

## **CONSTITUTION**

### **EASTERN SYNOD EVANGELICAL LUTHERAN CHURCH IN CANADA**

*Revised 2010*

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## **ARTICLE I**

### ***Name and Incorporation***

Section 1. The name of the synod functioning under this constitution shall be Eastern Synod of the Evangelical Lutheran Church In Canada.

Section 2. The synod shall be incorporated under the laws of Canada.

Section 3. The seal of the Eastern Synod shall consist of a cross, encircled by the words "Eastern Synod Evangelical Lutheran Church in Canada". The bishop shall have custody of the seal.

## **ARTICLE II**

### ***Territory***

Section 1. The territory of this synod shall be the Province of Ontario, east of 86 degrees longitude and the Province of Quebec, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland.

## **ARTICLE III**

### ***Confession of Faith***

Section 1. This synod confesses the Triune God - Father, Son and Holy Spirit - as the one true God. It proclaims the Father as Creator and Preserver; His Son, Jesus Christ, as Redeemer and Lord; and the Holy Spirit as Regenerator and Sanctifier.

Section 2. This synod confesses that the gospel is the revelation of God's saving will and grace in Jesus Christ, which he imparts through Word and sacrament. Through these means of grace the Holy Spirit creates believers and unites them with their Lord and with one another in the fellowship of the holy Christian church.

Section 3. This synod confesses the scriptures of the Old and New Testament as the inspired Word of God, through which God still speaks, and as the only source of the church's doctrine and the authoritative standard for the faith and life of the church.

Section 4. This synod subscribes to the documents of the Book of Concord of 1580 as witnesses to the way in which the holy scriptures have been correctly understood and explained and confessed for the sake of the gospel, namely:

- a. The Apostles', the Nicene, and the Athanasian creeds as the chief confessions of the Christian faith;
- b. The Unaltered Augsburg Confession as its basic formulation of Christian doctrine;
- c. Luther's Small Catechism as a clear summary of Christian doctrine;
- d. The Apology of the Augsburg Confession, Luther's Large Catechism, the Smalcald Articles with the Treatise, and the Formula of Concord as further witnesses to the Unaltered Augsburg Confession.

## ARTICLE IV

### *Mission*

Section 1. As the regional expression of the Evangelical Lutheran Church In Canada and in faithfulness to the Lord of the Church, this synod shall facilitate and advance the mission of this church within its territory. Guided and empowered by the Holy Spirit, it shall carry out this mission by shepherding its congregations and ordained ministers, and by engaging in other forms of ministry which proclaim God's Word and serve to bring reconciliation to the world.

Section 2. In seeking to achieve its mission, this synod shall:

- a. Organize, recognize, receive, release and exclude congregations and approve or disapprove of relocation or merger of congregations;
- b. Ordain, receive, nurture, support and discipline ordained ministers;
- c. Recruit, approve, supervise and support ministerial candidates;
- d. Co-operate with this church to provide for theological education at Waterloo Lutheran Seminary, Waterloo, Ontario, and elect the members to its board of governors;
- e. Provide for higher education for the members of this church and others and for ministry to persons engaged in higher education at universities and colleges on its territory;
- f. Encourage congregational evangelism and works of mercy;
- g. Encourage congregational programs for justice and service;
- h. Maintain and support social and health care service agencies and institutions in accordance with the standards adopted by the church;
- i. Co-operate with the church and other organizations or groups in activities that promote justice and reconciliation, meet human need and alleviate suffering;
- j. Interpret and support the nation-wide and world-wide work of the church through effective co-operation with this church.
- k. Acknowledge the official auxiliaries as partners in carrying out the mission of the church;
- l. Participate in a provincial council of churches and similar co-operative, province-wide Christian movements which have been approved by the church as adhering to sound principles;
- m. Adjudicate appeals from congregational discipline in accord with the procedure in ARTICLE VI, Section 11;
- n. Administer the synod as stipulated in the constitution and bylaws of the church and this synod;
- o. Carry out such other ministries which may be identified by the synod or by the Evangelical Lutheran Church In Canada.

## ARTICLE V

### *Membership*

Section 1. The membership of this synod consists of member congregations; baptized individuals who are members of a congregation shall exercise their privileges and responsibilities through participation in the congregation in which they are members.

Section 2. The synod at its organizational meeting shall recognize those congregations on its territory that are recognized by the Evangelical Lutheran Church In Canada and certified to it by the secretary of this church.

Section 3. Additional congregations may be recognized by the synod acting on behalf of this church in the manner described in the constitution and bylaws of this church.

Section 4. The synod may revoke its recognition of any congregation in the manner described in the constitution and bylaws of this church.

## **ARTICLE VI**

### ***Congregations***

Section 1. Every congregation which is recognized by this synod shall have a constitution which, in the judgment of the synod council, is in harmony with the constitution and bylaws of this church and of the synod.

