



Office of the Secretary
Evangelical Lutheran Church in America
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TO: Synod Bishops and Vice Presidents
From: David Swartling
Date: October 13, 2009
Subject: Termination of the relationship between a congregation and the ELCA

Questions have arisen regarding the constitutional requirements for terminating the relationship between a congregation and the ELCA as well as "best practices" for consulting with congregations regarding termination issues and for implementing the constitutional requirements. This memorandum will address these issues. It also will address briefly issues of property ownership that arise in the context of termination. If questions arise in a particular context, please consult with the Office of the Secretary.

A. The Constitutional Requirements

The *Constitutions, Bylaws and Continuing Resolutions* of this church provide parallel provisions regarding the process for termination of a congregation's relationship with the ELCA. They are found in provision 9.62. of the ELCA constitution and *C6.05. in the *Model Constitution for Congregations*.

Provision 9.62. of the ELCA constitution provides as follows:

- A congregation may terminate its relationship with this church by the following procedure:**
- a. A resolution indicating desire to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds majority of the voting members present.**
 - b. The secretary of the congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.**
 - c. The bishop of the synod shall consult with the congregation during a period of at least 90 days.**
 - d. If the congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the synodical bishop or an authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.**
 - e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between the congregation and this church shall be terminated.**
 - f. Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.**
 - g. Congregations which had been members of the Lutheran Church in America shall be required, in addition to the foregoing provisions in 9.62., to receive synodical approval before terminating their membership in this church.**

- h. Congregations that are established by the Evangelical Lutheran Church in America shall be required, in addition to the foregoing provisions in 9.62., to receive synodical approval before terminating their membership in this church.**

Provision 9.22. of the ELCA constitution states that “[a]ll congregations of this church shall abide by the provisions of 9.21., 9.62., and 7.46. Thus, the termination provision quoted above applies to all congregations in this church.

Termination requires a multi-step process. For simplicity, here is a checklist of the requirements:

- Adoption by a 2/3 vote at a legally called and conducted special congregational meeting of a resolution indicating intent to terminate relationship.
- Notification to the synodical bishop and all voting members of the congregation within 10 days of adoption of the initial resolution.
- Consultation with the synod bishop during a period of at least 90 days.
- Notice of a second special congregational meeting mailed to all voting members at least 10 days in advance of the second meeting.
- Adoption by a 2/3 vote at a legally called and conducted special congregational meeting, at which the bishop or a representative is present, of a resolution to terminate the relationship.
- Synod Council approval if the congregation was established by the ELCA, if the congregation was a former member of the Lutheran Church in America (LCA), or if the congregation will become independent or relate to a non-Lutheran church body.
- Transmission to the synodical bishop of a certified copy of the resolution to terminate adopted at the second special congregational meeting.
- Notice to the Office of the Secretary.

The relationship officially terminates only upon transmission to the synod bishop of the certified copy of the resolution to terminate adopted at the second congregational meeting, unless Synod Council approval is necessary. In cases where Synod Council approval is necessary, termination occurs upon transmission to the synod bishop of the certified copy of the resolution or approval by the Synod Council, whichever is later.