

CONSTITUTION AND BYLAWS



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

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CODIFICATION EXPLANATION

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

The three types of provisions are identified in the following ways:

- a. Constitutional provisions are codified with two sets of numbers, and the numbers are in bold face type.
- b. Bylaw provisions are codified with three sets of numbers. Numbers indicating bylaw material are in light face type and are underlined.
- c. Continuing Resolutions are also codified with three sets of numbers with the third set preceded by a capital letter. 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", and 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."

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 *A87* in the codification *S6.04.A87* to indicate by the "A" that it is the first continuing resolution regarding that subject and by the "87" that it was adopted in 1987.

CONSTITUTION AND BYLAWS

SOUTH DAKOTA SYNOD

Chapter 1. NAME AND INCORPORATION

- +S1.01. The name of this synod 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 three overlapping flames emanating from the base of the cross signifying the three uniting churches. The three intertwined circles symbolize the Trinity. The synod's name forms a circle around the design.

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.
- +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 10.01.11. and 10.02.02.

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 Scriptures 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. 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.

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 and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, 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. To fulfill these purposes, this synod, in partnership with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in the territory of this synod. In fulfillment of this role, this synod shall:

- a. Provide for the pastoral care of congregations, ordained ministers, associates in ministry, deaconesses, and diaconal ministers of this church in this synod, including:
 - 1) approving candidates for the ordained ministry in cooperation with the appropriate seminaries of this church, which may be done through multi-synodical committees;
 - 2) authorizing ordinations and ordaining on behalf of this church;
 - 3) approving associates in ministry, deaconesses, and diaconal ministers of this church, which may be done through multi-synodical committees;
 - 4) authorizing the commissioning of associates in ministry, the consecration of deaconesses, and the consecration of diaconal ministers of this church; and
 - 5) consulting in the calling process for ordained ministers, associates in ministry, deaconesses, and diaconal ministers.
- b. Provide 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 or appointment 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. Provide for discipline of congregations, ordained ministers, and persons on the official lay rosters; as well as for termination of call, appointment, adjudication, and appeals consistent with the procedures in Chapter 20 of the constitution of the churchwide organization.

- d. Foster organizations for youth, women, and men, and organizations for language or ethnic communities.
- e. Plan for the mission of this church in this synod, initiating and developing policy, and implementing programs, consistent with churchwide policy, including:
 - 1) ecumenical guidance and encouragement;
 - 2) development of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;
 - 3) leadership and encouragement of congregations in their evangelism efforts;
 - 4) development of relationships to and participation in planning for mission of social ministry organizations and ministries;
 - 5) encouragement of financial support for the work of this church by individuals and congregations;
 - 6) provision for resources for congregational life;
 - 7) assistance to the members of its congregations in carrying out their ministries in the world; and
 - 8) interpretation of social statements in a manner consistent with the interpretation given by the churchwide unit which assisted in the development of the statement, and suggestion of social study issues through (a) Synod Assembly memorials to the Churchwide Assembly or (b) resolutions for referral from the Synod Assembly through the Synod Council to the Church Council and (c) Synod Council resolutions addressed to the Church Council or for referral to a unit of the churchwide organization through the Church Council's Executive Committee.
- f. Promote interdependent relationships among congregations, synods, and the churchwide organization, and enter into partnership with other synods in the region.
- g. Participate in churchwide programs and develop support for the ministry of the churchwide organization.
- h. Foster the grouping of congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.
- i. Support relationships with and provide partnership funding on behalf of colleges, universities, and campus ministries.
- j. Foster relationships with and provide partnership funding on behalf of social ministry organizations.
- k. Maintain relationships with and provide partnership funding on behalf of seminaries and continuing education centers.
- l. Foster supporting relationships with camps and other outdoor ministries.
- m. Foster supporting relationships with preschools, elementary schools, and secondary schools operated by congregations of this synod.

- n. Interpret the work of this church to congregations and to the public.
- o. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
- p. Provide for archives in conjunction with other synods.
- q. Cooperate with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of this synod which can best be done cooperatively with other synods and the churchwide organization.
- r. 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 and according to procedures specified in the bylaws of this constitution.

S6.03.10. 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.