Section 2. Every parish not represented by an ordained minister shall elect a lay delegate to the convention of this church. If a parish has more than eight hundred baptized members two lay delegates shall be elected, unless a pastor of the parish has been chosen by the conference, in which case one lay delegate shall be elected.

Section 3. Every congregation of the synod shall choose a delegate or delegates to represent it at conventions of the synod and at meetings of the conference to which the congregation is assigned. An alternate or alternates may act in the stead of the delegate or delegates in the event of their absence.

Section 4. Congregations shall have the right to petition this synod, according to procedures set forth in the bylaws.

Section 5. When a pastor resigns, the congregational council shall receive the resignation, report it to the congregation and notify the bishop of the synod.

Section 6. The alignment of congregations in pastoral charges shall be subject to approval by the synod council.

Section 7. The approval of this church or a convention of the synod or of its council shall be required for the solicitation of funds from congregations for institutions, agencies and causes of this church.

Section 8. When strife and division in a congregation are made known to the Bishop, the Bishop, in consultation with Synod Council, may appoint a consultative committee of two ordained ministers and two lay persons from outside the congregation to investigate. Upon receipt of the committee's report, the Bishop may recommend appropriate action to the congregational council and/or the congregation where a majority vote shall adopt.

Section 9. A congregation desiring to withdraw from this church shall require a two-thirds majority vote at any legally called and conducted meeting. Such a decision shall not be effective until at least ninety days after the bishop has been notified and until the initial action has been ratified by a two-thirds majority vote at a subsequent legally called and conducted meeting.

Section 10. A congregation which has ceased to exist or whose membership has so diminished in numbers as to render it impossible or impractical for the congregation to function according to its constitution and bylaws shall, after consultation with any remaining members, be deemed by the synod of which it was a part to be defunct. The synod through the synod council shall appoint

trustees, including where feasible former members of the congregation, who shall take charge and control of the property of said congregation to hold, manage and convey the same on behalf of this synod.

Section 11. A lay member of any congregation may appeal to the synod from the disciplinary action of the congregation. All such appeals must be made in writing to the bishop within thirty days after the action has been taken. Copies of said appeal shall be transmitted by the appellant to the pastor and to the secretary of the congregation. The bishop shall appoint a special committee to investigate the appeal. The decision of the committee shall be final and reported to the appropriate parties.

## **ARTICLE VII**

### ***Ordained Ministers***

Section 1. Ordination of approved candidates shall normally take place in connection with a convention of the synod. The time and place of all ordinations shall be designated by the bishop.

Section 2. Every pastor shall preach the Word, administer the sacraments and conduct public worship in harmony with the faith and practices of the church; shall baptize, confirm and marry in accordance with the teaching of the church and with the laws of the province; shall visit the sick and distressed and bury the dead; shall inculcate piety in individual and family life and provide pastoral leadership to all schools and auxiliary organizations of the congregation, shall install members of the congregational council, and with the council, administer discipline; shall seek out and encourage qualified persons to prepare for the ministry of the gospel and strive to extend the kingdom of God in the community, at home and abroad; and shall encourage the members to be generous in support of the ministry of the congregation. the synod and the church.

Section 3. Every pastor shall keep accurate membership records including baptisms, confirmations, marriages, burials and communicants, and shall submit a report of such statistics annually to the secretary of the synod on forms provided by this church. The parish records shall be kept in a separate book which shall remain the property of the congregation.

Section 4. When members move, the pastor shall commend them to the pastoral care of the parish in which their new home is located.

Section 5. Each congregation shall consult the bishop of the synod before taking any steps leading to the extending of a call to a prospective pastor.

Section 6. Upon receiving a call to another ministry, the pastor shall consult with the bishop and the chairperson of the congregational council before a decision is reached. The pastor shall inform the congregation and the bishop of the decision on the call within thirty days of official notice. When a call has been accepted, the pastor shall terminate the ministry within two months unless an extension has been agreed upon by the pastor and the congregational council.

Section 7. The regular call of a congregation when accepted by a pastor shall constitute a relationship which shall be terminated only for the following causes: a) the resignation of the pastor; b) disqualification of the pastor through discipline; c) division, dissolution, or realignment of a pastoral charge; d) the physical or mental incapacity of the pastor; e) continued neglect of ministry; f) inability to conduct the pastoral office satisfactorily in that parish in view of local conditions, without reflection on the moral and spiritual character of the pastor.

In the last three contingencies, when such difficulties are made known, the bishop may, following consultation with the conference dean, appoint an advisory committee of two ordained ministers and two lay members to investigate. Upon the request of the congregational council or the receipt of a

petition signed by at least one-third of the voting members of the congregation, the bishop shall appoint such an advisory committee to investigate.

