

# Sample Constitution

The Association of Free Lutheran Congregations

2013

*Constitution and Bylaws adopted by a two-thirds majority vote of the members present and voting at a duly called meeting of the congregation on [date] at in which a quorum was present.*

*Constitution / Bylaws amended on [date]*

In the Name of the Father, and of the Son, and of the Holy Spirit. Amen.

## Article I

### Name of Congregation

The name of the congregation shall be \_\_\_\_\_ Lutheran Church of \_\_\_\_\_, \_\_\_\_\_ County, State of \_\_\_\_\_.

## Article II

### Declaration of Faith and Affiliation

- A. This congregation believes and confesses that the Holy Scriptures, the canonical books of the Old and New Testaments, are the inspired, inerrant and infallible Word of God, revealed for our salvation, and are the only source and rule of faith and life in the congregation. We believe that the Holy Sacraments, Baptism and the Lord's Supper, in union with the Word of God, are means of grace.
- B. This congregation accepts the Apostles, the Nicene, and the Athanasian Creeds, together with the Unaltered Augsburg Confession and Luther's Small Catechism as true expressions of Christian faith and life, to which all teaching and preaching in the congregation shall conform.
- C. This congregation affiliates with the Association of Free Lutheran Congregations, and endorses its Fundamental Principles and Rules for Work which affirm that the local congregation governs its own affairs, subject to the Word and the Spirit of God alone.

## Article III

### Membership and Voting

- A. Members of this congregation are those who are designated as such when this constitution is adopted, and those who have been received afterwards in accordance with its provisions and by-laws, whose membership has not been withdrawn or transferred, or who have not been removed.
- B. All children of parents who belong to the congregation become members through Holy Baptism.

- C. Those who apply for membership in the congregation shall be:
  - 1. Baptized in the Name of the Father, and of the Son, and of the Holy Spirit;
  - 2. Confirmed or have completed a course of instruction in Christian doctrine as an equivalent;
  - 3. By confession and life showing that they seek first the Kingdom of God and His righteousness;
  - 4. Agreeing to subscribe to this constitution and bylaws and share in the life and work of the congregation according to ability.
- D. Membership of those recommended by the pastor shall be approved by the Board of Deacons, affirmed by a majority vote at a duly called congregational meeting, and new members recognized during a regular worship service of the congregation.
- E. Determinations of the internal affairs of this congregation are ecclesiastical matters and shall be determined exclusively by the congregation's own rules and procedures.
- F. A member may inspect or copy the prepared financial statements of the congregation and the minutes of the proceedings of congregation meetings and of board meetings. A member may not, under any circumstances, inspect or copy any record relating to individual contributions to the congregation of individual members or any personal or confidential information of individual members.

## Article IV

### Meetings of the Congregation

- A. The governing body of the congregation is the congregational meeting, through which all power and authority are exercised by the voting members, whose decisions are valid when the meeting has been duly called according to this constitution.
- B. All congregational meetings shall be announced at least two weeks in advance during all preceding Sunday worship services.
- C. All members who are of legal age (18 years or older), and not under church discipline, have the right to vote. In order for business to be transacted at any meeting of the congregation, a quorum of at least twenty percent (20%) of the voting members, in good standing as defined by the by-laws, must be present. A current roster of voting members shall be available at each meeting of the congregation.
- D. There shall be no proxy or absentee voting.
- E. The annual meeting of the congregation shall be held during the month of \_\_\_\_\_, with the exact date to be chosen by the Church Council in

consultation with the pastor. The congregation may also hold three quarterly business meetings during its fiscal year.

F. The annual meeting shall receive reports from all the organizations of the congregation, to be submitted at least fourteen (14) days prior to the meeting. The following business will be conducted:

1. Election of the president, vice-president, secretary, treasurer, deacons; trustees, and head ushers;
2. Election of a Nominations Committee, an Auditing Committee, a Christian Education Committee and other committees that may be prescribed by the by-laws;
3. Approval of the budget of the congregation, as presented by the Board of Trustees and the President;
4. Other business that may be included on the agenda, including the admission of new members.

F. Special meetings of the congregation may be called by means of a petition submitted by at least twenty percent (20%) of the voting members, or by a majority vote of the Church Council. The only items of business that may be considered at such a meeting are those for which the meeting has been called.

## Article V

### Officers and Boards and Committees

A. The officers and standing committees of this congregation are:

1. President;
2. Vice-President;
3. Secretary;
4. Treasurer (if not appointed by the Church Council);
5. A Board of Deacons consisting of three (3) or more members;
6. A Board of Trustees consisting of three (3) or more members;
7. A Christian Education Committee of three (3) or more members;
8. A Nominating Committee consisting of three (3) or more members;
9. An Auditing Committee consisting of two members;
10. Head ushers (2);

B. The duties of these officers, boards and committees are found in the bylaws.

C. The President shall preside over all congregational meetings and shall serve as chairman of the Church Council, and prepare the agendas in consultation with the pastor. In his absence, the Vice-President shall preside. Both shall be elected for one-year terms.

