommendations. Other duties of the committee shall be to recommend special orders for the hearing of representatives, to grant or deny permission to distribute printed matter not issuing from the office of the secretary and to give such assistance to the bishop as may be desired in the course of the convention.
- Section 11. The Committee on Minutes shall review the minutes of the meetings of each day of the convention, distribute them to the delegates and report thereon with recommendations on the following day. Approval of the minutes of the final day of the convention shall be the responsibility of the bishop and secretary of this church.
- Section 12. All reports published in the bulletin of reports or in supplements thereto shall be received by the convention by virtue of that fact without vote.
- Section 13. The privilege of the floor shall be granted at all times to all members of the National Church Council and of the Court of Adjudication and to the synod bishops and the president of the Evangelical Lutheran Women of the Evangelical Lutheran Church in Canada Inc.
- Section 14. Official representatives from other church bodies may be given seat and voice.
- Section 15. Any delegate may request the convention to grant any person the privilege of addressing the convention upon any matter then under consideration. Such request shall be granted only upon the affirmative vote of at least two-thirds of the delegates then present and voting. However, such person shall not thereby have seat or voice in the convention.
- Section 16. Unless otherwise determined by a two-thirds vote of the convention, all speeches in general discussion shall be limited to five minutes.
- Section 17. When a motion calling for an appropriation of funds comes before the convention from any source other than the National Church Council, it shall be referred at once to said council for consideration and report.
- Section 18. *Bourinot's Rules of Order*, latest edition, shall be the governing parliamentary law of this church, except as otherwise provided in its constitution and bylaws.

## **PART VII YOUTH ASSEMBLY**

- Section 1. The Youth Assembly shall consist of four youth from the Eastern Synod, two youth from the Manitoba/Northwestern Ontario Synod, two youth from the Saskatchewan Synod, two youth from the Synod of Alberta and the Territories, and two youth from the British Columbia Synod.
- Section 2. Youth shall be baptized members between the ages of 16 and 23 inclusive on the first full day of the convention.

## **PART VIII NOMINATIONS AND ELECTIONS**

Section 1. The procedure for nominations in general shall be as follows:

- a) The church in convention shall elect the Nominating Committee for the next convention. The National Church Council shall submit nominations for the Nominating Committee to the church in convention. This committee shall consist of nine members, three from the Eastern Synod, two each from the Synod of Alberta and the Territories and the Saskatchewan Synod, and one each from the Manitoba/Northwestern Ontario Synod and the British Columbia Synod. The committee shall elect its own convenor at an initial meeting called by the secretary. They shall prepare a slate of nominations for election by the convention to fill vacancies in the membership of the National Church Council, Court of Adjudication and the Committee of Pensions except as otherwise provided. This slate shall be complete at least three months prior to each convention.
- b) At least six months prior to the convention, the secretary shall publish in the official church periodical a list of vacancies to be filled at the convention.
- c) The Committee on Nominations shall meet to elect a convenor and shall select two nominees for each vacancy having concern for inclusive representation and the particular needs of the National Church Council, Court of Adjudication, and ELCIC Group Services Inc. and also for geographical and synod distribution, but nominating no person holding an elected position whose term does not expire at the time of the convention and having care that no individual is nominated to fill more than one vacancy.
- d) The secretary shall, without delay, cause the properly certified list of such nominations to be published in the official church periodical.
- e) Should any of the nominees indicate inability to serve, the Committee on Nominations shall make whatever alteration of the list of nominations may be necessary and shall immediately certify the corrected list of the secretary.
- f) Following the report of the Committee on Nominations to the convention, opportunity shall be given for nominations from the floor. The report shall provide the following information about each nominee: age, address, occupation, synod, and a brief statement of experience. Like information shall be given by the nominator to the Committee on Nominations for each person nominated from the floor.
- g) Upon completion of all nominations, the secretary shall have the official ballots prepared, providing to the degree that is feasible for the random listing of the names thereon in the printing of the first ballot.

Section 2. The election of officers shall proceed without oral nominations, except that the National Church Council shall nominate a person for the office of treasurer. If the first ballot does not result in election, it shall be considered a nominating ballot. The officers shall be elected in the following order: bishop, secretary, treasurer, and vice-president.