In case of alleged physical or mental disability, medical testimony shall be secured. When such incapacity is evident, the bishop, on the advice of the committee and with concurrence of the congregational council, shall declare the pastorate vacant. Upon the restoration of such a pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labour.

In case of alleged neglect of ministry or of local conditions which imperil the well-being of the congregation, all those concerned shall be heard, after which the bishop of the synod together with the advisory committee shall counsel with the pastor and the congregation on a proper course of action. Such counsel shall be offered out of Christian love and is not to be regarded as an act of discipline. After such counsel, if the problem has not been resolved, the congregation may terminate the call by majority vote. The bishop of the synod at any point in the foregoing proceedings, with the concurrence of the congregational council, may suspend the pastor from the functions of the ministry within the congregation, pending completion of the formal proceedings.

The foregoing procedure shall never be invoked when questions of doctrine or morality are involved, all such cases being treated as disciplinary matters.

Section 8. No ordained minister shall preach or perform any ministerial act within the parish of another pastor except at the latter's request or consent, or visit or perform ministerial acts in a time of a pastoral vacancy except by invitation of its congregational council.

Section 9. During a pastoral vacancy, an interim pastor shall be selected by the congregational council after consultation with the bishop. The interim pastor shall have the responsibility of a regularly called pastor. All interim and supply pastors shall refrain from exerting influence in the call process of the congregation.

Section 10. All ordained ministers serving under call shall attend all conventions of the synod and the meetings of the conferences to which they belong.

## **ARTICLE VIII**

### ***Lay Diaconal Ministers***

Section 1. This synod shall establish a roster of Lay Diaconal Ministers.

Section 2. The standards of admission and continuance on the roster of lay diaconal ministers shall be defined in the administrative bylaws of this church.

## **ARTICLE IX**

### ***Full Communion Provisions***

Section 1. Ordered ministers of churches with which this church has a full communion agreement, who are serving in this church under the provisions of that full communion agreement, shall have the same rights and privileges as the equivalent order of ministry in this church.

## **ARTICLE X**

### ***The Conferences***

Section 1. This synod shall be organized regionally into conferences whose number and boundaries are to be determined by the synod upon recommendation of the synod council.

Section 2. The purpose of the conferences shall be to:

- a. Encourage fellowship among ordained ministers and congregations;
- b. Arrange opportunities for the study of the holy scriptures and Christian doctrine;
- c. Assist the synod in planning, promoting and implementing the mission of the church;
- d. Respond in consultation with the synod to particular needs within its territory;
- e. Elect the required number of ordained ministers as delegates to the conventions of this church.
- f. Elect or appoint a youth delegate to the conventions of the synod.

Section 3. A conference may adopt for itself any bylaws not in conflict with the constitution and bylaws of the synod.

Section 4. Each conference shall hold an annual business meeting at a time and place set by the conference. Conferences shall designate their own quorums.

Section 5. Each conference shall have the right to petition the synod according to procedures set forth in the bylaws.

Section 6. Each conference shall elect from its membership a dean, a secretary, a treasurer (or secretary-treasurer) and at least two other persons who shall constitute a conference council. Election shall be for a two-year term. The dean, who shall serve as chairperson, shall be an ordained minister.

Section 7. The conference council shall fill any vacancies in its membership until the next business meeting of the conference. In the event of the resignation of a conference dean, an interim dean shall be appointed by the bishop in consultation with the conference council. Terms of service completed in fulfillment of vacant conference council positions shall not be included for the purposes of determining eligibility for further election.

Section 8. The dean of each conference shall make a written report to the synod through the bishop's report.

Section 9. The deans of the conferences and the bishop shall meet at least once a year for spiritual renewal and the discussion of programs, plans and problems affecting conferences and the synod. Except where otherwise provided in this constitution and its bylaws, the function of such a meeting shall be consultative and advisory.

Section 10. The conference council shall be authorized to receive and hold funds from congregations for the purpose of defraying reasonable administrative expenses related to the work of the conference. A printed financial report shall be presented at all regular business meetings of the conference.

## **ARTICLE XI**

### ***Conventions***

Section 1. The convention of the synod shall be its highest legislative authority.



Section 2. The regular convention of the synod shall normally be held either biennially between national conventions or annually at a time that is at least forty-five days before or forty-five days after the biennial convention of this church.

Section 3. Special conventions for specified purposes may be called by the bishop to be held within ninety days of receiving a request in writing from two-thirds of the members of the synod council and shall be called by the bishop at the request of the synod council or one-fifth of the synod's congregations and one-fifth of those on its roster of ordained ministers under call.

Section 4. The secretary shall publish the time and place of each regular convention at least six months in advance. The secretary shall give written notice of a special convention to each congregation and each ordained minister and shall publish the same at least thirty days prior to the opening date of the convention.