+S6.04. 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, 50 percent of the lay members of assemblies, councils, committees, boards, or other organizational units shall be female and 50 percent shall be male; and that, where possible, the representation of ordained ministers shall be both male and female. 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.B09. *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.*

+S6.05. Each assembly, council, committee, board, commission, task force, or other body of this synod or any synodical 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 biennially.
- S7.11.10. The Synod Assembly of the South Dakota Synod of the Evangelical Lutheran Church in America shall meet annually.
- 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 presiding bishop of the Evangelical Lutheran Church in America in cooperation with the Synod Council.
- S7.13.** Notice of the time and place of all meetings of the Synod Assembly shall be given by the secretary of this synod.
- S7.13.10. 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 ordained ministers, Associates in Ministry, 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 ordained ministers under call on the roster of this synod in attendance at the Synod Assembly shall be voting members.
 - b. All associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers, under call, on the official lay rosters of this synod shall have both voice and vote as lay voting members in the Synod Assembly, in addition to the voting membership of lay members of congregations provided in item +S7.21.c.
 - c. 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, normally one of whom shall be male and one of whom shall be female, 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, 50 percent of the lay members of the assembly shall be female and 50 percent shall be male. Additional members from each congregation normally shall be equally divided between male and female.
 - d. 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.B02

Ordained Ministers 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.C02

ELCA pastors 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.D02

Licensed Lay Ministers certified by the South Dakota Synod, 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.

S7.22.

Retired ordained ministers on the roster of this Synod may serve as voting members of the Synod Assembly if they are elected by their congregations and if the 60 percent minimum representation of lay persons required by +S7.21. is satisfied.

S7.23.

All retired ordained ministers, all ordained ministers on leave from call, all associates in ministry on leave from call or retired, all deaconesses of the Evangelical Lutheran Church in America on leave from call or retired, and all diaconal ministers of this church on leave from call or retired, all of whose names appear on the rosters of this synod, shall have the privilege of voice but not vote at all meetings of the Synod Assembly. The presiding bishop of the Evangelical Lutheran Church in America and such other official representatives of this church as may be designated from time to time by the Church Council shall also have voice but not vote in the meetings of the Synod Assembly. Like privileges shall be accorded to those additional persons whom the Synod Council shall from time to time designate.

S7.24.

Ordained ministers under call on the roster 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 roster of ordained ministers of this synod. Associates in ministry, deaconesses of the Evangelical Lutheran

Church in America, and diaconal ministers of this church serving under call on the roster 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 official lay roster 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 mission settings formed with the intent of becoming chartered congregations and authorized worshiping communities of this synod, which have been authorized under ELCA bylaw 10.02.03., to serve as voting members of the Synod Assembly, consistent with +S7.21. 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.

S7.27. 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 this synod.

S7.32. The Synod Rules of Parliamentary Procedure shall govern the procedure of the Synod 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

Credentials Committee

S7.40.10. Prior to the Synod Assembly, the Bishop shall select 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.

Election Committee

S7.40.20. Prior to the Synod Assembly the Synod Bishop shall appoint three ordained ministers and three laypersons to an Election Committee to supervise elections and announce the results to the Synod Assembly.

Resolutions Committee

S7.40.30. 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.

S7.40.31. The committee shall elect its own leadership.

S7.40.32. 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.

S7.40.33. 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 delegates 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 pastor who is an ordained minister of the Evangelical Lutheran Church in America.

+S8.12. As this synod's pastor, the bishop shall be an ordained minister of Word and Sacrament who 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 ordained ministers, and its other rostered leaders.
- c. Exercise solely this church's power to ordain (or provide for the ordination by another synodical bishop of) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ordained ministry (and as provided in the bylaws of the Evangelical Lutheran Church in America).
- d. Commission (or provide for the commissioning of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as associates in ministry; consecrate (or provide for the consecration of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as deaconesses of the ELCA; and consecrate (or provide for the consecration of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as diaconal ministers 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):

- 1) the pastors of all congregations of this synod;
 - 2) ordained ministers called to extraparish service within this synod; and
 - 3) persons serving in the other rostered ministries within this synod.
- 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 ordained ministers, other rostered leaders, and congregations of this synod;
 - 3) Be the chief ecumenical officer of this synod;
 - 4) Consult regularly with other synodical bishops and the Conference of 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;

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- 4) Exercise supervision over the work of the other officers;
 - 5) Coordinate the work of all synodical 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 synodical rosters containing:
 - a) the names and addresses of all ordained ministers of this synod and a record of the calls under which they are serving or the date on which they become retired or disabled; and
 - b) the names and addresses of all other rostered persons of this synod and a record of the positions to which they have been called or the date on which they become retired or disabled;
 - 9) Annually bring to the attention of the Synod Council the names of all rostered persons 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 and the register of congregations;
 - b) the issuance of certificates of transfer for rostered persons 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 register 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 parochial 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.

