

Constitutional Procedures for Termination of a Congregation's Relationship with the Evangelical Lutheran Church in America and the Indiana-Kentucky Synod

The 2011 Churchwide Assembly of the ELCA adopted constitutional changes to the process for congregations to terminate their relationship with the ELCA. These changes became effective immediately upon adoption on August 18, 2011. Because these constitutional provisions are required for congregational constitutions, as adopted they now supersede similar provisions in current congregational constitutions – even if those constitutions have not yet been formally amended to reflect these provisions.

In summary, the process for a congregation's consideration of termination of relationship with the ELCA is as follows. Key portions of these provisions as adopted can be found at the end of this document. Full texts for perusal and for amendment to congregational constitutions can be found via the ELCA web site: <http://www.elca.org/secretary>.

- Termination of relationship with the ELCA still requires two legally called and conducted special meetings of the congregation at which a resolution indicating the intent to terminate the congregation's relationship with the ELCA is adopted by a two-thirds vote of the voting members present.
 - Also unchanged: Congregations that had been members of the Lutheran Church in America and congregations established by the ELCA are required, in addition to the other constitutional provisions, to receive synodical approval before terminating their relationship with the church. This typically occurs through discussion and vote by the Synod Council.
 - Congregations are also required to satisfy all financial obligations to the ELCA, including the synod, before terminating their relationship with this church.
 - **CLARIFICATION:** All congregations seeking to terminate relationship with the ELCA which fail or refuse to comply with constitutional provisions must receive synod council approval before terminating their relationship with the church.
- Constitutional provisions regarding property remain unchanged, with the **added provision** (for clarification) that the constitutional process for termination of relationship must be followed for property provisions to apply.
- **CHANGE:** The FIRST special meeting for such a vote may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod. During those 30 days the bishop and the bishop's designees will consult with the congregation at times and in a manner determined by the bishop in consultation with the congregation council.
- **CLARIFICATION:** If the FIRST legally conducted vote on a resolution of intent to terminate relationship with the ELCA achieves the required two-thirds, the bishop of the synod and the congregation shall continue in consultation during a period of at least 90 days after receipt by the synod of the notice of the vote outcome.

- **CLARIFICATION:** Within 10 days after the adoption of such a resolution, the secretary of the congregation must submit a copy of the resolution to the bishop, attest that the special meeting was legally called and conducted, and certify the outcome of the vote. The secretary is also required to mail a copy of the resolution to all voting members of the congregation.
- **CHANGE:** If the FIRST legally conducted vote on a resolution of intent to terminate relationship with the ELCA *fails to achieve the required two-thirds of voting members present*, another special meeting to consider termination of relationship may be called **no sooner than 6 months after that first meeting.**
- **CLARIFICATION:** Notice of a SECOND special meeting for conduct of a second vote on the resolution of intent to terminate (following a first special meeting and vote that achieves the required two-thirds) must be mailed to all voting members and to the bishop at least 10 days in advance of the meeting.
- **CLARIFICATION:** Within 10 days after the adoption of such a resolution at a SECOND special meeting, the secretary of the congregation must submit a copy of the resolution to the bishop, attest that the special meeting was legally called and conducted, and certify the outcome of the vote. The relationship between the congregation and this church shall then be terminated according to provisions regarding previous church membership, etc. and the synod bishop will notify the Secretary of the ELCA of the termination.
 - **CLARIFICATION:** Unless this notification to the bishop also certifies that the congregation has voted by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will conclusively presumed to be an independent or non-Lutheran church.
- **CHANGE AND CLARIFICATION:** If the SECOND legally conducted vote on a resolution of intent to terminate relationship with the ELCA *fails to achieve the required two-thirds*, another attempt to consider termination of relationship must return to the beginning of the process and all its requirements and **may begin no sooner than 6 months after the second meeting.**
- **CLARIFICATION:** Unless the bishop is a voting member of the congregation (in which case the bishop has vote), the bishop and the bishop's designees shall have voice but not vote at the special meetings.

Please address all inquiries about this process or related concerns to:

Office of the Bishop
 Indiana-Kentucky Synod, ELCA
 911 E. 86th Street, Suite 200
 Indianapolis, IN 46240
 Phone: 317.253.3522

Key constitutional provisions regarding termination of relationship with the Evangelical Lutheran Church in America, adopted in Churchwide Assembly August 18, 2011, Orlando, Florida. Full texts for perusal and for amendment to congregational constitutions can be found via the ELCA web site: <http://www.elca.org/secretary>.

- *C6.05 A congregation may terminate its relationship with this church by the following procedure:
- a. A resolution indicating the intent to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds vote of the voting members present. Such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time the congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the congregation council. Unless he or she is a voting member of the congregation, the bishop, and the bishop's designees, if any, shall have voice but not vote at the meeting.
 - b. The secretary of the congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
 - c. The bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.
 - d. If the congregation, after such consultation, still seeks to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the meeting shall be mailed to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is voting member of the congregation, the bishop, and the bishop's designees, if any, shall have voice but not vote at the meeting.
 - e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church shall be terminated subject to paragraphs g., h., and i. below. Unless this notification to the bishop also certifies that the congregation has voted by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.
 - f. Notice of termination shall be forwarded by the bishop to the secretary of this church, who shall report the termination to the churchwide assembly.
 - g. Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in *C6.05., shall be required to receive synod council approval before terminating their membership in this church.

- h. Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05., to receive synodical approval before terminating their membership in this church.
- i. Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05, to satisfy all financial obligations to this church and receive synod council approval before terminating their membership in this church.
- j. If a congregation fails to achieve the required two-thirds vote of voting members present at the congregation's first meeting as specified in paragraph a. above, another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If a congregation fails to achieve the required two-thirds vote of voting members present at the congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of *C6.05. and may begin no sooner than six months after that second meeting.