

## **SYNOD ASSEMBLY ELECTIONS 2008**

**TO: The Members of the New England Synod**  
**FROM: The Rev. Edward W. Voosen, Secretary**  
**DATE: February 2008**  
**RE: Elections at the Synod Assembly – June 5-7, 2008 – Worcester, MA.**

**THREE SYNOD OFFICERS:** The position of **Vice-President, Treasurer and Secretary** are up for election in 2008. There is no term limit on the term for Officers. The Synod Council serves as the Nominating Committee for these Offices (S9.05, S9.06 and S9.07) and will provide names for the ballot.

- S9.05. The Synod Council shall nominate at least one person for Vice-President; additional nominations may be made from the floor.
- S9.06. The Synod Council shall nominate at least one person for secretary; additional nominations may be made from the floor.
- S9.07. The Synod Council shall nominate at least one person for Treasurer; additional nominations may be made from the floor.

**ELEVEN SYNOD COUNCIL** positions will be filled at the June, 2008 Synod Assembly. The positions open include:

<b>Clergy (CT)</b>	<b>term expiring 2012</b>
<b>Clergy (ME)</b>	<b>term expiring 2012</b>
<b>Clergy (VT/NY/NH)</b>	<b>term expiring 2012</b>
<b>Clergy (RI)</b>	<b>term expiring 2012</b>
<b>Lay/Female (MA)</b>	<b>term expiring 2012</b>
<b>Lay/Female (CT)</b>	<b>term expiring 2012</b>
<b>Lay/Female (AT LARGE)</b>	<b>term expiring 2012</b>
<b>Lay/Male (Color/Lang at large)</b>	<b>term expiring 2012</b>
<b>Lay/Male (MA)</b>	<b>term expiring 2012</b>
<b>Lay/Male (VT/NY/NH)</b>	<b>term expiring 2012</b>
<b>Youth (AT LARGE)</b>	<b>term expiring 2010 (2 YEAR TERM)</b>

### **ABOUT THE SYNOD COUNCIL**

The Synod Council is the legislative body that acts for the Synod between Assemblies. The Council meets at four or five times yearly (usually all day on Saturdays with at least one Friday/Saturday over-night meeting) and Council members also serve on various task forces and sub-committees as necessary.

The responsibilities of a Council member are spelled out in the New England Synod Constitution and Bylaws Chapter 10.

**SIXTEEN VOTING MEMBERS** to the 11th Biennial Churchwide Assembly to be held in August 17-23, 2009, Minneapolis, Minnesota will also be elected at the June 2008 Synod Assembly. The positions include 10 laypersons (one of whom should be the Vice-President) and 6 clergy (one of whom must be the Bishop). Travel, room and board are adequately provided for all voting members. A voting member must be an active member of a congregation of the New England Synod or be on the Clergy roster of the Synod. In order to provide a varied delegation the **following categories have been adopted by the Synod Council:**

**ELCA ASSEMBLY 2009 (elected in 2008)**

- 1 Clergy who is a person of color and/or with a primary language other than English
- 2 Clergy who have never served as a Voting member at an ELCA Assembly
- 2 Clergy at Large
- 1 Clergy who is the Bishop
- 1 Layperson who is the Synod Vice-President
- 1 Layperson under age 25.
- 2 Male Laypersons who have never served as a Voting member at an ELCA Assembly
- 2 Female Laypersons who have never served as a Voting member at an ELCA Assembly
- 1 Male Layperson at Large
- 1 Female Layperson at Large
- 1 Male Layperson who is person of color and/or with a primary language other than English
- 1 Female Layperson who is person of color and/or with a primary language other than English

**FOUR members (2 Clergy – 2 Lay)** to serve on the **Synod Committee on Discipline** for a six year term. Details concerning this committee are at the end of this communication.

1 Lay/Female (AT LARGE); 1 Lay Male (AT LARGE); 2 Clergy (AT LARGE)

- +S11.03. The Committee on Discipline of this synod shall consist of 12 persons of whom six shall be ordained ministers and six shall be lay persons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection.
- a. The functions of the Committee on Discipline of this synod are set forth in Chapter 20 (**SEE BELOW**) of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.
  - b. The terms of committee members shall be staggered so that the terms of four committee members (two clergy and two lay) expire every two years.
  - c. The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired **term**.

**TWO members (1 Clergy – 1 Lay)** to serve on the **Synod Consultation Committee** for a six year term. Details concerning this committee are at the end of this communication.