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

+S8.15. The presiding bishop of this church, or the appointee of the 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 synodical bishops:

- a. Whenever a synodical bishop determines that a matter of the kind described in +S8.16.01.b. may require his or her determination or action with respect to a related individual as defined in +S8.16.01.c., the synodical bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synodical 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 provision 7.46. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (+S14.13.), candidacy reinstatement, and similar matters where determinations or actions by the synodical 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 synodical bishop, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, or in-law (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.

S8.23. In the event of the death, resignation, or disability of the bishop, the vice president shall convene the Synod Council to arrange for the conduct of the duties of the bishop until a new bishop shall be elected or, in the case of temporary disability, until the bishop resumes full performance of the duties of the office.

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 an ordained minister.

+S8.32. The secretary shall:

- a. Keep the minutes of all meetings of the Synod Assembly and Synod Council, be responsible for the printing and 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 an ordained 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. Giving of corporate surety in the amount determined by the Synod Council, which shall be in the custody of the secretary, and the premium for it 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:

- a. The bishop of this synod shall be elected to a term of six years and may be reelected.
- b. The vice president and secretary of this synod shall be elected to a term of four years and may be reelected.
- c. The treasurer of this synod shall be [elected] [appointed] to a four year term and may be reelected or reappointed.

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.

- +S8.53.** 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.
- +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 ten calendar days prior to the meeting.
- +S8.57.** The recall or dismissal of an officer may be effected in accordance with the procedure established by the Committee on Appeals of the Evangelical Lutheran Church in America.
- +S8.58.** If the bishop is to be temporarily absent from the synod for an extended period, the bishop, with the consent of the Synod Council, may appoint as acting bishop for such period an ordained minister 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.
- 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 ordained minister, 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. This Synod shall elect persons to serve on the Board of Directors of Lutheran Social Services of South Dakota as follows: each conference elect one layperson, the SD Synod Assembly elect two laypersons and four clergy.

- S9.01.12. The Synod Assembly shall elect persons to serve on the Board of Directors of the Association of Christian Churches in South Dakota. The term of office shall be three years, with eligibility for one consecutive reelection.
- S9.01.13. Members of the Region 3 Steering Committee shall be appointed by the Synod Council according to the Region 3 Orders of Governance and rotation for representation defined by the Steering Committee.
- 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.
- S9.02.** 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 delegates 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.
- S9.04.10. The process of the nomination and election of the Synod Bishop shall be supervised by the Bishop Election Committee which shall consist of three persons appointed by the Synod Council. The Bishop Election Committee shall have final authority for all matters pertaining to the election.
- S9.04.11. The Synod Council shall arrange for a synod study to be completed six months prior to the beginning of the bishop election process. The synod study shall focus upon the ministry of the synod, the role and responsibilities of the office of the bishop, and the needs and opportunities facing the synod. The study results shall be distributed to synod leadership and congregations as candidates for the position of bishop are considered and nominated.
- S9.04.12. Each congregation of this synod, no later than 120 days prior to the Synod Assembly, through its congregation council, may submit to the Conference Secretary the names of not more than three members of the ELCA clergy roster as congregational nominees to be included on the conference nominating ballot. Only names submitted by congregations may appear on the conference nominating ballot.
- S9.04.13. The Conference Council, as constituted by each conference, meeting no sooner than 115 days nor later than 100 days prior to the Assembly, by majority, shall elect no more than seven persons from the conference nominating ballot and forward their names to the Synod Secretary. In the event that a

Conference Council receives fewer than seven congregational nominees, all names shall be forwarded to the Synod Secretary.

S9.04.14. The Synod Secretary shall:

- a. Ascertain the willingness of all persons named by the conference councils to serve in the office of Synod Bishop if nominated and elected, obtain biographical information from such persons and prepare the synod nominating ballot including all the names of those who respond affirmatively; and
- b. Distribute the synod nominating ballot and biographical information of the nominees to all pastors, congregational presidents, Conference Chairs and Conference Secretaries.