- D. The Secretary shall record and preserve the minutes of all congregational meetings, be responsible to maintain the membership roster and to make it available at all congregational meetings, and shall be elected for a one-year term.
- E. The Treasurer shall maintain all financial records of the congregation, receive all contributions for current expenses or benevolences, and disburse the same according to the decisions of the congregation and/or the Board of Trustees. If elected by the congregation it shall be for a one-year term. *(A Church Treasurer may be appointed by the Church Council or elected by the congregation. Specify which method your church wishes to use)*. All financial accounts shall be audited by the Auditing Committee, who shall report to the congregation at the annual meeting.
- F. The Deacons shall be known for their Christian faith and life, and shall assist the pastor in the spiritual care of the congregation. One or more deacons shall be elected each year at the annual meeting for three year terms.
- G. The Trustees shall be responsible for the financial and material affairs of the congregation. One or more shall be elected each year at the annual meeting for three year terms.
- H. The Christian Education Committee shall be responsible for the Sunday School and Vacation Bible School ministries, shall select a superintendent(s) for the former and a director(s) for the latter, as well as call teachers to serve and choose materials that are faithful to the Scriptures and the teachings of our congregation.
- I. The Nominating Committee, (in consultation with the pastor), shall meet prior to the annual meeting of the congregation to prepare a slate of candidates for election in accordance with the bylaws
- J. The Auditing Committee shall audit the financial records of the congregation and report the same to the annual meeting.
- K. The Deacons and Trustees, the President, Vice-President, Secretary, and Treasurer, shall constitute the Church Council.
- L. The Pastor is an ex-officio member of all boards and committees.

## Article VI

### Property of the Congregation

The congregation cannot purchase, dispose of or encumber property except by decision of at least two-thirds majority of the eligible members present and voting at a duly called meeting of the congregation. In case of a division of the congregation, the property shall remain the possession of the part of the congregation that remains faithful to this constitution. An individual member has no personal rights to the property of the congregation, and in the event the congregation is dissolved, all remaining funds and the proceeds from the sale of any property shall be disbursed to another congregation holding to Article II of this constitution, the Association of Free Lutheran Congregations or a non-profit religious organization holding to Article II of this constitution.

## Article VII

### Changes and Amendments

- A. Sections A and B of Article II shall not be amended or removed.
- B. This constitution (except those sections listed above) may be amended through the following procedure: A motion for amendment must be made in writing at the annual meeting of the congregation, and cannot be adopted until the proposed amendment is considered at the next annual meeting, at which time it must be adopted by a two-thirds majority of voters present.

# By-Laws

## Article I Membership

It is the duty and privilege of every member to faithfully attend the worship services of the congregation, and that each should serve according to spiritual gifting, ability and opportunity for the building of the Body of Christ. Each member promises to love, honor and esteem the pastor, to pray for him; to recognize his authority in spiritual matters of the church; to cherish a brotherly love for all members of the congregation; to support the congregation in prayer and to live a life that evidences an affirmation of the beliefs and practices of the congregation. Every member of voting age should attend all duly called congregational meetings, unless valid reasons hinder them.

Every member should support the congregation in its struggle against the world, the flesh and the devil, and in its efforts to spread the Gospel to the whole world. It is also the duty and privilege of all members, as God has prospered them, to contribute toward the current expenses of the congregation, as well as to the missions, schools, and other ministries of the Association of Free Lutheran Congregations. Contributors may suggest uses for their contributions, but all suggestions are deemed advisory rather than mandatory in nature.

Members not under the discipline of the congregation may request that letters of transfer be sent to another church.

Members who have not participated in divine worship, received the Lord's Supper from the congregation, and contributed financially in a twelve month period may be moved to an inactive membership status by the church council and therefore ineligible to vote.

No member of this congregation may hold membership in another congregation. The membership of any individual member shall automatically terminate without notice if the member unites in membership with another church.