1 Layperson (AT LARGE); 1 Clergy (AT LARGE)

- +S11.02. The Consultation Committee of this synod shall consist of at least six persons and not more than 12 persons, of whom half shall be ordained ministers and half shall be lay persons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection. The functions of the Consultation Committee are set forth in Chapter 20 of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran church in America and in Chapter 17 of this constitution. The size of the Consultation Committee, in accord with this provision shall be defined in this synod's bylaws.

S11.02.01. The Consultation Committee shall be composed of 6 persons.

Please send your nominations to the **Nominating Committee** (% of the New England Synod, 20 Upland Street, Worcester, MA 01607-1624). Your nomination(s) must fit the Constitutional requirements noting especially BYLAW II.

The deadline for names to be considered by the Nominating Committee is **May 10, 2008**. Nominations will also be open to the floor of the Assembly in accordance with our Constitution and the "Rules and Procedures for Synod Assemblies". "The Rules and Procedures for Synod Assemblies" explains the nominating procedures beyond the function of the Nominating Committee. With this information you will know how to make **additional nominations** to those made by the Nominating Committee. **PLEASE READ IT CAREFULLY.**

Also enclosed in this mailing is a copy of pertinent areas of our Constitution and Bylaws concerning elections and the duties of the positions to be elected. Please note also the specific instructions concerning the age qualifications of the Youth Representative to the Synod Council.

## **ELCA CONSTITUTION, CHAPTER 20**

### **CONSULTATION, DISCIPLINE, APPEALS, AND ADJUDICATION**

#### 20.10. CONSULTATION AND DISCIPLINE

20.11. There shall be set forth in the bylaws a process of discipline governing ordained ministers, officers, the editor of the church periodical, associates in ministry, persons on other official rosters, congregations, and members of congregations. Except as provided in 20.18. or 20.19., such process shall assure due process and due protection for the accused, other parties, and this church. Since synods have responsibility for admittance of persons into the ordained ministry of this church or onto other rosters of this church and have oversight of pastoral/congregational relationships, the disciplinary process shall be a responsibility of the synod on behalf of this church and jointly with it.

20.12. As used in this constitution and bylaws, due process means the right to be given specific written notice of the charges against any person or entity of this church, the right to testify in person or remain silent (at the election of the accused), the right to call witnesses and introduce documentary evidence concerning the pending charges, the right to confront and cross-examine all witnesses in support of such charges, the right to a hearing before a discipline hearing committee as provided in 20.13., the right to a written decision of the discipline hearing committee as provided in the bylaws, and the right to be treated with fundamental procedural fairness. Any violation of these rights shall be grounds for reversal of an unfavorable finding and the right to a new hearing.

20.12.01. "Fundamental procedural fairness" means and includes: avoidance by committee members of written communications to or from either the accused or accuser(s) without copy to the other; avoidance by committee members of oral communications with either the accused or accuser(s) outside the presence of the other; maintaining decorum during the hearing; allowing both the accuser(s) and the accused to present their cases without unnecessary interruptions; keeping a verbatim record of the hearing, either made by a stenographer or court reporter or by tape recording; allowing both the accuser(s) and the accused to be accompanied at the hearing by a representative (who may, but need not, be an attorney) who also may participate in the proceedings; impartiality of the committees that consider the charges; and the right to be treated in conformity with the governing documents of the Evangelical Lutheran Church in America.

20.13. The accused shall be entitled to a hearing before a discipline hearing committee as described in the bylaws. If the accused is a congregation, the hearing shall be open to the public unless both the accuser and the accused agree to a hearing not open to the public. If the accused is an individual, the hearing shall not be open to the public unless both the accusers and the accused agree to a public hearing. At a hearing not open to the public, a limited number of concerned persons may attend as provided in the bylaws.

20.13.01. In a hearing not open to the public,

a. the accuser and the accused may each be represented by not more than two representatives who may present or assist in the presentation of the evidence, and

b. the discipline hearing committee may permit attendance by a limited number of persons, with the consent of both the accused and the accuser.

20.13.02. Irrespective of whether a hearing is or is not open to the public, the discipline hearing committee may decide that witnesses (other than the accused and the accuser) shall be permitted in the hearing only when testifying. A witness may be accompanied by a friend or advocate.

20.14. Once a charge against a person or entity has been considered by a discipline hearing committee, that person or entity shall not be required to answer that charge again except under the circumstances set forth in the bylaws.