S9.04.15.

- a. All conferences of this synod shall meet in assembly on the same day, not later than 65 days prior to the Synod Assembly, and each shall elect five persons, by majority vote, from the synod nominating ballot. These names shall be forwarded to the Synod Secretary.
- b. The Conference Executive Committee shall devise a process to insure the biographical information on all candidates is available to all delegates at the Conference Assembly.
- c. All names, except those receiving a majority, shall remain on the ballot for all votes until a full slate is elected.

S9.04.16.

The five persons named by the greatest number of conferences shall be the nominees for Synod Bishop. If there are persons tied for the fifth position on the ballot, all shall appear if the resulting ballot has no more than seven names, or the Synod Nominating Committee shall break the tie to arrive at a ballot containing seven names.

S9.04.17.

The Synod Secretary and the Synod Nominating Committee shall release the identity and number of conferences nominating any person nominated.

S9.04.18.

The names of the nominees and biographical information about the candidates shall be distributed immediately to all pastors and congregational presidents, and shall be placed on the Synod Assembly ballot. There shall be no further nominations.

S9.04.19.

Area open meetings shall be held in this synod at least 20 days prior to the Assembly where members of the synod congregations may meet the candidates. Expenses of the candidates shall be paid by this synod.

S9.04.20.

No later than the first day of the Assembly the Synod Secretary shall provide biographical material on each candidate. The Assembly Agenda shall provide time for the candidates to address the assembly and answer questions prior to the first ballot.

S9.04.21.

If no one receives a majority of the votes cast on the first ballot, the slate of candidates shall be reduced to the three (plus ties) who received the highest number of votes.

S9.04.22.

If no one receives a majority of the votes cast on the second ballot, the slate of candidates on the third ballot shall be reduced to the two (plus ties) who received the highest number of votes. The candidates shall address the Synod Assembly before the third ballot vote is taken.

S9.04.23.

A simple majority shall elect on the subsequent ballots.

S9.05.

The Nominating Committee shall nominate at least two persons for vice president; additional nominations may be made from the floor.

- S9.05.10. The candidates 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 two persons for secretary; additional nominations may be made from the floor.
- S9.07.** The Synod Council shall nominate two persons for treasurer; additional nominations may be made from the floor.
- S9.08.** In all elections, except for the bishop, the names of the two persons receiving the highest number of votes, but not elected by a majority of the votes cast on a preceding ballot, shall be entered on the next ballot for each vacancy unfilled.
- S9.09.** The result of each ballot in every election shall be announced to the Assembly and printed in detail.
- +S9.12.** Background checks and screening shall be required and completed for persons nominated as synodical 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 ordained ministers on the 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 members, 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 Lutheran Youth Organization for two-year terms.
- S10.01.12. The synod presidents of the Women of the ELCA, Lutheran Men in Mission and Lutheran Youth Organization, 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 which are not in conflict with actions taken by the Synod Assembly or which 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 ordained ministers and of other official rosters, 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 ELCA, and make a report to the Synod Assembly of the Synod Council's actions in this regard.
- e. Issue letters of call to ordained ministers and letters of call to associates in ministry, deaconesses, and diaconal 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 be a member in good standing on a roster of this synod, if an ordained minister, or to be a confirmed member of a congregation of this synod, if a layperson, 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.

S10.07.14. The Synod Council shall organize itself into Mission Boards.

S10.07.15. **Mission Board for Congregational Ministries**

S10.07.15.A96. The Mission Board for Congregational Ministries shall assume the duties of the previous Board for Congregational Ministries and the Board for Financial Support and Development.

S10.07.16. The Mission Board for Congregational Ministries (MBCM) shall receive information and requests from Churchwide and from within this Synod. The MBCM shall assign tasks and coordinate the response to or development of any programs relating to these areas:

- *Programmatic Ministries of the Church (worship, education, evangelism, youth, etc.)
- *Ministry in Daily Life
- *Rural Ministry

S10.07.25. **Mission Board for Outreach**

S10.07.25.A96. The Mission Board for Outreach shall assume the duties of the previous Board for World and American Missions and the Board for Church in Society.