## Article II

### Procedure at Congregational Meetings

- A. All meetings of the congregation shall open with Scripture reading and prayer, and shall close with prayer.
- B. The procedures established by Robert's Rules of Order shall be followed.
- C. The Order of Business for the Annual Meeting shall be:
  - 1. The reading of the minutes of the previous congregational meeting.
  - 2. The report of the Pastor concerning the spiritual condition of the congregation and ministerial acts performed.
  - 3. The report of the Board of Deacons.
  - 4. The report of the Board of Trustees, including the financial report of the Treasurer.
  - 5. The reports of church ministries, including the Sunday School, Youth, Women's, and others.
  - 6. Unfinished business, including the acceptance of new members.
  - 7. The election of officers.
  - 8. New business.
- D. The officers to be elected at the annual meeting include:
  - 1. President
  - 2. Vice-President
  - 3. Secretary
  - 4. Treasurer
  - 5. One or more Deacons
  - 6. One or more Trustees
  - 7. Christian Education Committee
  - 8. Nominating Committee
  - 9. Auditing Committee
  - 10. Head ushers (2)
- E. Nominations for all offices to be filled at the annual meeting shall be submitted by the Nominating Committee, with at least two names for each vacancy. A ballot shall be prepared, but nominations shall be open from the floor during the meeting until a motion to close nominations has been made, seconded, and approved.
- F. No person shall serve for more than two consecutive terms as a President, Vice President, or Trustee.
- G. No person shall hold office both as Deacon and Trustee at the same time.
- H. No person shall hold office in the congregation unless he has been a member for at least one year.
- I. Vacancies that may occur between annual meetings may be filled at the next quarterly meeting of the congregation, following the vacancy, and those so elected will hold office for the remainder of the unexpired term.

- J. Quarterly meetings and other special meetings of the congregation shall be conducted in the same order as the annual meeting, except for the election of officers.
- K. The fiscal year of the congregation shall begin January 1<sup>st</sup> and end December 31<sup>st</sup>.

*(If your congregation has a preference not to have quarterly meetings a change needs to be made in Article II- I.).*

## Article III

### The Pastor

- A. The Pastor is the servant leader of the congregation, and is an ex-officio (non-voting) advisory member of all boards and committees. He shall be responsible to maintain the official records of the congregation, including all ministerial acts.
- B. The Pastor shall be in good standing as an ordained or licensed pastor and approved on the clergy roster of the Association of Free Lutheran Congregations. If he shall cease to be a pastor in good standing on the clergy roster of the Association of Free Lutheran Congregations, he shall immediately submit his resignation as pastor of the congregation.
- C. Any resignation of the Pastor shall be submitted in writing to the Church Council and read to the congregation during the following worship service(s). It shall not be effective until sixty (60) days after the date of such resignation unless otherwise mutually agreed upon by Pastor and Church Council.
- D. The decision to terminate the Pastor's ministry to the congregation must be approved at a duly called congregational meeting by a two-thirds majority of voters present, and voting, and written notice of the decision shall be given to him. His service to the congregation shall cease immediately after official notification, and he shall receive at least two months of salary and benefits (including residence in the parsonage if provided) as a severance package.
- E. The following procedure shall be followed when calling a Pastor:
  - 1. The congregation shall elect a call committee of five members to prayerfully select candidates for consideration by the congregation. It is desirable that the President of the Association of Free Lutheran Congregations be consulted for guidance and suggestions.
  - 2. Candidates may be visited and interviewed by the committee, with any expenses to be approved by the Church Council.
  - 3. One candidate may be chosen by the committee and invited to visit the congregation for an interview. *\*The congregation shall consider only one pastoral candidate at a time. (\*Optional)*

4. The decision of the congregation to call a pastor shall be by ballot at a special meeting of the congregation called by a majority of the Church Council, and a two-thirds majority of all votes cast shall be required to extend a Letter of Call.
5. A Letter of Call shall be prepared by the Church Council, who will determine the salary and benefits package. It shall be signed by the president of the congregation and the deacons, and sent to the candidate together with a copy of this constitution and by-laws.
6. If the Letter of Call is accepted, the Pastor shall be installed by an official of the Association of Free Lutheran Congregations invited by the Pastor and the Church Council.

## Article IV

### Deacons

- A. The Board of Deacons shall elect from its members a Chairman and a secretary who will maintain a record of all meetings and decisions. The Chairman shall preside at all meetings of the Board of Deacons.
- B. The Deacons shall, in the absence of the Pastor or during a pastoral vacancy, be responsible to conduct the worship services, either personally or by other qualified persons. During a pastoral vacancy they may also recommend the selection of an interim pastor, to be approved at a congregational meeting.
- C. The Deacons shall be mindful of the spiritual condition of the congregation, including attendance at worship services, and the care of the sick and needy.
- D. They shall also serve as the Evangelism Committee of the congregation, recommending special outreach and training events to the Church Council.
- E. The Board of Deacons shall also serve as a Stewardship Committee to provide information about the principles, practices, and blessings of financial discipleship; and promote the common endeavors of the Association of Free Lutheran Congregations and other missions approved by the congregation.