Section 3. In elections by the convention, the following rules shall obtain:

- a) All elections shall be by ballot. In all elections except those of the officers, a majority of the votes cast on any ballot shall elect.
- b) On the first ballot for bishop, three-fourths of the votes cast shall be required for election. Thereafter, only such votes as are cast for persons who have received votes on the first or nominating ballot shall be valid. On the second ballot, two-thirds of the votes cast shall be required for election. On the third ballot, a majority of the votes cast shall elect. On the fourth ballot, the voting shall be limited to five persons
  - i. receiving the highest vote on the third ballot, and a majority of the votes cast shall elect. On the fifth ballot, the voting shall be limited to the three persons receiving the highest vote on the fourth ballot, and a majority of the votes cast shall elect. On the sixth ballot, the voting shall be limited to the two persons receiving the highest vote on the fifth ballot, and a majority of the votes cast shall elect.
- c) Following the second ballot for bishop, each eligible person receiving one or more votes will be invited to provide a brief biography. These may include congregational membership, degrees earned and honorary, pastorates and other positions held in the church, secular profession or occupation, membership on boards, special committees or agencies. Following the third ballot, those five persons receiving the highest number of votes cast will be invited to address the convention. Following the fourth ballot, those three persons

receiving the highest number of votes cast will be invited to respond to questions submitted in writing from the convention delegates and selected by the elections committee. As each responds, the other two will be sequestered.

- d) On the first ballot for an officer, three-fourths of the votes cast shall be required for election. Thereafter, only such votes as are cast for persons who have received votes on the first or nominating ballot shall be valid. On the second ballot, two-thirds of the votes cast shall be required for election. On the third ballot, the voting shall be limited to the four persons receiving the highest vote on the second ballot, and a majority of the votes cast shall elect. On the fourth ballot the voting shall be limited to the three persons receiving the highest vote on the third ballot, and a majority of the votes cast shall elect. On the fifth ballot the voting shall be limited to the two persons receiving the highest vote on the fourth ballot, and a majority of the votes cast shall elect.
- e) The Committee on Elections shall make available to the convention the following information concerning each person appearing on the third ballot for an officer: age, congregational membership, degrees earned and honorary, pastorates and other positions held in the church, secular profession or occupation, membership on boards, special committees or agencies.
- f) In elections of members of the National Church Council, Court of Adjudication, and the ELCIC Group Services Inc. names of the persons receiving the highest number of votes but not elected on a preceding ballot shall be entered on the next ballot to the number of two for each vacancy unfilled.
- g) At no point during the election will any eligible person be permitted to withdraw his or her name from any ballot. Nor will any person be compelled to provide a biography or address the convention.
- h) The result of each ballot in every election shall be announced in detail to the convention by the Committee on Elections.

Section 4. In determining eligibility for re-election to the National Church Council, Court of Adjudication, and ELCIC Group Services Inc. a half term shall be counted as a full term.

Section 5. All terms of office, except as otherwise provided in these bylaws, shall begin at the conclusion of the convention at which the election thereto occurred.

Section 6. An ex officio member of any council, board or committee shall be a full member with voice and vote.

Section 7. An advisory member of any council, board or committee shall be a member with voice only.

Section 8. Eligibility

- a) A person shall not be eligible to serve on more than one of the following: National Church Council, Court of Adjudication, or ELCIC Groups Services Inc.
- b) A person in the employ of an institution or agency responsible to this church or in the employ of an institution or agency responsible to one of its synods, who is elected to National Church Council, a division board or office management committee shall be ineligible to vote on matters directly affecting the institution or agency.

## **PART IX NATIONAL CHURCH COUNCIL**

(Constitution, ARTICLE XII)

Section 1. The National Church Council shall normally meet in March and September of each year.

Section 2. The Executive Committee of the council shall consist of the officers of this church. In addition to the officers there shall be sixteen (16) elected members of National Church Council: one rostered minister and one lay person from each of the synods of British Columbia and Manitoba/Northwestern Ontario, one rostered minister and two lay persons from each of the synods of Alberta and Saskatchewan, and three rostered ministers and three lay persons from the Eastern Synod. There shall be one additional member appointed by the Council of General Synod (COGS) of the Anglican Church of Canada for a term to be determined by COGS.

Section 3. A majority of the members of the council shall constitute a quorum.