S10.07.26. The Mission Board for Outreach (MBO) shall receive information and requests from Churchwide and from within the Synod. The MBO shall assign tasks and coordinate the response to or development of any programs relating to these areas:

- *American Missions; Mission Partners
- *Global Missions
- *Church and Society Issues (hunger, peace and justice, etc.)
- *Stewardship

S10.07.35. **Mission Board for Leadership**

S10.07.35.A96. The Mission Board for Leadership shall provide oversight to continuing education for laity and clergy and support of pastors and congregations.

S10.07.36. The Mission Board for Leadership (MBL) shall receive information and requests from Churchwide and from within this synod. The MBL shall assign tasks and coordinate the response to or development of any programs relating to these areas:

- *Call Process
- *Candidacy
- *Continuing Education and Leadership Support
- *Ecumenical Ministry

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.A05 The work of the Synod may from time to time require the appointment of a board, committee, commission or task force. The Synod Council may authorize the creation of such a board, committee, commission or task force, which is not specifically authorized by this Constitution. Any such authorization must be recorded in the minutes and reported to the

Synod Assembly at its next meeting, Such authorization must include a mission statement, which shall be both concise and complete in nature, a starting date and either a terminating date or a date for reauthorization and review by the Synod Council, an estimate of the necessary funding required to complete the work through the authorized period, and a budget for expenditure of the same. No such authorization shall extend for more than three years from the date thereof. Membership and leadership of any such board, committee, commission, or task force shall be by appointment of a standing board of the Synod Council at the recommendation of the Bishop.

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 the chairs of the Synod Council Mission Boards, 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.

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 Associate in Ministry or Diaconal Minister and one pastor 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.

Committee for Support to Ministries

S11.01.58. 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 ordained minister, 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 pastors and the placement of associates in ministry.
- 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 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.
- f. Cooperate with the Division for Ministry, Department of Human Resources, and Conference of Bishops of this Church in the support of persons and congregations engaged in ministry within this synod.

S11.01.61. 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.

+S11.02. The Consultation Committee of this synod shall consist of at least six persons and not more than 12 persons, of whom half shall be ordained ministers and half shall be lay persons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection. 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.

Consultation Committee

S11.02.21. The Consultation Committee shall consist of six persons, of whom three shall be ordained ministers, 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 ordained ministers and six shall be lay persons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection.

- 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 terms of committee members shall be staggered so that the terms of four committee members (two clergy and two lay) expire every two years.
- c. The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term.

Committee on Discipline

- S11.03.31. The Synod Assembly shall elect six ordained ministers and six laypersons for terms of six years without consecutive reelection as the Synod Standing 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 Standing Committee on Discipline.
- S11.03.34. The Synod Council shall designate the chair of the committee every other year.
- 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 are members 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.

Long Range Financial Strategy Committee

- S11.06.A08 The Long Range Financial Strategy Committee shall be composed of the Bishop or the Bishop's designate, the Synod Vice President, Synod Treasurer and five other appointed persons, nominated by the Bishop and appointed by the Synod Council. Each member is appointed for three years and can serve two terms.*

The Long Range Financial Strategy Committee shall:

- a. Work with the Synod Council, Synod staff, Director of Lutheran Planned Giving, Synod Financial Advancement Committee and other committees and individuals who know the Synod's vision plan and who understand the costs related to accomplishing the Synod's vision plan.*
- a. Work with the above stated relationships to review and refine capital, operating and personnel costs pertaining to implementing the Synod's vision plan.*
- b. Formulate a Long Range Financial Plan, being both evaluative of trends and creative in approaches, and including an action plan to address the present and long term fiscal needs to achieve the South Dakota Synod vision plan.*
- c. Identify the resources necessary to implement the Long Range Financial Plan and assure that the Long Range Financial Plan is implemented.*
- d. Relate with Synod staff persons who have responsibilities with the Synod Mission Plan, Synod Endowment, resource development and planned giving, including staff of Lutheran Planned Giving.*
- e. Report to the Synod Council.*

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 ordained ministers on the roster 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 confirmed member of a congregation of this synod.

S11.02.A90 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, ordained person) 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, OR OTHER AREA SUBDIVISIONS

+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 partners 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 partners.

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 an ordained minister; 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 register 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 ELCA constitution and bylaws.

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 constitution, 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 16 and 18 of the *Model Constitution for Congregations*.