Section 5. One-third of the eligible voting members shall constitute a quorum.

Section 6. The eligible voting membership of conventions shall consist of:

- a. One lay delegate from each congregation and, from congregations having more than 400 baptized members, one lay delegate for each additional 400 baptized members or major fraction thereof;
- b. Ordained ministers and lay diaconal ministers on the roster of synod, lay officers of synod, and lay members of synod council;
- c. One youth delegate selected from each conference, who shall be at least fifteen years of age and less than twenty-two years of age at the date of appointment and at the date of the convention.

Section 7. The voting membership at a special convention shall be those who were seated in the preceding regular convention provided that they have not been disqualified by termination of membership in the congregation they represented. Vacancies in this voting membership shall be filled according to the constitution or bylaws of the synod.

Section 8. The bishop of the Evangelical Lutheran Church in Canada and such other official representatives of this church as may be designated by the national church council shall have seat and voice in the conventions of the synod. Like privileges shall be accorded to the presidents of synodical units of official auxiliaries of this church throughout each convention and, in connection with their reports, to the chairpersons of synodical committees, to representatives of institutions and agencies related to or officially recognized by the synod.

Section 9. All arrangements for worship services or public meetings shall be made in consultation with the bishop.

Section 10. The secretary shall send out a bulletin of reports to all voting members at least thirty days before each regular convention.

Section 11. The synod council shall prepare the proposed agenda.

## **ARTICLE XII**

### ***Synod Council***

Section 1. The membership of the synod council shall be the officers of the synod together with 12 additional members consisting of an equal number of ordained ministers and lay persons elected by the convention to serve for four years in such manner that the terms of one-half of the elected members shall expire each biennium. There shall be at least one ordained minister or lay person

from each conference. No elected member shall be eligible for more than two consecutive four-year terms.

Section 2. The officers of the synod shall be the officers of the synod council.

Section 3. The synod council shall:

- a. Plan, co-ordinate, supervise and evaluate the activities of the synod in carrying out its mission and ministry;
- b. Be the directors of the corporation and trustees for the synod;
- c. Represent the synod and attend to its business between conventions;
- d. Elect executive staff if and when such positions are created by the synod in convention;
- e. Issue letters of call to ordained ministers who are full-time officers or staff officials of the synod, or who are called to special service;
- f. Provide for an annual review of the rosters of ordained ministers and congregations;
- g. Determine the time and place for each convention and prepare its proposed agenda and programs;
- h. Recommend annual budgets to the regular conventions;
- i. Set the salaries of the bishop and staff of the synod;
- j. Elect the representatives to the governing bodies of inter-church agencies to which the synod is related;
- k. Fill vacancies until the next convention except as otherwise provided, with terms of appointment to vacant council positions not considered in determining eligibility for further election;
- l. Determine the fact of the incapacity of an officer of the synod according to the procedures in the constitution and bylaws of this church;
- m. Report its actions to the regular conventions;
- n. Approve candidates for call, ordination and admission to the roster of ordained ministers;
- o. Perform the additional duties prescribed in the constitution, bylaws and resolutions of the synod.

Section 4. The synod council shall have at least two regular meetings annually. Special meetings may be called by the bishop of the synod or, in the case of the bishop's death or removal, by the vice-chairperson. A majority of the members of the synod council shall constitute a quorum.

Section 5. Every member of synod council and officer and their heirs, executors and administrators and estate and effects, respectively, shall from time to time and at all times be indemnified and saved harmless out of the funds of this synod and this church from and against all costs, charges and expenses whatsoever that any such member or officer sustains or incurs or about any action, suit or proceeding that is brought, commenced or prosecuted against any of the aforementioned for or in respect of any act, deed, omission, matter or thing whatsoever made, done or permitted by them in or about the execution of the duties of their office; and all other costs, charges and expenses that any sustain or incur in or about or in relation to the elected position to synod council or office of this synod, except such costs, charges or expenses as are occasioned by their own willful neglect or default.

## **ARTICLE XIII**

### ***Officers***

Section 1. The officers of the synod shall be a bishop, a vice-chairperson, a secretary and a treasurer. The bishop shall be on the roster of ordained ministers of this church and shall serve full time in office. At least two of these officers shall be lay members of this church.

Section 2. The officers shall be elected by the synod convention for a term of four years according to procedures established in the bylaws. All officers shall serve until their successors assume office.

Section 3. Should a vacancy occur ad interim in any of the offices, with the exception of the office of bishop, the synod council is empowered to fill the same until the next regular convention or to call a special convention to fill the vacancy. Each election in any of the offices, including the office of bishop, if by a regular convention shall be for a full term of office, and if by a special convention shall be for a term of office concluding at a regular convention not less than two years hence and not more than four years hence.

