

FAQ – How Do We Leave the ELCA?

2009 Version

We hope no congregation will leave our synod. But we also want to help provide a road map that helps people see the path of “good order” to terminate our relationship in a way that respects the ELCA Constitution and the local congregation’s constitution.

An ELCA congregation must look to the ELCA Constitution provision 9.62 for the process to be followed when the congregation seeks to leave this church body. No matter what a particular congregation's constitution may say or not say about withdrawal from membership, the ELCA Constitution 9.62 speaks to all such discernment about bringing to an end of congregational membership in the ELCA. Related provision *C7.04 in the Model Constitution is a "condensed" version of 9.62 in the ELCA Constitution. Ownership of a congregation's property is addressed in 9.70 and 9.71 of the ELCA Constitution.

The most important requirements of 9.62 are...

- ✦ that two congregational meetings are necessary,
- ✦ at least 90 days apart, and
- ✦ "consultation" with the synod bishop is mandated, as well as
- ✦ At least a two-thirds majority vote in both meetings.
- ✦ These special congregational meetings must be legally called and constituted based on the congregational constitution, and
- ✦ the synod bishop or designee must attend the second meeting.

It is in everyone’s self interest and the Gospel’s interest that we work through this process with care and respect as followers of Jesus.

If the congregation was formerly LCA or was established by ELCA, then Synod Council approval of termination is required under 9.62 g. or h.

Synod approval also comes into play under 9.71.e., whenever a congregation is seeking to become independent or non-Lutheran. The "synodical process" referenced there is "established" by the Synod Council to deal with the congregation; typically the Council appoints a sub-committee or the Executive Committee to investigate the situation. Such a process could also be used under 9.62 g. or h.

Mutual conversation and consultation leads to the best process and outcome for all parties regardless of what the final decision will be. Hard decisions are best made with careful attention to process.

In the recent history of our synod some congregations have decided to leave and some have decided to stay after the consultation process and the taking of a second vote. We again want to state that we pray and hope that your congregation will not leave our church body. We will

be a weaker body without the gifts God has given your congregation to share with our synod's congregations.

ELCA Web Site for Constitutions

<http://www.elca.org/Who-We-Are/Our-Three-Expressions/Churchwide-Organization/Office-of-the-Secretary/ELCA-Governance/Constitutions-of-the-Evangelical-Lutheran-Church-in-America.aspx>

ELCA Constitution Provisions

9.22. All congregations of this church shall abide by the provisions of 9.21., 9.62., and 7.46. The judgment on whether a congregation meets the criteria listed in 9.21. shall be made by this church through the synod of this church in whose territory the congregation is located.

9.60. TERMINATION OF RELATIONSHIP

9.61. The relationship between a congregation and this church may be terminated in one of the following ways:

- a. The congregation takes action to dissolve.
- b. The congregation ceases to exist.
- c. The congregation is no longer recognized by this church under the disciplinary provisions of Chapter 20.
- d. The congregation terminates its relationship according to the procedure outlined in 9.62.
- e. The membership of the congregation becomes so scattered or diminished in numbers as to make it impracticable for such congregation to fulfill the purposes for which it was organized. In such case, the synod, in order to protect the property from waste and deterioration, through the Synod Council or 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 the synod. The congregation shall have the right to appeal the decision to the Synod Assembly.

9.62. A congregation may terminate its relationship with this church by the following procedure:

- a. A resolution indicating desire to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds majority of the voting members present.
- b. The secretary of the congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
- c. The bishop of the synod shall consult with the congregation during a period of at least 90 days.
- d. If the congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting

members present, at which meeting the synodical bishop or an authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.

e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between the congregation and this church shall be terminated.

f. Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.

g. Congregations which had been members of the Lutheran Church in America shall be required, in addition to the foregoing provisions in 9.62., to receive synodical approval before terminating their membership in this church.

h. Congregations that are established by the Evangelical Lutheran Church in America shall be required, in addition to the foregoing provisions in 9.62., to receive synodical approval before terminating their membership in this church.

9.70. OWNERSHIP OF PROPERTY

9.71. Subject to the provisions of 9.52., the following shall govern the ownership of property by congregations of this church:

a. Title to property shall reside in the congregation. The congregation may dispose of its property as it determines, subject to any self-accepted indebtedness or other self-accepted restrictions.

b. Title to the undisposed property of a congregation that ceases to exist shall pass to the synod of this church to which the congregation is related.

c. Title to the property of a congregation that is no longer recognized by this church as a result of discipline shall continue to reside in the congregation.

d. Title to the property of a congregation that has acted to terminate its relationship with this church by the provisions of 9.62. to relate to another Lutheran church body shall continue to reside in the congregation.

e. Title to the property of a congregation that has acted to terminate its relationship with this church by the provisions of 9.62. to become independent or to relate to a non-Lutheran church body shall continue to reside in the congregation only with the consent of the Synod Council.

The Synod Council, after consultation with the congregation by an established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of the congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of this church.

Model Congregation Constitution

***C6.05.** This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:

a. A resolution indicating the desire of this congregation to terminate its relationship must be adopted at a legally called and conducted special meeting of this congregation by a two-thirds majority of the voting members present.

b. The secretary of this congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the resolution to voting members of this congregation. This notice shall be submitted within 10 days after the resolution has been adopted.

c. The bishop of the synod shall consult with this congregation during a period of at least 90 days.

d. If this congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the bishop of the synod or an authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.

e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between this congregation and the Evangelical Lutheran Church in America shall be terminated.

f. Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.

g.1 Since this congregation was a member of the Lutheran Church in America, it shall be required, in addition to the foregoing provisions in to receive synodical approval before terminating its membership in the Evangelical Lutheran Church in America.

h.2 Since this congregation was established by the Evangelical Lutheran Church in America, it shall be required, in addition to the foregoing provisions in *C6.05., to receive synodical approval before terminating its membership in the Evangelical Lutheran Church in America.

***C7.04.** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.