

BYE-LAWS
TO THE CONSTITUTION OF THE EVANGELICAL
LUTHERAN CHURCH IN SOUTHERN AFRICA

Part 1

RELATING THE ORGANIZATION OF THE CHURCH

1 The Congregation (Part IV, Chapter 1)

- 1.1 For organizational and operational purposes a Congregation shall be deemed to be a unit composed of at least 50 communicants (Par. 1.5) in a given place of worship together with their spiritual leader who shall be a Pastor, who is assisted in matters of administration by the constitutionally elected Congregational Council.
- 1.2 The Pastor in charge or the Assistant Pastor who has been placed to lead the Congregation shall remain answerable for all that takes place in the Congregation. It shall always be assumed that all activities in the Congregation are initiated with his/her knowledge or under his/her guidance.
- 1.3 The Congregational Council is delegated with the task of deliberating on and settling organizational matters which are of interest to the spiritual life of the Congregation. Matters which it cannot settle and which are beyond its constitutional powers shall be referred to the Parish Council through, the resolution extracted from its minutes. Neither the Congregation nor the Congregational Council shall have authority to refer any matter to a higher body or Council of the Church except through the channel of the Parish Council.
- 1.4 The numbers of the members of the Congregational Council shall depend on the needs of each Congregation with the approval of the Parish Council.

- 1.5 Congregational meetings (Par. 1.7) shall be held formally at least once a year for the purpose of receiving and discussing annual reports of the Pastor as well as the Congregational Council. It shall elect from amongst its members the Chairperson, his/her Vice Chairperson and the Congregational Council. Elected members shall be the Elders who are elected for a period of six years and may be re-elected. Leaders of local leagues and organisations shall be co-opted with no voting rights. It shall not be the normal practice to convene congregational day to day functioning of the congregation. This shall be a task delegated to a smaller body which is the congregational council.
- 1.6 The Congregational Council shall elect from amongst its members the Secretary, Vice Secretary, Treasurer and the Delegate to the Circuit Meeting who shall serve for a period of six years. The Chairperson of the Congregational Meeting shall be the Chairperson of the Congregational Council, and his /she vice shall be the Vice Chairperson of the Congregational Council. The Pastor-in-Charge is the ex-officio member of the Congregational Council.
- 1.7 The Chairperson, Vice-chairperson, Secretary, Assistant Secretary, Treasurer, and the Pastor-in-Charge as the ex-officio member shall form the executive of the Congregational Council.

2 ELECTION PROCEDURES

1. The Congregation

- 1.1. All Congregations should conduct voter education before embarking on nominations. Each Parish Council to establish an election committee being led by the Pastor in charge which shall run and oversee the elections within the Congregations of the Parish.
- 1.2. On two successive Sundays preceding the nominations, the day, time and place of nomination shall be announced publicly to the Congregation.
- 1.3. The Congregation shall nominate members for the Congregational Council in the Congregational meeting. Such a list of nominations shall be compiled by the Congregational Council and submitted to the Parish Council for approval. The list of the nominations shall contain at least twice as many names as there are positions to be filled.
- 1.4. On two successive Sundays preceding the elections, the day, time and place of election as well as the names of the nominees shall be announced publicly to the Congregation.
- 1.5. The election shall be by secret ballot. The results shall be announced to the Congregations on the very same day of the elections.
- 1.6. An updated Congregational membership register should be compiled and checked before and during the elections.

2. The Parish (Part VII)

- 2.1 The Parish shall consist of at least 300 members taking into consideration the geographical, financial and spirituality factors. The Parish shall be headed by an ordained minister.
- 2.2 Elected members of the Parish Council shall be composed of delegates from each Congregational Council according to the numerical size of the respective Congregations.
- 2.3 The apportionment of Congregational representation shall be worked out by the Circuit Council according to the needs of each Parish.

- 2.3.1 The Parish meeting shall be constituted by Congregational Councils in the Parish.
- 2.3.2 The Parish Meeting shall elect a Chairperson, Vice-Chairperson, from amongst the delegates from the Congregational Councils.
- 2.3.3 The Parish Council shall elect the Secretary, Assistant Secretary, Treasurer and the Synod delegate(s) from amongst its members.
- 2.4 The ideal shall be for each Parish to solve local problems locally. Matters which are difficult and beyond the constitutional power of the Parish Council shall be referred to the Circuit Council.
- 2.5 The decision of the Parish Council on matters within its powers shall be binding on all.
- 2.6 A Parish Rally shall be called at least once a year for edification, devotion and strengthening the sense of fellowship in Christ. Where Parishes are too big, separate meetings should be held at different centres within the Parish.

