

2019 Montana Synod Assembly  
Proposed Rules of Organization and Procedure

**Part one - Authority and Duties**

**S. 7.01** 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.

**S7.11.11.** The Synod Assembly shall meet annually at a time and place set by the Synod Council in consultation with the bishop.

**S7.11.12.** Biennially, the Synod Assembly shall meet in conjunction with the Synod Theological Conference. On these years the business conducted by the Synod Assembly shall be limited to elections, approval of a budget, oral reports by the bishops of the ELCA and the synod, reception and/or approval of written reports, and any other business considered essential by the Synod Council, synod bishop, or a majority of the members of the Synod Assembly present and voting.

**S7.11.13.** The Synod Theological Conference shall meet biennially in conjunction with the Synod Assembly. Notice of the Theological Conference shall be included with the notice of the Synod Assembly. Planning for the Synod Theological Conference shall be the responsibility of the Synod Council.

**Part two - Members of the Assembly**

**S. 7.21** The membership of the Synod Assembly, of which at least 60 percent of the voting membership shall be composed of laypersons, shall be constituted as follows:

- a. All ordained ministers under call on the roster of this synod in attendance at this Synod Assembly shall be voting members.
- b. All deacons of the Evangelical Lutheran Church in America, under call, on the official lay roster 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 \*S7.21c.
- 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.

**S 7.22** The synod may establish processes that permit retired ordained ministers, retired deacons on the roster of this synod to serve as voting members of the Synod Assembly, consistent with \*S7.21.c. above.

**S 7.22.01** All retired ordained ministers, retired deacons on the roster of this synod shall be voting members of the Synod Assembly.

**S 7.23** All ordained ministers and all deacons on leave from call, not elected as members, 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 Assembly or the Synod Council shall from time to time designate.

**S 7.26** This synod may establish processes through the Synod Council that permit representatives of mission settings formed with the intent of becoming chartered congregations and authorized worshipping communities of the 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 worshipping 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.

**S 7.27** 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.

### **Credentials**

The Credentials Committee shall report at the beginning of each plenary session. NOTE: This rule is needed so that the voting member count can be used for the determination of the maximum number of voting members who are eligible to vote. This is especially important when votes have to be counted.

Votes for a majority or a 2/3rds majority shall be based on the number of legal votes cast of those who are eligible to vote. NOTE: the number of legal votes cast cannot exceed the number of voting members reported by the Credentials Committee.

Voting members who wish to address the assembly must wear a badge to gain access to a microphone and shall introduce themselves every time they speak with a statement identical to, or similar with, the following:

“NAME, voting member from \_\_\_\_\_ Lutheran Church of \_\_\_\_\_.”

NOTE: unless permitted by the chair, only voting members will be granted speaking privileges at the assembly. Obviously, only voting members will be granted voting privileges. The Constitution for the Montana Synod (S7.27) permits members of the Synod Council, who are not otherwise voting members of the Synod Assembly, to be granted the privilege of both voice and vote as members of the Synod Assembly.

### **Seating**

Only voting members with proper identification will be allowed to sit at the assembly tables. Visitors will be welcome to sit at the back and on the sides.

### **Part three - Procedure**

#### *Parliamentary Procedure*

**S 7.32** The Synod Assembly shall use parliamentary procedures in accordance with *Robert's Rules of Order*, latest edition, unless otherwise ordered by the assembly.

(Note: the 10<sup>th</sup> edition of *Robert's Rules of Order Newly Revised*, is, therefore, the governing parliamentary law of this church, except as otherwise provided).

No motion shall be out of order because of conflict with federal, state, or local constitutions or laws.

#### *Proxy and Absentee Voting*

**S 7.31** Proxy and absentee voting shall not be permitted at a Synod Assembly.

#### *Obtaining the Floor*

In plenary sessions of the Synod Assembly, the voting members, including the *ex officio* members, have prior right to obtain the floor, unless the chair determines that it is in the best interests of the assembly to call upon an advisory member, a resource member, or another individual with voice.

#### *Speeches*

Unless otherwise determined by a majority vote of the assembly, all speeches during discussion shall be limited to three minutes. A signal shall be given one minute before the speaker's time ends. A second signal shall be given one minute later, and the speaker shall then sit down.

#### *Alternating Speeches*

Insofar as is possible during discussion, a speaker on one side of the question shall be followed by a speaker on the other side.

To facilitate alternating speeches, assembly members awaiting recognition at the floor microphones shall approach the appropriate microphone marked and color-coded for, against, undecided.

#### *Purpose and Use of 'White Card'*

A white card, provided in the registration packet of voting members, is to be used to identify a member who wishes to offer an amendment to the pending matter, or some other motion that would be in order. White cards can also be used at the third mic, to make a comment or ask a question not for or against.

#### *Suspending or Revising the Rules*

After the adoption of the Rules of Organization and Procedure and any amendments thereto offered prior to the adoption of the Rules, any further amendment to, revision in, or suspension of, the Rules shall always require for adoption a two-thirds vote of the members present and voting.

#### *Moving the Previous Question*

A member who has spoken on the pending question(s) may not move the previous question(s).

#### *Applause*

In the give-and-take of debate on issues before the Synod Assembly, members of the assembly and visitors shall refrain from applause.

#### *Departing from Agenda*

With consent of a majority of the voting members, the chair shall have the authority to call items of business before the assembly in whatever order he or she considers most expedient for the conduct of the assembly's business.

A motion to alter the agenda shall require for adoption a two-thirds vote of the voting members present and voting.

#### *Unfinished Business*

Upon adjournment of the Synod- Assembly all remaining unfinished items of business shall be referred to the Synod Council of the Montana Synod.