- Section 4. The council shall arrange for the celebration of the duly authorized rite of this church when a new national bishop is set apart to that office. The bishop of this church (or if such office is vacant, the council) shall appoint a bishop to preside at the rite.
- Section 5. The council shall issue letters of call to the rostered salaried officers of this church, to rostered ministers serving full time within the structures and agencies of this church, and to those in special service in accordance with the bylaw provisions (Part III, Section 3).
- Section 6. It shall adopt a compensation plan for the officers and staff of this church and set the salaries of officers.
- Section 7. It shall, in consultation with the bishop, engage such administrative staff as is deemed necessary to fulfil its assigned responsibilities. It shall designate the duties and set the salaries for this staff.
- Section 8. It shall approve personnel policies applicable to all executive and support staff.
- Section 9. It shall be responsible for organizing the national convention including:
- a. Preparation and presentation of annual budgets and convention agenda; and
  - b. Development of a calendar of emphases for the causes of the church in which specific days or months may be designated for intensive educational emphases on the various areas of the ministry of this church.
- Section 10. It shall review the actions of the committees and synods of this church at the first or second meeting of the council following receipt of minutes in which such actions are recorded. If a specific action is, in the judgment of the council, outside the authority of the committees or synod concerned or not in conformity with a policy laid down by the convention, formal declaration of that fact shall postpone or suspend the effectiveness of such action. If the action in question is not rescinded, the issue shall be reported to the next convention for adjudication.
- Section 11. It may issue official statements on social or moral issues in the name of this church between its conventions when, in the judgment of the council, an emergency exists or when delay of such action until the next convention would impair the timeliness of an utterance that this church ought in conscience to make. Concurrence of two-thirds of the total membership of the council shall be required in each such instance.
- Section 12. The bishop of this church shall be ex officio a member of any committee of the council.

## **PART X**

### **OFFICERS**

(Constitution, ARTICLE XIII)

#### Section 1.

##### The Bishop

In addition to the duties stated in the constitution and elsewhere in the bylaws, the bishop shall:

- a. Be responsible for coordinating administrative matters, clarifying areas of overlapping or unassigned accountability;
- b. Convene meetings of the officers and executive staff of this church for consultation. Other persons may be included at the discretion of the bishop;
- c. Serve as a consultant in the nomination process for the election of chief executive officers of the institutions of this church;
- d. Convene and chair meetings of the Executive Committee;
- e. Prepare a report on the state of this church for presentation at the conventions of this church and of its synods;

- f. Make an annual report to the National Church Council, analyzing the programs of this church and aiding the council in setting priorities and emphases in the work of this church;
- g. Represent this church at conventions of the synods or appoint a member of the National Church Council to be a representative; and
- h. Engage, with the approval of the National Church Council, such staff as is necessary to discharge the responsibilities assigned to the bishop.

Section 2.

The Vice-President

In addition to the duties stated in the constitution and elsewhere in the bylaws, the vice-president shall serve as a member of the Executive Committee of the National Church Council, together with the bishop, secretary and treasurer.

Section 3

The Secretary

- a. Maintain the roster of congregations and the roster of ministers of this church;
- b. Have custody of the archives of this church, including:
  - i. Official documents and records of this church,
  - ii. Proceedings of the conventions of this church and of its synods,
  - iii. Biographical data of rostered ministers who have served this church,
  - iv. Historical records of congregations and institutions,
  - v. Official records of congregations and institutions which have ceased to function;
- c. Gather and publish the statistics of this church;
- d. Publish, as needed, the articles of incorporation and a current issue of the constitution and bylaws of this church for distribution to each ordained minister and to each congregation for their official records;
- e. Give notice of each convention of this church upon order of the bishop, and prepare and distribute a *Bulletin of Reports*;
- f. Be responsible for physical arrangements at regular and special conventions;
- g. Maintain a record of delegates, advisory members and official visitors of the conventions;
- h. Keep convention minutes and codify convention resolutions;
- i. Register participants at regular and special conventions;
- j. Compile and publish a report of each convention and transmit a copy to each delegate and each ordained minister of this church;
- k. Issue certificates of election and notify those concerned of resolutions adopted by each convention;
- l. Respond to inquiries seeking information on policies approved or actions taken by the National Church Council and by the conventions of this church;
- m. Ensure that appropriate corporations are established for health care institutions or agencies owned by this church or its synods, and review and make recommendations regarding all proposed constitutional amendments.

Section 4.

The Treasurer

In addition to the duties stated in the constitution and elsewhere in the bylaws, the treasurer shall:

- a. Be responsible for the safekeeping of the securities, insurance policies, deeds, abstracts, mortgages and other legal instruments held by the National Church Council on behalf of this church and its boards; and
- b. Direct the work of the Department of Finance and Administration.

**PART XI RECALL OR DISMISSAL OF AN OFFICER**

Section 1. The recall or dismissal of an officer of this church or of a synod of this church and the vacating of the office may be effected:

- a. For wilful disregard or violation of the constitution, authority or resolutions of this church;

- b. For such physical or mental disability or incompetence as presumably renders the officer incapable of performing the duties of office; or
- c. For such conduct as would subject the officer to disciplinary action in the synod or congregation of which a member.