20.14.01. The circumstances in which a person or entity shall be required to answer again charges before a discipline hearing committee shall be limited to the following:

a. The Committee on Appeals has ordered a rehearing as its disposition of a timely appeal to it.

b. The Committee on Appeals has ordered a further hearing after either an accuser or an accused has petitioned for a further hearing on the basis of newly discovered evidence or testimony that was not available at the time of the original hearing.

20.14.02. After a charge against a person or entity has been considered by a discipline hearing committee, evidence related to that charge may be introduced at a subsequent hearing before another discipline hearing committee on a different but related charge. Charges are "related" if they involve similar alleged conduct on the part of the accused.

20.15. The procedures for consultation and discipline set forth in the bylaws shall be the exclusive means of resolving all matters pertaining to the discipline of congregations of this church. Neither this church nor a synod of this church shall institute legal proceedings in which conduct described in provision 20.31.01. is the basis of a request for relief consisting of suspension of that congregation from this church or removal of that congregation from the roll of congregations of this church. A congregation of this church shall not institute legal proceedings against this church or a synod of this church seeking injunctive or other relief against the imposition or enforcement of any disciplinary action against that congregation.

20.16. It is the intent of this church that all matters of discipline should be resolved internally to the greatest extent possible. It is the policy of this church not to resort to the civil courts of this land until all internal procedures and appeals have been exhausted, except for emergency situations involving a significant imminent risk of physical injury or severe loss or damage to property.

20.17. None of the provisions of this chapter is intended nor shall be construed to limit the authority of a Synod Council to remove, under the bylaws of this church, from the rosters of this church an ordained minister or other person who is without regular call and not

retired, for any reason, even though such reason might also be the basis for disciplinary proceedings under this chapter.

20.18. The authority to administer private censure and admonition upon an individual or public censure and admonition upon a congregation is inherent in the office of bishop. Proceedings under this chapter or any other provision of the constitutions and bylaws of this church or of its synods are not required for the exercise of such authority.

20.19. Where the written notice of charges specifically requests that the discipline to be imposed shall consist of suspension for not more than three months (during which time requirements for evaluation, therapy, continuing education, or similar experience may be imposed), the due process and due protection provisions of this constitution shall apply only as specified in the bylaws.

## **SYNOD CONSTITUTION EXCERPTS**

### **Chapter 9. Nominations and Elections**

- +S9.01 The Synod Assembly shall elect such officers of this synod and such other persons as the constitution and bylaws may require, according to procedures set forth in the bylaws.
- S9.01.01. In the nomination and election process the following general considerations shall be observed:
1. It shall be the responsibility of the Synod Council to assure that this synod maintain its commitment to inclusive representation.
  2. In all processes of nomination, election and appointment it shall be a primary concern that membership of all organizational units be composed of persons who possess the necessary knowledge, expertise and experience to be effective members of such units and, insofar as is possible, meet the requirements of inclusiveness and reflect the geographic spread of synod boundaries.
  3. All persons elected to any position, whether nominated by the Nominating Committee or not, shall strive to represent this synod and not just a particular constituency.
  4. Each nominee for an elected or appointed position shall be a member in good standing of a congregation of this synod.
- S9.01.02. The procedure for nomination and election of the officers of this synod shall be as set forth in Chapter 8 of this constitution. The order of election shall be for the positions of Bishop, Vice-President, Secretary, Treasurer. The results of each ballot in every election shall be announced in detail to the Synod Assembly. The officers other than Bishop may be elected simultaneously.
- S9.01.03. Members of the Synod Council (other than those whose membership is ex officio) shall be elected by the Synod Assembly upon presentation by the Nominating Committee of a slate of nominees of at least two for each position open for election. In addition to the directives set forth in the Synod's Constitution and Synod Bylaws, the following general provisions shall be observed:
1. For each election, the Synod Council shall determine how the Synod's commitment to inclusive representation will affect the next election to the Synod Council.
  2. Insofar as is possible, the category of geographic representation shall be ensured by the nomination and election to the Synod Council of at least one member representing each state within the territory. (Parishes not located in New England but related to the New England Synod shall be assigned to one of the New England States for purposes of this bylaw.)
  3. **The Nominating Committee shall nominate persons who fulfill the categories assigned by the Synod Council.**
  4. Additional nominations may be made from the floor provided that each floor nomination be presented as an alternate to the specific category of nominee named by the Nominating Committee. **All nominations from the floor shall be supported by five voting members.**
  5. In the materials provided in advance to each member of the Synod Assembly, the Nominating Committee shall set forth the criteria applicable to each category which must be met by persons nominated from the floor; prior consent of such nominees must be obtained and pertinent biographical material supplied.
  6. With the exception of the youth member's two year term, elections of Synod Council members shall be for one four year term, with one consecutive reelection allowed, and with one half of the members elected each biennium.
  7. Members of the Synod Council who have served less than one half of a term shall be eligible for reelection to two full terms served consecutively upon the conclusion of the partial term.
  8. In the event of an interim vacancy of the Synod Council, the Synod Council may elect a member to serve for the balance of the term until the next Synod Assembly.
  9. A member of the Synod Council who relocates within the Synod may continue to serve out the term for which he/she was elected.
- +S9.02 In all elections by the Synod Assembly, other than for the Bishop, a majority of the legal votes cast shall be necessary for election.
- S9.03 There shall be a Nominating Committee consisting of not fewer than seven members who shall be appointed by the Synod Council to serve for each meeting of the Synod Assembly whenever necessary. Additional nominations may be made from the floor for all elections for which nominations are made by the Nominating Committee.
- S9.03.04. The report of the Nominating Committee shall be submitted directly to the members of the Synod Assembly at least one month before its regular meeting. The Nominating Committee shall fulfill the duties imposed upon it by this chapter and chapters 8, 10 and 11 of this constitution.
- S9.08. In all elections, except for the bishop, the names of the persons receiving the highest number of legal votes,