Section 4. The terms of the officers shall begin on the first day of the second full month following election, unless otherwise determined by convention action.

Section 5. The recall or dismissal of an officer of the synod shall follow the procedure set out in the constitution and bylaws of this church.

Section 6. Assistants to the officers, if and when such positions are created by the synod in convention, shall be elected by the synod council on nomination by the officer concerned. Such persons may be recalled or dismissed on proper notice by the action of the synod council. They shall be ineligible for membership on the council.

Section 7. The bishop shall:

- a. Serve as leader and counsellor to the congregations, ordained ministers and conferences of the synod;
- b. Convene and preside over conventions of the synod and the meetings of the synod council;
- c. Be its chief executive officer and oversee the offices of vice-chairperson, secretary and treasurer, co-ordinate the work of all staff of the synod, appoint all committees not otherwise provided for;
- d. Ensure that the constitution and bylaws of the synod are observed and that its resolutions are implemented;
- e. Visit the congregations and pastors of the synod and confer with them concerning their spiritual and temporal welfare;
- f. Ordain, or provide for the ordination of, all candidates accepted for the ministerial office;
- g. Install, or provide for the installation of, the pastors of all congregations of the synod and other ordained ministers called to service within the synod; induct into office the other officers of the synod;
- h. Be ex-officio member of all committees and working groups of the synod, and its chief representative on the boards of directors or trustees of all institutions in which the synod is entitled to representation;
- i. Be the custodian of the seal of the synod and attest all documents as required;
- j. Appoint the synod archivist and synod necrologist;
- k. Report and make observations and recommendations to each regular convention of the synod concerning its mission and ministry together with observations and recommendations.

Section 8. The vice-chairperson shall:

- a. Preside at the synod convention and at meetings of the Synod Council on the request of the bishop;
- b. In the event of the death, resignation or incapacity of the bishop, convene the synod council to provide for the discharge of the bishop's duties pending the election of a new bishop at a regular or special convention;
- c. Perform such additional duties as are set out in the bylaws.

Section 9. The secretary shall:

- a. Keep the minutes of all conventions of the synod, meetings of synod council and meetings of the officers of synod, be responsible for the printing and distribution of such minutes and perform such other duties as the synod may from time to time direct;
- b. Keep a roster of the ordained ministers and of the congregations of the synod;
- c. Report to the secretary of this church, additions to and subtractions from the synodical roster, issue certificates of transfer for ordained ministers who are moving to other synods and enter on the roster of the synod the names of all ordained ministers for whom such certificates of transfer have been received;
- d. Be authorized, in the name of the synod, to attest all documents as required;
- e. Deposit all papers and documents of historical value with the synod archivist;
- f. Serve as statistician of the synod, secure the parochial reports of the congregations, collate the same for annual report to the synod and make the composite figures available to the secretary of this church.

Section 10. The treasurer shall:

- a. Have charge of all the monies and accounts of the synod, its deeds, mortgages, contracts, evidences of claims and revenues, and trust funds, holding the same at all times subject to the order of the synod;
- b. Direct the investment of funds owned or held in trust by the synod in accordance with the synod's policies;
- c. Receive, record and acknowledge all offerings, contributions and legacies made to the synod, collect all interest and income from its investment funds, and disburse funds as approved and directed by the synod council;
- d. Transmit each month to the treasurer of the Evangelical Lutheran Church in Canada the funds received by the synod for the general work of the church;
- e. Inform each congregation, at least quarterly, of its record of giving to the synod;
- f. Keep an account for the conferences of the synod and disburse to them such funds as are budgeted or otherwise appropriated for their use;
- g. Present to each convention a detailed and audited report of all receipts and disbursements for the preceding fiscal year;
- h. Be bonded under the fidelity coverage provided by this church.

## ARTICLE XIV

### *Standing and Other Committees*

Section 1. There shall be standing committees as needed to carry out the work of the synod not otherwise delegated in this constitution.

Section 2. The specific duties and responsibilities of each standing committee shall be set out in the bylaws.

Section 3. Each standing committee shall include both ordained and lay members who shall be appointed by the synod council for terms of four years according to procedures set out in the bylaws. Except for ex-officio members, no person shall be eligible to serve more than two consecutive terms or shall be a member of more than one committee at the same time. For the purposes of this section, a partial term of less than two years shall not count as a term.

Section 4. The synod council may, by resolution, create other committees as it deems advisable. The synod council may, in its discretion, determine the terms of reference, membership, term of office and other characteristics of such committees.

Section 5. All committees shall be accountable to the synod council.

## ARTICLE XV

### *Theological Institution*

Section 1. This synod acknowledges its responsibility to maintain a theological seminary within the guidelines provided by this church, to strengthen this seminary spiritually and academically, and to provide for its financial support.

Section 2.