Section 2. Proceedings for recall or dismissal shall be instituted by filing with the chairperson of the Court of Adjudication a petition stating specifically the charge or charges.

- a. A statement of charge against an officer of the national church may be initiated
  - i. By at least two-thirds of the elected members of the National Church Council; or
  - ii. By a petition signed by at least one-fifth of those who were delegates to the latest convention of this church, at least 20 of whom shall be rostered delegates and at least 20 of whom shall be lay delegates representing at least two synods with no more than 40 from any one synod.
- b. A statement of charge against a synod officer may be initiated:
  - i. By at least two-thirds of the elected members of the Synod Council;
  - ii. By at least one-fifth of those who were delegates to the latest convention of the synod, at least one-quarter of whom are rostered delegates and at least one-quarter of whom are lay delegates, representing at least one-half of the conferences of the synod; or
  - iii. By at least two-thirds of the elected members of the National Church Council.

Section 3. The chairperson of the Court of Adjudication shall cause a copy of the statement of charge to be delivered to the accused officer, together with a notice of the time and place when the court will meet to hear the charges. The accused officer shall have the right to present a defence. After hearing such testimony as it may deem necessary and helpful, the court shall decide promptly whether the charges have been sustained and whether the accused officer shall be recalled or dismissed and the office vacated. If the charges are not sustained by the concurring vote of four members of the court, the statement of charge shall be dismissed. A judgment dismissing the charges shall be final and not subject to appeal. In any case, the court shall report the filing of the statement of charge and its disposition to the next convention of this church or, in the case of a synod officer, of the synod.

Section 4. Notice of a decision by the court that the charges have been sustained shall be given the accused officer, and unless the officer shall within thirty days after receipt of such notice, file with the court an appeal of such decision to the next convention, the court shall enter judgment that the officer has been recalled or dismissed and the office vacated, and the National Church Council or, in the case of a synod officer, the Synod Council shall be notified of the entry of such judgment.

Section 5. Upon appeal by the accused officer, the next convention may decide by a two-thirds vote, after debate but without receiving testimony, that the officer shall be recalled or dismissed and the office vacated.

Section 6. After a decision that the charges have been sustained, if it be deemed essential to good order that the accused officer should be meanwhile suspended, the court, four members concurring, shall direct its president so to notify the National Church Council or Synod Council, which in such case shall by a two-thirds vote suspend the accused officer from performance of the duties of office pending action on an appeal, and may make provision for performance of such duties ad interim.

Section 7. The Court of Adjudication shall promulgate such additional rules of procedure as it may deem necessary for the performance of its duties under this item.

## **PART XII CONFERENCE OF BISHOPS**

Section 1. There shall be a Conference of Bishops composed of the national bishop and the synodical bishops.

Section 2. The Conference of Bishops shall be convened by the national bishop at least annually.

Section 3. The Conference of Bishops shall:

- a. Attend to the spiritual and collegial nurture of its members;
- b. Reflect and provide vision on issues that affect the life of the church;
- c. Develop and share objectives and strategies concerning pastoral leadership;
- d. Recommend policy and practice to the National Church Council;
- e. Advise National Church Council on referred matters; and
- f. Strive to achieve consistent practice across the synods.
- i. Participation in meetings of the executive staff,
  - ii. Liaison and co-operative arrangements for programming,
  - iii. Participation in long-range planning;
- f. Prepare, produce and distribute program materials for its own use and publish a magazine; and
- g. Report to the national convention of this church.

## **PART XIII** FINANCIAL MATTERS

- Section 1. The fiscal year and the budget year of this church shall be the calendar year.
- Section 2. The annual budget and financial reports of this church shall reflect the entire range of its activities. The income listed shall include support from all sources.
- Section 3. Each budget shall approve an amount for contingency not to exceed 7% of the budget.
- Section 4. There shall be an operating reserve, determined by the National Church Council, of no more than 15% of the following year's budget.
- Section 5. Representatives of the National Church Council shall meet with representatives appointed by the Synod Councils to agree upon each synod's commitment goal for support of the budget of this church during the next fiscal year. These representatives shall recommend for approval by the National Church Council and by the synods the amount of support to be transmitted through the synods of this church.
- Section 6. Special church-wide appeals to congregations for raising funds shall require the consent of the convention or the National Church Council.
- Section 7. The financial accounts of this church shall be submitted annually for audit to a chartered accountant named by the National Church Council.