but not elected by a majority of the legal votes cast on a preceding ballot, shall be entered on the next ballot to the number of two for each vacancy unfilled. On any ballot when only two names appear, a majority of the legal votes cast shall be necessary for election.

## **Chapter 10. Synod Council**

- +S10.01. The Synod Council consisting of the four officers of the synod, 10 to 24 other members, and at least one youth shall be elected by the Synod Assembly.
- a. Each person elected to the Synod Council shall be a voting member of a congregation of this synod, with the exception of ordained ministers on the roster of this synod who reside outside the territory of this synod. The process for election and the term of office when not otherwise provided shall be specified in the bylaws. A member of the Church Council of the Evangelical Lutheran Church in America from this synod, unless otherwise elected as a voting member of the Synod Council, may serve as an advisory member of the Synod Council with voice but not vote.
  - b. The term of office of members of the Synod Council, with the exception of the officers and the youth member, shall be four years.
- S10.02. The Synod Council shall be the board of directors of this synod and shall serve as its interim legislative authority between meetings of the Synod Assembly. It may make decisions which are not in conflict with actions taken by the Synod Assembly or which are not precluded by provisions of this constitution or the constitution and bylaws of the Evangelical Lutheran Church in America.
- S10.03. The functions of the Synod Council shall be to:
- a. Exercise trusteeship responsibilities on behalf of this synod.
  - b. Recommend program goals and budgets to the regular meetings of the Synod Assembly.
  - c. Carry out the resolutions of the Synod Assembly.
  - d. Provide for an annual review of the roster of ordained ministers and of other official rosters, receive and act upon appropriate recommendations regarding those persons whose status is subject to reconsideration and action under the constitution and bylaws of the Evangelical Lutheran Church in America, and make a report to the Synod Assembly of the Synod Council's actions in this regard.
  - e. Issue letters of call to ordained ministers and letters of call to associates in ministry, deaconesses and diaconal ministers as authorized by Chapter 7 of the constitution and bylaws of Evangelical Lutheran Church in America.
  - f. Fill vacancies until the next regular meeting of the Synod Assembly except as may otherwise be provided in the constitution or bylaws of this synod, and determine the fact of the incapacity of an officer of this synod.
  - g. Report its actions to the regular meeting of the Synod Assembly.
  - h. Perform such other functions as are set forth in the bylaws of this Synod, or as may be delegated to it by the Synod Assembly.
- S10.04. Any proposal to appropriate funds, whether by amendment to the budget or otherwise, which is presented to a meeting of the Synod Assembly without the approval of the Synod Council shall require a two-thirds vote for adoption.
- S10.05. No elected member of the Synod Council shall receive compensation for such service.
- S10.06. If a member of the Synod Council ceases to be a member in good standing on a roster of this synod, if an ordained minister, or to be a voting member of a congregation of this synod, if a layperson, the office filled by such member shall at once become vacant.
- S10.07. The composition of the Synod Council, the number of its members, and the manner of their selection, as well as the organization of the Synod Council, its additional duties and responsibilities, and the number of meetings to be held each year shall be as set forth in the bylaws.
- S10.07.01. The Synod Council shall consist of the four officers of the synod, twenty other members plus one youth member (For purposes of this bylaw, "youth" shall be understood to mean a person who is 14 through 17 years of age or entering grades 10 through 12 at the time of his or her election.)
- S10.07.02. The Synod Council shall have such powers, duties and responsibilities as are vested in it by the constitution and bylaws of this synod, or by resolution of the Synod Assembly.
- S10.07.03. The Synod Council shall meet at least quarterly at such specific times and places as it shall determine (or, if it fails to fix the time and place of its meetings, as the Vice-President of the synod, in consultation with the Bishop, shall determine) and may meet at additional times as it shall determine or upon the call of the Bishop or Vice-President. Reasonable written notice of the time, date and place of each meeting of the Synod Council shall be provided to its members by the Secretary of the Synod.