- a. The board of governors of Waterloo Lutheran Seminary, Waterloo, Ontario, shall consist of seven ordained ministers and eight lay persons elected by synod in convention for a term of three years. The bishop of synod shall be ex-officio a member of the board.
- b. Three persons of the board of governors shall be nominated to the board by the national church council. Such appointments shall be for terms of three years, spaced that, as nearly as possible, one third of the total membership of the board shall come up for reappointment each year. Those appointed by the national church council shall be ratified by an affirmative vote of election by the synod in convention.

If the vote on the election of any one of these nominees is negative, an alternative nomination shall be made by the national church council. The synod council shall be empowered to complete such election if it is unfinished at the adjournment of the convention.

- c. The board may, in consultation with the national church council, propose to the synod an increase in the number of its members, such increase to include an equal number of ordained ministers and lay persons. Any proposal for increase in the number of members of the board must have the approval of the synod.
- d. The term of office for each member of the board shall be three years except in the following cases:
  - i. Where a member is appointed to fill a vacancy, such appointment shall be by the synod council and shall be for the remainder of the term of the predecessor;

- ii. In the case of the first of any new elections in connection with increasing the number of the said board, the terms of office shall be for one, two or three years, so spaced that as nearly as possible one third of the total membership of the board shall come up for election each year.
- e. Members of the board shall be eligible to serve not more than two consecutive terms.

Section 3. The board of governors of Waterloo Lutheran Seminary, Waterloo, Ontario, shall control and manage the seminary and determine its academic and administrative affairs. The property of the seminary, both real and personal, shall be held by the board of governors in trust for and under the guidance of the Eastern Synod.

Section 4. Financial support for the seminary shall be determined by a process of consultation between the board of governors and the synod council.

Section 5. The board shall make a report to each regular convention of synod.

## **ARTICLE XVI**

### ***Auxiliaries***

Section 1. There shall be synodical units of the official auxiliaries of this church. Such units shall report to the synod council and convention. The bishop, or an appointee, shall have seat and voice at synodical unit conventions and board meetings.

## **ARTICLE XVII**

### ***Financial Matters***

Section 1. The fiscal year and the budget year of the synod shall be the calendar year.

Section 2. The annual budget and financial reports of the synod shall reflect the entire range of its activities. The income listed shall include support from all sources.

Section 3. Each budget shall approve an amount for contingency not to exceed 7% of the budget.

Section 4. There shall be an operating reserve, determined by the synod council, of no more than 15% of the following year's budget.

Section 5. Representatives of the synod council shall meet with representatives appointed by the national church to agree upon the synod's commitment goal for support of the budget of the church during the next fiscal year. These representatives shall recommend for approval by the synod and by the national church council the amount of support to be transmitted through the synod to the church.

Section 6. Special appeals to congregations for the raising of funds shall require the consent of the convention or the synod council.

Section 7. The financial accounts of the synod shall be submitted annually for audit to a chartered accountant named by the synod council.

## **ARTICLE XVIII**

### ***Bylaws***

Section 1. This synod may adopt such bylaws, not in conflict with this constitution, as may be necessary. Such bylaws may be amended at any convention by a two-thirds vote of the delegates

present and voting. At least one day shall elapse between first presentation and convention action unless unanimous consent to amend is given.

Section 2. Bylaws relating to convention procedure may be suspended by a two-thirds vote of the delegates present and voting.

## **ARTICLE XIX**

### ***Amendments***

Section 1. The Confession of Faith as stated in Article III shall be that of the Evangelical Lutheran Church In Canada.

Section 2. Amendments to this constitution shall be in writing and may be proposed by

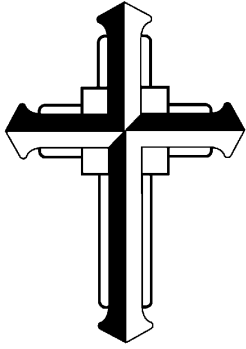
- a. The national church council
- b. The synod council
- c. A congregation of the synod
- d. Ten delegates, representing at least four conferences

Section 3. All proposed amendments must be reported to the convention no later than the first full day of business. The synod council shall make report and recommendation during that convention on all proposed amendments. Adoption of an amendment shall require passage at this and the next regular convention by a two-thirds vote of the delegates present and voting. Notice of the full text thereof shall be sent to the pastors and congregations of the synod at least one month prior to the second reading. Further amendment at the second reading shall require unanimous consent. Such amendments shall be effective upon ratification by the Evangelical Lutheran Church In Canada in convention or by its national church council.

Adopted: June 1985

Last Amended: July 2008, June 2010

Approved by National Church Council: March 2009



## **BYLAWS**

### **EASTERN SYNOD EVANGELICAL LUTHERAN CHURCH IN CANADA**

*Revised 2010*



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## **PART I**

### **Headquarters**

Section 1. The headquarters of this synod shall be located in Kitchener.