3. The Executive Committee of the Parish Council

- 3.1. The Chairperson, the Vice-Chairperson, the Secretary, Assistant Secretary, Treasurer, the

Synod Delegate, shall form the executive of the Parish Council with the Pastor-in-Charge.

- 3.2. It shall act on matters whose extreme urgency makes it impossible for action to be deferred to the next regular Parish Council meeting.
- 3.3. Action of the Executive shall be reported to the Parish Council for ratification,
- 3.4 It shall also deal with any other matter expressly delegated to it by the Parish Council from time to time.
- 3.4. The minutes of the Executive Committee shall be sent to the Parish Council for ratification.

4. The Circuit (Part VIII)

- 4.1 A Circuit consists of a group of Parishes within a defined area. It shall consist of at least 4000 members taking into consideration the geographical, financial and spirituality factors.

4.2 The Circuit Meeting

- 4.2.1 Circuit Meetings shall be held at least once a year. Members who constitute the Circuit Meeting are the Dean of the Circuit, Circuit Pastors who are in the full-time ministry, Parish Synod Delegates, one Delegate from each congregation in the Circuit. Leaders of Leagues, Organisations and Institutions within the Circuit shall attend but they have no voting rights. Others may attend as observers.
- 4.2.2 It shall elect the Chairperson, Vice-Chairperson, and the Circuit delegate to the Diocesan Council from amongst the Parish Synod delegates. The Chairperson of the Circuit Meeting and his/her Vice Chairperson shall be the

Chairperson and Vice Chairperson of the Circuit Council.

4.2.3 The Bishop shall conduct the elections of the Dean and his/her deputy during the Circuit Meeting.

4.2.4 Secretaries referred to in Part VIII, Chapter 2, par.2.6 are the recording secretaries.

4.3 The Circuit Council

4.3.1 Each Circuit shall have a Circuit Council elected for a period of six years.

4.3.2 It shall elect the Secretary, Assistant Secretary and Treasurer from amongst its members. The Chairperson of the Circuit Meeting and his/her Vice Chairperson shall be the Chairperson and Vice Chairperson of the Circuit Council.

4.3.3 Parish resolutions and requests shall reach the Diocesan Council only after they have been dealt with and referred to it by the Circuit Council.

4.4 The Executive Committee of the Circuit Council

4.4.1 The Dean, Deans' Deputy, the Chairperson, the Vice-Chairperson, the Secretary, Assistant Secretary, the Treasurer and the Circuit delegate to the Diocesan Council shall form the Executive Committee of the Circuit Council.

4.4.2 It shall act on matters whose extreme urgency makes it impossible for action to be deferred to the next regular Circuit Council Meeting.

4.4.3 Action of the Executive shall be reported to the next Circuit Council meeting for ratification.

4.4.4 It shall also deal with any other matter expressly delegated to it by the Circuit Council from time to time.

5. The Diocese (Part IX)

5.1 The Diocese consists of a group of Circuits within a defined area. It shall consist of more than 10 000 members taking into consideration the geographical, financial and spirituality factors.

5.2 The Diocesan Synod

5.2.1 The Diocesan Synod shall meet every second year.

5.2.2 The Diocesan Synod shall elect its own Chairperson and Vice-Chairperson for a period of six years from amongst the Synod delegates who are Diocesan Council members.

5.2.3 It shall elect the Bishop, his/her deputy, Clergy members to the Diocesan Council and confirm lay delegates to Diocesan Council as presented by the Circuits.

5.2.4 All other church members may attend as observers at their own expense.

5.3 The Diocesan Council

In matters within its constitutional powers the Diocesan Council shall make decisions which are binding to all councils, congregations and circuits within the diocese (Chapter 7.1- 7.10).

5.4 The Executive Committee of the Diocesan Council

5.4.1. The Diocesan Council shall have an Executive Committee consisting of the Bishop; his/her deputy; Chairperson his/her Vice Chairperson; Diocesan Executive Secretary; and the Diocesan Executive Treasurer.

5.4.2 It shall act on matters whose extreme urgency makes it impossible for the action to be referred to the next regular Diocesan Council.