## **RULES OF ORGANIZATION AND PROCEDURES FOR SYNOD ASSEMBLIES**

### **NOMINATIONS AND ELECTIONS**

#### **Nominations**

A Nominating Committee, appointed by the Synod Council, shall nominate at least two persons for each position for which an election will be held by the Synod Assembly with the exception of the synod officers. The Bishop shall be elected by ecclesiastical (nominating) ballot. The Synod Council will propose at least one name each for the vice-president, secretary and Treasurer. (SYNOD CONST. Chapter 9). The duties of the Nominating Committee are defined in the Constitution (Chapter 9).

- A. The following procedure shall apply to all nominations:
  1. Photographs of all candidates shall be displayed in a primary place at the first session of the Synod Assembly.
  2. All candidates shall wear ribbons or other accouterments provided by the synod designating them as candidates.
  3. Each candidate shall have a vita in the Bulletin of Reports with a photograph. For those nominated from the floor at the Synod Assembly a vita with a photograph (when possible) will be distributed before a vote is taken..
  4. The initial ballot for each office shall list the names of candidates in alphabetical order; each succeeding ballot shall list the names by order of votes received, with the highest number listed first.
  5. No reference to racial or ethnic background, language, or any other distinction shall be noted on the ballot.
- B. Nominations from the floor may be accepted in writing from any voting member at the **Nominations Desk** and shall be open during the **Assembly Registration** and remain open until at least 30 minutes following the close of the first business session of the assembly. Nominations from the floor should be made by using the prescribed form. This form is included in each voting member's registration packet. Additional forms may be obtained from the Nominations Desk. Acceptance of a nomination by the Nominations Desk places a candidate in nomination; **agenda time need not be provided for verbal nominations. The Nominations Desk shall be maintained under the supervision of the Nominating Committee.**

**Nominations Form:** The prescribed form, or facsimile, to be used in making nominations from the floor shall include the nominee's name, address, phone number, gender, lay/clergy status, occupation, person of color or primary language other than English status, congregational membership, church activities, synodical activities, other interests, affirmation of willingness to serve if elected, five supporting signatures of voting members, and such other information as the Nominating committee of this synod shall require.
- C. Restriction on Floor Nominations for Synod Council: Nominations from the floor for positions on the Synod Council shall comply with criteria and restrictions established by the Constitution, Bylaws, Synod Council and Nominating Committee of this synod and set forth in materials provided in advance to each member of the assembly.

## **ELECTIONS**

An **Elections Committee**, consisting of one representative of the **Nominating Committee** (appointed by the Committee), and three other persons appointed by the Synod Council shall supervise all elections at the assembly. They shall enlist the assistance of the Local Arrangements committee in the recruitment of tellers.

- A. The Elections Committee shall oversee the conduct of elections in accordance with the following election procedures approved by the Synod Assembly:
  1. In the elections for bishop, vice president, secretary, and treasurer the Elections Committee shall report the results of any balloting by announcing the number of votes received by each candidate and the names of those candidates qualified to remain on the next ballot or the name of the candidate who is elected.
  2. The Elections Committee shall report the results of other balloting in elections by announcing the name of the person elected or by announcing the names of nominees qualified to remain on the ballot. Vote totals shall be reported to the Secretary of the assembly and recorded in the minutes of the assembly.
- D. All elections shall be in accordance with Chapter 9 of the Constitution and Bylaws of the New England Synod.
- E. **The elections for all positions in the synod shall be by written ballot.**