## Article V

### Trustees

- A. The Trustees shall hold the property of the congregation in trust for the use and benefit of the congregation and shall preserve its deeds and other relevant documentation.
- B. The Trustees shall not buy, sell, rent, or mortgage the property of the congregation without the consent of the congregation. (Article VI of the Constitution)
- C. The Trustees have no right to hinder the Pastor and the congregation from using the church facilities as directed by the congregation.
- D. The Trustees shall maintain the church property in good condition for the use of the congregation. They may not expend more than a sum of \_\_\_\_\_ annually for upkeep and improvements to the church property without the consent of the congregation.
- E. They shall investigate and recommend to the Church Council appropriate insurance coverage for church property and officers or employees.
- F. They shall approve and sign all contracts to which the congregation is a party.
- G. The Board of Trustees shall elect from its members a chairman to preside at the meetings and a secretary to record all the proceedings of the board.

## Article VI

### The Church Council

- A. The Church Council shall consist of the president and vice-president of the congregation, the deacons, the trustees, the treasurer, and the secretary. The president of the congregation shall serve as chairman of the council. The pastor is an ex-officio member of the council.
- B. The Church Council shall meet monthly, unless otherwise agreed upon by a majority of the members, and special meetings may be called as needed.
- C. All meetings shall conform to the procedures set by Robert's Rules of Order.
- D. The Church Council shall select the organist(s) and choir director(s), as well as other staff members such as the office secretary and the custodian.
- E. They shall review annually the salaries of the pastor and other paid staff members.

## Article VII

### Admission of New Members

- A. When someone desires to become a member of the congregation, he/she shall apply to the Pastor, who shall become acquainted with the faith and life of the applicant, and recommend the same to the Board of Deacons. If the Pastor and the Board of Deacons approve of his/her admission, his/her application for membership shall be recommended to the congregation at the next business meeting.
- B. All applicants are to receive instruction in the Lutheran faith. In addition to fulfilling the requirements for membership in the constitution (Article III), he/she should receive instruction based on Luther's Small Catechism, with special attention given to the three articles of the Creed and the two Sacraments. Christian truth set forth in Article II of the constitution, must be accepted without reservation by an applicant prior to acceptance into membership.
- C. Voting members present at a business meeting of the congregation shall act upon each application for membership by a rising vote, with a simple majority necessary for acceptance.
- D. When new members have been accepted by a congregational vote, they shall be formally received and welcomed at a public worship service. The Pastor shall ask the adults if they have read the Constitution and Bylaws and if they accept them; and if they will participate in the life and ministry according to spiritual gifting, opportunity and ability. If they shall audibly answer, "Yes," then he shall declare them to be members of the congregation.
- E. The Pastor and his family shall automatically become members of the congregation where they reside upon his acceptance of the Letter of Call and installation.

## Article VIII

### The Right to Vote

- A. A roster of the voting members of the congregation shall be available at every business meeting, and may be read by request of one or more members. This roster shall be maintained by the Secretary of the congregation.
- B. The right to vote may be suspended by action of the Church Council for any member who consistently neglects worship or fails to financially support the congregation during the previous twelve (12) months. This suspension will be lifted by the Church Council when the above concerns are satisfied, or in the event that the congregation votes by a two-thirds majority of those eligible voters voting to lift the suspension.
- C. Members who are under church discipline cannot exercise their right to vote from the time that the Board of Deacons presents the case to the congregation until they are received back into full fellowship.

## Article IX

### Church Discipline

- A. The congregation seeks to zealously watch over the doctrine and life of its members. When anyone is overtaken in any trespass, the congregation strives to restore him in a spirit of meekness and love (Galatians 6:1). The procedure established by our Lord in Matthew 18 shall be followed when appropriate.
- B. No member shall be accused publicly without first having been admonished in love privately.
- C. If this admonition fails, the case may be brought to the Board of Deacons, who shall, after prayerful consideration, seek through admonition and conviction by the Word of God to bring the erring one to repentance.
- D. If these efforts fail, the Board of Deacons shall present the matter to the congregation, who may employ the following means:
  - 1. Admonition and intercessory prayer by the congregation;
  - 2. Exclusion from the Lord's Supper;
  - 3. Termination of membership in the congregation.
- E. Consistent non-attendance at worship and indifference to the Word of God shall be investigated by the Deacons, who shall by loving and prayerful admonition seek to bring the erring members back into the fellowship.
- F. The basic means of purifying the congregation is through the preaching and teaching of the Word of God.

# Article X

## Amendment of By-Laws

A proposal to amend these by-laws or to add new by-laws may be submitted in writing during any congregational meeting, to be acted upon at the next annual meeting. A two-thirds majority vote of members present and voting is required for adoption.