## **PART XIV** COLLEGES, UNIVERSITIES AND SEMINARIES

- Section 1. Ownership and Governance of Schools The ownership of the colleges and universities of this church shall be vested in this church in corporations whose membership shall be the same as that of the conventions of this church.
- Section 2. Ownership and Governance of Seminaries The ownership of the Lutheran Theological Seminary in Saskatoon shall be vested in the four western synods. The ownership of the Waterloo Lutheran Seminary shall be vested in the eastern synod(s). The Board of Governors shall be elected by the appropriate synods with three members of each board nominated by the National Church Council.

**PART XV DEPARTMENT OF FINANCE AND ADMINISTRATION**  
(Constitution, ARTICLE XV)

- Section 1. This department shall:
- a) Develop and implement a budgetary process, which shall involve budget consultation between the synods and this church;
  - b) Reduce budget allocations, in the event of an emergency declared by the officers;
  - c) Make investments of monies not required for cash flow purposes;
  - d) Be authorized to borrow funds for operating expenses not exceeding 7% of the total annual budget;
  - e) Establish personnel policies for this church;
  - f) Arrange insurance (other than health and life) programs for this church;
  - g) Provide for the bonding of all employees and officers of this church;
  - h) Administer, except as otherwise provided for, all property owned by this church.
  - i) Manage the Church Extension and Capital Fund according to policies approved by the National Church Council.
- Section 2. This department, through the persons authorized by the National Church Council, shall execute the necessary papers for the acquisition and sale of property.

**PART XVI BENEFIT AND PENSION PLANS**  
(Constitution, Article XVI)

- Section 1. Each synod, congregation, agency, institution, and other recognized organization associated with this church shall cooperate with the National Church Council to ensure that the following pension and benefit plans are available for their respective employees:
- a. A contributory pension plan constructed on the money-purchase principle, in which the accumulated contributions attributed to each member's account are fully vested;
  - b. A group benefits plan that would provide death benefits, disability benefits, and such other benefits as may be determined by the committee or board appointed to administer the group benefits plan; and
  - c. Vested rights of members and beneficiaries of the pension plan established for ordained ministers of this church and lay employees shall not be abrogated by any action of this church.
- Section 2. The synods, congregations, agencies, institutions, and other recognized organizations associated with this church shall ensure that each eligible rostered minister and each eligible lay employee is properly enrolled in the pension plan referred to in Section 1a, and that all necessary documents are completed and all necessary contributions are made in order to provide for such participation.
- Section 3. The synods, congregations, agencies, institutions, and other recognized organizations associated with this church shall ensure that each eligible ordained minister and each eligible lay employee is properly enrolled in the group benefits plan referred to in Section 1b, and that all necessary documents are completed and all necessary payments are made in order to provide for such participation.
- Section 4. The obligations established in these administrative bylaws with respect to participation in the pension plan and in the group benefits plan referred to in Section 1 do not apply:
- a. With respect to the pension plan, to an individual who was a rostered minister on December 31, 1985 and was not actively contributing to a registered pension plan as

- of that date; and
- b. With respect to the pension plan or the group benefits plan, unless the rostered minister or lay employee is eligible to join such plan in accordance with the terms of such plan.

**PART XVII**            **EVANGELICAL LUTHERAN WOMEN**  
(Constitution, ARTICLE XVII.1)

- Section 1. The Evangelical Lutheran Women of the Evangelical Lutheran Church in Canada Inc. shall
- a. Be an official women's organization of this church;
  - b. Be a composite of congregational organizations, which proclaim the gospel of Jesus Christ through its own program and of this church;
  - c. Have authority, in conformity with the personnel policies of this church, to employ an executive staff person and additional staff as needed to carry out its purpose;
  - d. Be responsible for its own financial affairs;
  - e. Be an integral part of this church through:

**PART XVIII**            **SPECIAL INTEREST CONFERENCES**  
(Constitution, ARTICLE XVII.2)

- Section 1. Upon receipt of formal notice from not fewer than six congregations and not fewer than six rostered ministers of a desire for the formation of a Special Interest Conference representing a specific national and cultural heritage, the bishop of this church shall convene the interested persons for the purpose of organizing such a conference. As long as at least four congregations and at least four rostered ministers desire the continuation of the conference, it shall not be disbanded involuntarily.
- Section 2. Other special interest conferences of a like character may be organized and continued in existence by the convention or the National Church Council at its discretion upon the expression of a similar desire on the part of any number of congregations and rostered ministers of this church.
- Section 3. The officers of a Special Interest Conference and the committee on arrangements for its next annual or biennial meeting shall constitute the entire continuing organization of the conference unless an exception to this rule is granted in a specific instance by the National Church Council.