- 3) Accept the commitments expected of all congregations of the ELCA 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 leaders 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 make contact with the ELCA synod bishop or staff where the congregation is located.
- 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 register of congregations.
- +S13.02.** It shall be the responsibility of each congregation of this synod annually to choose 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, or coalition of which it is a member. 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 pastor or when an associate in ministry, deaconess of the Evangelical Lutheran Church in America, or diaconal minister of this church 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 former pastor or associate in ministry, deaconess of the Evangelical Lutheran Church in America, or diaconal minister of this church shall make satisfactory settlement of the obligation before calling a successor.
- +S13.19** A congregation considering relocation shall confer with the bishop of the synod in which it is territorially located and the appropriate program 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.
- +S13.20** 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 program unit of the churchwide organization before any steps are taken leading to such action.
- S13.21.** The alignment of congregations in parishes and all alterations in any alignment shall be made in consultation with the Bishop, and subject to approval by the Synod Council.

- +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 ELCA constitution 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.** If any congregation of this synod has disbanded, or if the members of a congregation agree that it is no longer possible for it to function as such, or if it is the opinion of the Synod Council that the membership of a congregation has become so scattered or so diminished in numbers as to make it impractical for such a congregation to fulfill the purposes for which it was organized or that it is necessary for this synod to protect the congregation's property from waste and deterioration, the Synod Council, itself or through trustees appointed by it, may take charge and control of the property of the congregation to hold, manage, and convey the same on behalf of this synod. The congregation shall have the right to appeal the decision to the Synod Assembly.
- S13.25.** This synod may temporarily assume administration of a congregation upon its request or with its concurrence.
- S13.30. Discipline**
- +S13.31.** Congregations and members of congregations are subject to discipline in accordance with the provisions of Chapter 20 of the ELCA constitution and bylaws.

Chapter 14. ORDAINED MINISTERS AND ASSOCIATES IN MINISTRY

- +S14.01.** The time and place of the ordination of those persons properly called to congregations or extraparish service of this synod shall be authorized by the bishop of this synod.
- +S14.02.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,
- a. Every ordained minister shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care; and
 - 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
 - b. Each ordained minister with a congregational call shall, within the congregation:

- 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead.
- 2) supervise all schools and organizations within the congregation;
- 3) install regularly elected members of the Congregation Council; and
- 4) with the council, administer discipline.

c. Every pastor shall:

- 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
- 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
- 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
- 4) endeavor to increase the support given by the congregation to work of the ELCA churchwide organization and of this ELCA synod.

S14.03. The pastor shall be responsible for accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation, and shall submit a summary of such statistics annually to this synod.

The pastor shall be a member of the congregation that has extended the letter of call. If a pastor serves more than one congregation, the pastor shall hold membership in one of the congregations.

S14.04. 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 Lutheran congregation nearer to their place of residence.

S14.05. Each ordained minister on the roll 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.

+S14.11. When a congregation of this church desires to call a pastor or a candidate for the pastoral office in the ordained ministry 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 pastoral candidate by a congregation of this synod in accord with ELCA constitutional provision 7.41., a two-thirds majority ballot 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 pastor, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.

S14.12. No ordained minister shall accept a call without first conferring with the bishop of this synod. An ordained minister 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 chair of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.

+S14.13. a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the pastor, shall be

terminated only following consultation with the synodical bishop and for 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, 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, without reflection on the competence or the moral and spiritual character of the pastor;
 - 4) the physical or mental incapacity of the pastor;
 - 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
 - 6) the dissolution of the congregation or the termination of a parish arrangement; or
 - 7) suspension of the congregation as a result of discipline proceedings.
- b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of this synod, the bishop in his or her sole discretion may, or when such allegations have been brought to this 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 shall investigate such conditions personally in company with a committee of two ordained ministers and one layperson.
- c. In case of alleged physical or mental incapacity competent medical testimony shall be obtained. When such disability is evident, the bishop of this synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of this synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of this synod together with the committee described in +S14.13.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by this synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- e. If, in the course of proceedings described in +S14.13.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.
- f. If, following the appointment of the committee described in +S14.13.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congrega-

tion(s) being served by the ordained minister due to local conditions, the bishop of this synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).