### **Part four - Resolutions and Memorials**

Resolutions submitted by the April 15th deadline will be considered by the Resolutions Committee and presented to the Synod Assembly, if appropriate. Other resolutions will be dealt with as time permits.

#### *Regarding communication with Churchwide*

The Montana Synod Assembly may only address the ELCA Churchwide Assembly by means of a **memorial**. References: ELCA Constitution 12.11.c and ELCA Bylaw 12.51.21. This bylaw states that a Memorials Committee shall review memorials from synodical assemblies and make appropriate recommendations for assembly action.

The Montana Synod Council may only address the ELCA Church Council by means of a **resolution**. ELCA Bylaws 14.21.11 and 14 pertain to resolutions sent to the Church Council (which involves a report to the Churchwide Assembly). ELCA Bylaw 14.41.11 pertains to resolutions sent to the Executive Committee of the Church Council with referral to, and additional action to be taken by, the appropriate churchwide unit.

The memorial route is the most direct route to the churchwide assembly, but, at the same time, it is perhaps the least effective route. The churchwide Memorials Committee has to work through hundreds of memorials from synod assemblies. Consequently, most memorials (especially if they are poorly written) wind up with a “do not pass” recommendation. However, reworked resolutions from the ELCA Church Council or a churchwide unit have a tendency to meet with a much more favorable review.

## **Part five - Amendments to Governing Documents**

### **S 18.10** Amendments to the Constitution

**S 18.11** Certain sections of this constitution incorporate and record therein required provisions of the constitution and bylaws of this church. If such provisions are amended by this church, 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.

**S 18.12** 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.

**S 18.13** 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 20 members and having 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.

**S 18.21** This synod may adopt bylaws not in conflict with this constitution nor with the constitution and bylaws of this church. 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.

## **Part six: Election of a Bishop**

**S 9.04** The bishop shall be elected by the Synod Assembly by ecclesiastical ballot. Three-fourths of the legal votes cast shall be necessary for election on the first ballot. If no one is elected, the first ballot shall be considered the nominating ballot. Three fourths of the legal votes cast on the second ballot shall be necessary for election. The third ballot shall be limited to the seven persons (plus ties) who received the greatest number of legal votes on the second ballot, and two-thirds of the legal votes cast shall be necessary for election. The fourth ballot shall be limited to the three persons (plus ties) who receive the greatest number of legal votes on the third ballot, and 60 percent of the legal votes cast shall be necessary for election. On subsequent ballots a

majority of the legal votes cast shall be necessary for election. These ballots shall be limited to the two persons (plus ties) who receive the greatest number of legal votes on the previous ballot.

*Definition of Ecclesiastical Ballot—Adopted by ELCA Church Council in 1994*

“To define an “ecclesiastical ballot” for the election of a bishop in synods of the Evangelical Lutheran Church in America as an election process:

1. in which on the first ballot the name of any eligible individual may be submitted for nomination by a voting member of the assembly;
2. through which the possibility of election to office exists on any ballot by achievement of the required number of votes cast by voting members of the assembly applicable to a particular ballot;
3. that precluded spoken floor nominations;
4. in which the first ballot is the nominating ballot if no election occurs on the first ballot;
5. in which the first ballot defines the total slate of nominees for possible election on a subsequent ballot, with no additional nominations permitted;
6. that does not preclude, after the reporting of the first ballot, the right of persons nominated to withdraw their names prior to the casting of the second ballot;
7. in which any name appearing on the second ballot may not be subsequently withdrawn;
8. that does not preclude an assembly’s adoption of rules that permit, at a defined point in the election process and for a defined period of time, speeches to the assembly by nominees or their representatives and/or a question-and-answer forum in which the nominees or their representatives participate; and
9. in which the number of names that appear on any ballot subsequent to the second ballot shall be determined in accordance with the provisions of the governing documents (or, if the governing documents are silent, in accordance with the rules adopted by the assembly.)

*Additional Rules and procedures for the Election of a Bishop*

1. Biographical information: Biographical information on the seven nominees (plus ties) who received the greatest number of votes on the second ballot, submitted on a form determined by the Synod Council, shall be distributed to voting members prior to the casting of the third ballot for bishop.
2. Disclosure form and background checks: **S 9.12** “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 background checks and screening shall be determined by the Synod Council.” In addition, nominees will be required to fill out a disclosure form at the time of filling out the biographical information form.
3. Speeches by Nominees: Prior to the third ballot for bishop, the seven persons (plus ties) who received the greatest number of votes on the second ballot will be invited to address the assembly, with each speech limited to five minutes. If any such person is not present at the assembly, the individual may address the assembly telephonically or may designate an alternate to speak on her or his behalf. A timekeeper shall indicate to the speaker when 30 seconds remain of the allocated time and when the allocated time has elapsed. The sequence of the speeches shall be determined by lot.
4. Questions: Prior to the fourth ballot for bishop, the three persons (plus ties) who received the greatest number of votes on the third ballot will be invited to participate in a question-and-answer period. The period shall be moderated by the vice president. The questions shall be asking in rotating order of the nominees, and the same questions will be asked to each nominee. Each nominee shall have a maximum of 90 seconds to respond to each question. A timekeeper shall indicate to the speaker when 30 seconds of the allotted time and when the allotted time has ended. The Bishop’s Election

committee will determine the questions to be asked, based on responses to the Synod survey as well as questions from Assembly Voting Members submitted to the Vice President by May 1.

5. Election of a Bishop: The representative of the churchwide organization shall preside over the assembly whenever the assembly is in session and considering business related to the election of the synod bishop, or when the assembly is casting ballots in this election. Upon the conclusion of balloting or of specific business related to the election, the bishop shall resume presiding over the assembly.

Approved by Synod Council 2/23/19