5.4.3. Actions of the Executive shall be reported to the Diocesan Council for ratification.

5.4.4. It shall also deal with any other matter expressly delegated to it by the Diocesan Council from time to time.

6. Churchwide (Part X)

6.1 General Assembly (Chapter 1)

- 6.1.1 The General Assembly shall meet every second year.
- 6.1.2 Delegates to the General Assembly shall be the Bishops of the Dioceses of the Church, all members of the Church Council and four ordained ministers and eight lay members from each Diocese as elected by the Diocesan Synod from amongst its members.
- 6.1.3 All other church servants and members may attend as observers at their own expenses.
- 6.1.4 In the year of general elections, it shall elect the Presiding Bishop and his/her deputy who shall preside over the sitting where the President and his/her Deputy are elected at the beginning of the meeting.
- 6.1.5 It shall elect the President and his/her Deputy at the beginning of the meeting. The President and his/her Deputy shall be the Chairperson and Deputy Chairperson of the Church Council.

6.2 Church Council (Chapter 4)

- 6.2.1 The Church Council shall consist of the Presiding Bishop who is ex-officio member, his/her Deputy, the President of the General Assembly who is the Chairperson, his/her Deputy who is the Deputy Chairperson, the Bishops of the Dioceses, one ordained member and two lay members from each Diocese as elected by the Diocesan Councils for a period of six years. Each Diocesan Council shall make provision for alternates. The General Secretary, General Treasurer, Diocesan Executive Secretaries and The Diocesan Executive Treasurers shall be non-voting members of the Church Council.
- 6.2.2 In matters within its constitutional powers, the Church Council shall make decisions which are binding to all Councils, Dioceses, Circuits, Parishes and Congregations of the Church. No other Council or unit of the Church shall cause any decision to be made if such decision directly or indirectly contradicts what the Church Council has already decided.
- 6.2.3 Only accredited deputies of the members of the Church Council can substitute for a member or members who are unable to attend. Under no circumstances shall members of the Diocesan Office staff serve as deputies.

6.3 Church Council Executive (Chapter 5 par.5.10)

- 6.3.1 It shall have an Executive Committee consisting of the Presiding Bishop, his/her Deputy, President of the General Assembly who shall be the Chairperson, his/her Deputy who shall be the Vice-Chairperson, General Secretary, General Treasurer, and two lay members from the Church Council.
- 6.3.2 It shall act on matters whose extreme urgency makes it impossible for the action to be deferred until the next regular Church Council.
- 6.3.3 It shall also deal with any other matter expressly delegated to it by the Church Council.

6.4 Church Council's Other Committees

- 6.4.1 Any specialized committee set up by the Church Council shall act only within the terms of reference drawn by the Church Council.
- 6.4.2 No member of an office staff of the Church shall be appointed to a voting membership status of any committee. Office staff employees may serve only in an advisory capacity whenever it is necessary.
- 5.4.3 The minutes of the committees shall be circulated among committee members as well as among members of the Church Council.
- 6.4.4 The items of the agendas of the committees shall be drawn from the minutes of the Church Council or from their express mandate.

7. Relating to Meetings

- 7.1 Chairpersons/Leaders of Leagues and Organisations at all levels shall attend Councils meetings as per invitation. Deputies may attend if chairpersons/leaders are full members of Councils or unavailable.
- 7.2 All Leagues and Organisations shall report to the Councils at their level of operation before they submit such reports at higher levels.
- 7.3 Chairpersons of Finance and Planning Committees are to be elected from amongst all committee members, not by virtue of being the deputy chairperson of the Council concerned.

Part II

RELATING TO CHURCH OFFICERS

8.1. The Pastor (Part V, Chapter 1)

- 8.1.1. At ordination the Pastor shall be made to sign a document to the effect that in his conduct and work he will abide by the teachings and the constitution of the Church as carried out through the decisions of the Church.
- 8.1.2. The retirement age for Pastors as well as other Church Servants shall be 65 years. After retirement Pastors may serve on an annual basis until he/she reaches the age of 70, provided he/she produces a medical certificate of physical fitness annually.