- S14.14.** Ordained ministers 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.
- S14.15.** The parochial 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 his or her hands in good order by a departing pastor before:
- a. installation in another field of labor, or
 - b. the issuance of a certificate of dismissal or transfer.
- S14.16.** The pastor shall make satisfactory settlement of all financial obligations to a former congregation before:
- a. installation in another field of labor, or
 - b. the issuance of a certificate of dismissal or transfer.
- S14.17.** 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 ordained ministers who may assist shall refrain from exerting influence in the selection of a pastor. Upon completion of service, the interim pastor and the secretary of the congregation shall certify to the bishop of this synod that the parochial records, for the period which the interim pastor was responsible, are in order.
- S14.18.** With the approval of the synodical 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 +S14.13., a congregation may call a pastor for a specific term of years. 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 +S14.13.
- S14.21.** All ordained ministers under a call shall attend meetings of the Synod Assembly, and the pastors of congregations shall also attend the meetings of the conference to which the congregation belongs.
- S14.30. Official Rosters of Laypersons**
- +S14.31.** The provisions in the churchwide documents and such provisions as may be developed by the Division for Ministry governing associates in ministry, deaconesses, and diaconal ministers of this church shall apply in this synod.
- a. When a congregation of this synod desires to call an associate in ministry, deaconess, or diaconal minister or a candidate for these official rosters of laypersons of this church:

- 1) Such a congregation of this synod shall consult the synodical bishop before taking any steps leading to extending such a call.
 - 2) Issuance of such a letter of call shall be in accord with criteria, policies, and procedures developed by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.
 - 3) When the congregation has voted to issue a call to an associate in ministry, deaconess, or diaconal minister, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.
- b. An associate in ministry, deaconess, or diaconal minister shall confer with the bishop of this synod before accepting a call within this synod.
 - c. The call of a congregation, when accepted by an associate in ministry, deaconess, or diaconal minister, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the individual, shall be terminated only following consultation with the synodical bishop in accordance with policy developed by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.
 - d. Associates in ministry, deaconesses, and diaconal ministers on the roster of this synod who are serving under call shall attend meetings of the Synod Assembly.

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 units that share responsibly in God's mission, all share in the responsibility to develop, implement, and strengthen the financial support program 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 and thus partnership in 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 of each congregation's mission support as determined by the Churchwide Assembly to the treasurer of the Evangelical Lutheran Church in America.

+S15.12. The annual budget of this synod shall reflect the entire range of its own activities and its commitment to partnership funding with other synods and the churchwide organization. Unless an exception is granted upon the request of this synod by the Church Council, each budget shall include the percentage of congregational mission support assigned to it by the Churchwide Assembly.

- 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 synodical 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. The financial reports shall be in the format approved from time to time by the Office of the Treasurer.
- +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 section +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 +16.04., 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 section +S16.01. or section +S16.02.

+16.04. When written charges against an ordained minister or a layperson on an official roster 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 synodical bishop or when written charges against a congregation are made in disciplinary proceedings by the Synod Council or the synodical 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 decided by the Synod Council.

Chapter 17. ADJUDICATION

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

+S17.02. The synodical bishop and the Executive Committee of the Synod Council shall receive expressions of concern from ordained ministers, associates in ministry or other persons on the official lay roster 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 the matter at issue cannot be resolved in this manner, the prescribed procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to the discipline of an ordained minister or a person on the official lay roster 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 among units of this synod on a substantive issue that cannot be resolved by the parties, the aggrieved party or parties may appeal to the synodical bishop and the Executive Committee of the Synod Council for a consultation. If this consultation fails to resolve the issue, a petition may be addressed by the parties to the Synod Council requesting it to arbitrate the issue. The decision of the Synod Council shall be final.

+S17.04. When a component or beneficiary of a synod has a disagreement on a substantive issue that it cannot resolve, it may address an appeal to the synodical bishop and the Executive Committee of the Synod Council. 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 among factions within a congregation on a substantive issue that cannot be resolved by the parties, members of a congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of this synod shall consider the matter. If the Consultation Committee of this synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose 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 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 simple 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. An amendment may be adopted by a two-thirds vote at a regular meeting of the Synod Assembly after having been presented in writing at the previous regular meeting of the Synod Assembly over the signatures of at least 50 members and been approved by a two-thirds vote of the voting members present and voting at such a 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.