Section 2. All executive offices shall be located at the headquarters. Exceptions may be made by action of the convention upon recommendation of the synod council.

## **PART II**

### **Conferences**

(Constitution, ARTICLE X)

Section 1. The synod shall be divided into eight conferences as follows:

Atlantic, Georgian Bay, Hamilton/Niagara, Kitchener/Waterloo, London, Northern, Ottawa/St. Lawrence, and Toronto.

Section 2. All members of congregations are encouraged to attend conference meetings. The voting membership shall be all ordained ministers of the synod who are members of a congregation on the territory of the conference and two lay delegates from each congregation. Congregations having more than 400 baptized members shall be entitled to an additional lay member for each additional 400 baptized members or major fraction thereof.

Section 3. The bishop of the synod or the bishop's appointee shall attend the conference meetings.

## **PART III**

### **Conventions**

(Constitution, ARTICLE XI)

Section 1. Convening

- a. The regular convention shall be held biennially.
- b. Arrangements for the conventions of the synod shall be made by the officers or by a committee named for that purpose by the synod council, acting in conjunction with a local committee.
- c. Notice of the time and place of the convention shall be given by the secretary to each pastor and the secretary of each congregation of the synod at least four months before the opening day of the convention.
- d. The synod council shall determine the amount of the registration for delegates to cover convention expenses.
- e. Each congregation or employing agency shall pay the registration fee of its delegate(s). In the case of a pastor serving a multiple-congregation parish, such expenses shall be borne by the congregations pro rata on the basis of baptized membership.

Section 2. Representation

- a. Each congregation shall submit the name(s) and address(es) of its delegate(s) to the synod secretary at least sixty days prior to the opening day of the convention.
- b. Delegates to the synod convention shall be paid travel costs at a rate to be determined by the synod council. This information shall be sent with the convention notice.

Section 3. Procedure

- a. During the first sitting of each regular convention, the bishop shall announce the appointment of

the convention committees as follows:

- i. Committee on the report of the bishop,
  - ii. Committee of reference and counsel
  - iii. Committee on nominations
  - iv. Committee on minutes
  - v. Committee on registration and attendance
  - vi. Committee on elections
- b. The report of the bishop to each regular convention shall be referred to the committee on the report of the bishop, which shall study it, make appropriate comments and transmit to the convention the recommendations of the bishop together with any additional recommendations that it considered appropriate.
- c. Petitions from congregations and conferences shall be submitted to the secretary of the synod prior to the convention for referral to the committee of reference and counsel.
- d. Any proposal to a convention which calls for the creation of a special committee or task force must be accompanied by a budget proposal. Such committees and/or task forces must identify all costs in their final reports.
- e. The committee of reference and counsel shall:
- i. Receive and study petitions submitted to the secretary by congregations and conferences, as well as those referred to it by the convention or a delegate, and report to the convention its recommendations together with the original resolutions;
  - ii. Recommend special orders for the hearing of representatives;
  - iii. Grant or deny permission to distribute printed matter not issuing from the office of the secretary; and
  - iv. Give such assistance to the bishop as this officer may desire in the course of the convention.
- f. All reports published in the bulletin of reports shall be received by the convention by virtue of that fact without vote.
- g. Committee on nominations
- i. At the first meeting following the regular convention of the synod, the synod council shall appoint a committee on nominations consisting of one representative from each conference plus one representative from each official auxiliary.
  - ii. Prior to the first meeting the secretary of synod shall invite the congregational councils, ordained ministers and synodical committees to suggest names for the vacancies to be filled at each convention and for which the committee on nominations is to propose candidates.

#### Section 4. Committee on minutes

- a. The committee on minutes shall review the minutes of the meetings of each day of the convention and report thereon with recommendations the following day. Approval of the minutes of the final day of the convention shall be the responsibility of the bishop and secretary of synod.
- b. The bishop and secretary shall, after making any necessary corrections therein, certify two copies of the printed minutes of each convention as the official minutes of said convention, and shall submit the same to the next regular convention for approval and deposit in the archives.

## **PART IV**

### **Nominations and Elections**

Section 1. The committee on nominations shall nominate two persons for each position to be filled by election except for the officers of the synod. Additional nominations may be made from the floor for all elections for which the nominations are made by the committee on nominations.

Section 2. The committee on nominations shall provide the following information for each nominee: address, occupation, conference, church/community involvement.

Section 3. All elections shall be by ballot. In all elections, except for the officers of the synod, a majority of the votes cast on any ballot shall elect. In the case of a tie vote, the tie being substantiated by recount, another election shall be held with only the names of the candidates whose votes were equal on the ballot.

Section 4. The election of bishop, secretary and vice-chairperson of this synod shall proceed in this order without oral nominations. If the first ballot does not result in election, it shall be considered a nominating ballot.