8.2 The Dean

8.2.1 Election of the Dean (Part 8, Chapter 8.1)

- 8.2.2. Nomination: The Diocesan Council through the Executive Secretary shall send a copy of the clergy roster with the names of the Pastors who are in the full-time ministry and have at least five years' in the service to every Pastor of the Diocese who is in the full-time ministry and to the Parish Councils of the Circuit concerned, with a letter explaining the time and procedure of the nomination. This shall be done within a period of not less than three months before the date of nomination.
- 8.2.3 Each pastor of the Diocese who is in the full-time ministry as well as each Parish Council in the Circuit shall have 1 vote. The nomination of the Parish Council shall take place in the absence of Pastors. The Chairperson of the Parish Council shall lead the nomination process.
- 8.2.3. Each vote shall be placed in an envelope marked "Nomination vote for the Dean of the Circuit". This envelope shall be placed in another envelope which shall be addressed to the chairperson of the Diocesan Council per registered post. Nomination votes shall be opened by the Diocesan Council in session and the five pastors who have received the highest number of votes shall be declared nominated.
- 8.2.4. The names of the highest five candidates shall be sent to the Circuit Meeting. The Circuit Meeting shall elect the Dean during its meeting. The Bishop shall conduct the elections of the Dean during the Circuit Meeting. The Dean and his/her deputy shall be elected for a period of six years. He/she shall be inducted by the Bishop of the Diocese.
- 8.2.5. In case of death and or incapacitation of any kind or absence for a consecutive period of six months of the Dean, by-elections are to be conducted.

- 8.2.6. **Nomination of the Dean's Deputy:** The Circuit Council through its secretary shall send a list of all pastors who are in the full-time ministry in the circuit to all pastors who are in the full-time ministry in the Circuit and to all the Parish Councils of the Circuit. Each Pastor and each Parish Council shall have one vote. The nominations of the Parish Council shall take place in the absence of the Pastors. The Chairperson of the Parish Council shall lead the nomination process. Ballots shall be sent per registered post to the Chairperson of the Circuit Council in session and the five pastors who have received the highest votes shall be declared nominated.
- 8.2.7. **Election:** The names of the highest five candidates shall be presented to the Circuit Meeting. The Circuit Meeting shall elect the Dean's Deputy during its meeting. The election will be by simple majority. The Bishop of the Diocese shall preside over the elections.
- 8.2.8. In the absence of the Dean and his/her Dean's deputy the Bishop shall be in charge of the Circuit.

8.3. Meetings and Conventions at Circuit, Diocesan and Churchwide levels.

- 8.3.1 Support staff members are not members of any convention, but may attend as per invitation.
- 8.3.2 The Diocesan Executive Secretary and the Diocesan Executive Treasurer shall be ex-officio members of all meetings and Councils in the Diocese with no voting rights.

9. Procedures for Appeals

- 9.1 Each Council at all levels shall constitute a disciplinary/appeals/mediation committee to deal with any dispute that might arise within its ambit. Such a committee shall be responsible to the Council.
- 9.2 The Church Servant having been notified by the Diocesan Council of its decision in terms of the Constitution Part IX, Chapter 7.4-7.5 shall within 30 days submit his/her appeal to the Chairperson of the Church Council in writing and forward a copy to the chairperson of the relevant Diocesan Council.
- 9.3 The chairperson of the Church Council shall submit the appeal of the Church Servant to the regular session of the Church Council.
- 9.4 The appellant and the chairperson of the Diocesan Council shall have the right to put their case in person before the Church Council.

Part III

RELATING TO ELECTIONS

10. General on Elections

- 10.1 All elections shall be for a period of six years as laid down in the constitution and that any by-election within this period shall be only for the remaining part of the six year period, (see resolution of Third General Assembly minutes 1982).
- 10.2 The Church Council shall not later than a period of five years and nine months from the date of the last election for members of any council or body within the church in respect of which the period of tenure was six years determine and announce a date for the holding of next election which shall start in a period of three months thereafter.

- 10.3 All persons previously holding office as members of such councils and/or bodies shall be deemed to have terminated, unless re-elected on the expiry of the period of six years after the holding of the previous election.
- 10.4 The electoral officer in regard to the election in respect of any council or body shall be the Pastor/Dean/Bishop/Presiding Bishop in-charge.
- 10.5. All office bearers who hold offices are required to do the hand-over after their term has expired. All officers of the Church shall preside over the handing-over processes at all levels including the Leagues and Organizations.
- 10.6. No person other than a person who is a member of a Congregational Council shall be eligible for election to be a member of any other higher Council of the Church.

The amended text supersedes all previous ones as passed by the 17th General Assembly of 10th – 12th July 2011.

Rev. PB Mathe

ELCSA General Secretary