Section 5. The nomination of the treasurer shall be made by the synod council. Additional nominations may be made from the floor.

Section 6. On the first ballot for an officer, three-fourths of the votes cast shall be required for election. Thereafter only such votes as are cast for persons who have received votes on the first or nominating ballot shall be valid. On the second ballot, two-thirds of the votes cast shall be required for election. On the third ballot, the voting shall be limited to the four persons receiving the highest vote on the second ballot, and a majority of the votes cast shall elect. On the fourth ballot the voting shall be limited to the three persons receiving the highest vote on the third ballot, and the majority of the votes cast shall elect. On the fifth ballot the voting shall be limited to the two persons receiving the highest vote on the fourth ballot, and a majority of the votes cast shall elect.

Section 7. In all other elections the names of the persons receiving the highest number of votes but not elected on a preceding ballot shall be entered on the next ballot to the number of two for each vacancy unfilled.

Section 8. The result of each ballot in every election shall be announced in detail to the convention.

## **PART V**

### **Election of Delegates to the National Church Convention**

Section 1. The secretary of synod shall inform each of the conferences of the number of ordained ministers to be elected to the national church convention.

Section 2. Ordained delegates and alternates shall be elected at least seven months before the national church convention, after which the secretary of synod shall inform those parishes eligible to elect lay delegate(s). Lay delegates and alternates shall be elected not earlier than twelve months and not later than four months before the convention.

## **PART VI**

### **Synod Council**

(Constitution, ARTICLE XII)

Section 1. In addition to the duties and functions set out in the constitution, the synod council shall:

- a. Provide for the publication of a synodical paper and appoint its editor;

- b. Establish personnel policies for the synod;
- c. Revise the synodical budget as may be required.

Section 2. An elected member of the synod council shall not be eligible to serve on a synodical standing committee.

## **PART VII**

### **Standing Committees and Working Groups**

(Constitution, ARTICLE XIV)

#### Section 1. Standing Committees

- a. The standing committees of synod are: mission committee, candidacy committee, professional leadership committee, and examining committee.
- b. The standing committees shall be formulated according to the provisions of Article XIV, Section 3 of the constitution in such a manner that not all of the terms of the members shall expire each synodical convention year.
- c. Unless otherwise provided for, the chairperson and secretary of each standing committee shall be elected by the committee at the first meeting following appointment by the synod council.
- d. Each standing committee shall meet at least yearly.
- e. The standing committees shall have the power to appoint task forces and sub-committees.
- f. The chairperson of a standing committee shall be an ex-officio member of the appointed sub-committees and task forces.
- g. A majority of the membership of any standing committee, sub-committee or task force shall constitute a quorum.
- h. The absence of any member for two consecutive committee, sub-committee, or task force meetings without prior excuse invalidates the appointment.

#### Section 2. Mission Committee

This committee shall:

- a. Support congregations in the development of a missionary spirit within the Eastern Synod.
  - i. Seek new fields for mission and development;
  - ii. Select future church sites;
  - iii. Assist congregations in the selection and purchase of parsonages and church sites;
  - iv. Annually review and recommend program proposals of ministry support congregations;
  - v. Provide assistance to loan-support congregations;
  - vi. Review and recommend grants and/or loans to congregations in need of special assistance;
  - vii. Develop strategies for mission ministry in new developing communities, isolated communities, urban (inner-city) communities, town and country communities, and special interest communities.
- b. Be responsible for the distribution of Global Hunger and Development Appeal domestic grants.
- c. Serve as a liaison to this church regarding domestic and world mission.
- d. Be responsible for liaison with companion synods.
- e. Consist of eight members, one from each conference.

#### Section 3. Candidacy Committee

This committee shall:

- a. Seek out, enlist and offer guidance and financial aid to prospective candidates for professional leadership in the church.
- b. Make decisions regarding the registration, endorsement and approval of candidates for ordination or consecration.
- c. Consist of ten members.

#### Section 4. Professional Leadership Committee

This committee shall:

- a. Prepare guidelines for the compensation of professional leaders.
- b. Initiate, encourage and implement programmes for the continuing education of professional leaders in consultation with the seminary.
- c. Co-ordinate matters related to the financial, vocational and physical needs of professional leaders.
- d. Be responsible for the synodical support of institutional chaplaincies.
- e. Consist of three members.

#### Section 5. Examining Committee

This committee shall:

- a. Examine candidates for ordination or for reception from other churches with whom mutual recognition of ministry has not been established and to present recommendations to the synod council.
- b. Work in close co-operation with the candidacy committee.
- c. Consist of the bishop, one seminary professor, two lay persons and one pastor, together with one pastor appointed by the national church council, nominated by synod council.

Adopted: June 1985

Last Amended: July 2008, June 2010