



Evangelical  
Lutheran Church  
in America

# GUIDE FOR USE OF THE *MODEL CONSTITUTION FOR CONGREGATIONS*

Prepared by the Office of the Secretary  
of the Evangelical Lutheran Church in America  
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## INTRODUCTION: ONE CHURCH IN THREE SELF-GOVERNING ENTITIES

The Evangelical Lutheran Church in America (ELCA/“this church”) is one church that is organized as three expressions. This organization reflects both that:

- a. The ELCA is one church, unified in the birth, death, and resurrection of Christ Jesus and by a shared commitment to Scripture, the Lutheran Confessions, and the history of this church and its predecessors; and
- b. ELCA congregations, ELCA synods, and the ELCA churchwide organization are separate, self-governing legal entities, each responsible for exercising its own powers and authorities.

The primary governing documents associated with each expression within this church are:

- a. ELCA churchwide organization: *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*;
- b. ELCA synods: *Constitution for Synods*; and
- c. ELCA congregations: *Model Constitution for Congregations*.

Constitutional provisions and bylaws are codified in a way that indicates the constitution in which they are located. Provisions and bylaws indicated solely by a sequence of numbers (e.g. 6.02.) are found in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. Provisions and bylaws indicated by a sequence of numbers preceded by an “S” (e.g. S8.14.) are found in the *Constitution for Synods*. Provisions indicated by a sequence of numbers preceded by a “C” (e.g. C1.01.) are found in the *Model Constitution for Congregations*.

The *Model Constitution for Congregations* reflects that congregations of the ELCA are both self-governing legal entities and also parts of one church by including both required and recommended provisions.

## REQUIRED AND RECOMMENDED PROVISIONS

Sections of the *Model Constitution for Congregations* marked by [\*] are **required provisions** which must be adopted when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (i.e., neither additions nor deletions are permissible). This requirement is based on provision 9.52. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, which requires that when a congregation of this church “wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b.” in the ELCA constitution. Provisions in the *Model Constitution for Congregations* identified by [\*] are those required under ELCA constitutional provision 9.25.b.

The required provisions of the *Model Constitution for Congregations* are:

### \*PREAMBLE

#### Chapter 2. CONFESSION OF FAITH

\*C2.01., \*C2.02., \*C2.03., \*C2.04., \*C2.05., \*C2.06., and \*C2.07.

#### Chapter 3. NATURE OF THE CHURCH

\*C3.01., \*C3.02., \*C3.03., \*C3.04., and \*C3.05.

#### Chapter 4. STATEMENT OF PURPOSE

\*C4.01., \*C4.02., \*C4.03., \*C4.04., \*C4.05., and \*C4.06.

#### Chapter 5. POWERS OF THE CONGREGATION

\*C5.01., \*C5.02., \*C5.03., and \*C5.04.

#### Chapter 6. CHURCH AFFILIATION

\*C6.01., \*C6.02., \*C6.03., \*C6.04., \*C6.05., \*C6.06., and \*C6.07.

#### Chapter 7. PROPERTY OWNERSHIP

\*C7.01., \*C7.02., \*C7.03., \*C7.04., and \*7.05.

#### Chapter 8. MEMBERSHIP

\*C8.01., \*C8.02., \*C8.03., \*C8.04., and \*C8.05.

#### Chapter 9. ROSTERED MINISTER

\*C9.01., \*C9.02., \*C9.03., \*C9.04., \*C9.05., \*C9.06., \*C9.07., \*C9.08., \*C9.09., \*C9.11., \*C9.12., \*C9.13., \*C9.14., \*C9.15., \*C9.21., \*C9.22., \*C9.23., \*C9.24., \*C9.25., \*C9.26., \*C9.27., \*C9.28., \*C9.29., and \*C9.31.

#### Chapter 15. DISCIPLINE OF MEMBERS AND ADJUDICATION

\*C15.01., \*C15.02., \*C15.03., \*C15.04., \*C15.05., \*C15.06., \*C15.07., \*C15.10., and \*C15.11.

#### Chapter 16. AMENDMENTS

\*C16.01., \*C16.02., \*C16.03., and \*C16.04.

#### Chapter 17. BYLAWS

\*C17.01., \*C17.02., \*C17.03., and \*C17.04.

#### Chapter 18. CONTINUING RESOLUTIONS

\*C18.01., \*C18.02., and \*18.03.

## Chapter 19. INDEMNIFICATION

\*C19.01.

## Chapter 20. PARISH AUTHORIZATION (Required only for a congregation that is part of a parish)

\*C20.01., \*C20.02., \*C20.03., \*C20.04., \*C20.05., and \*C20.06.

The other provisions in the *Model Constitution for Congregations* (those that are not marked by [\*]) are **recommended provisions**. These provisions provide suggested wording that congregations may find useful. They may be included, omitted, or altered at the discretion of the individual congregation. Recommended provisions recognize that each congregation may organize itself as it deems appropriate based on local conditions as set forth in 9.53.03.d.<sup>1</sup>

## NEW AND EXISTING CONGREGATIONS

Requirements for use of the *Model Constitution for Congregations* vary somewhat depending on whether a congregation is new to this church or is an existing congregation within this church.

**New Congregations** must adopt the required provisions of the *Model Constitution for Congregations* upon joining this church.

**Existing Congregations** of this church are governed by ELCA constitutional provision 9.52. which contains three key aspects:

- a. **A Legacy Step:** The governing documents of congregations recognized at the establishment of this church (January 1, 1988) shall continue to govern such congregations until amended by such congregations.<sup>2</sup>
- b. **Conformity with the Required Provisions of the *Model Constitution for Congregations* upon Amendment:** When a congregation amends any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to the required provisions of the *Model Constitution for Congregations*, just as is the case for new congregations.
- c. **Possibility for Limited Exemptions:** The synod responsible for review of amendments to a congregation's governing documents may permit a congregation to retain particular unamended provisions that were in force at the establishment of this church. Such exemptions shall be granted at the sole discretion of the synod.

For the sake of consistency, common understanding, and being church together, use of the required provisions in the text of the *Model Constitution for Congregations* is highly recommended, even in situations in which retention of previously existing provisions is allowed.

## REVISING A CONSTITUTION

The *Model Constitution for Congregations* provides two paths for revising a congregation's constitution, one for revisions that conform to the *Model Constitution for Congregations* and one for other revisions.

**Revisions in conformity with the *Model Constitution for Congregations*:** \*C16.04. specifies the way in which a congregation may make revisions to its constitution to conform to the *Model Constitution for Congregations*, whether for required or non-required provisions:

This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at a prior meeting of this congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to this congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of this congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of this congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following the congregation's vote of approval.

Note that amendments that conform to the *Model Constitution for Congregations* are effective upon adoption by the congregation, and a copy of them is submitted to the synod.

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<sup>1</sup> While organizational flexibility exists, most congregations are not-for-profit corporations under state law and must comply with state requirements for meetings, boards of directors, etc.

<sup>2</sup> A congregation's constitution that was amended between January 1, 1988, and September 1, 1993—either with the approval of the synod or without exception being taken by the synod within the then-applicable 120-day review period—does not have to be further amended because of the 1993 amendment of ELCA 9.52. Congregations are encouraged to maintain a current constitution.

**Revisions to non-required provisions not provided in the *Model Constitution for Congregations*:** Revisions to non-required provisions not provided in the *Model Constitution for Congregations* follow the process set forth in \*C16.01., \*C16.02., and \*C16.03. This process includes the following steps:

- a. The proposed amendments are filed in writing with the Congregation Council at least 60 days before the first congregation meeting at which the amendments are considered;
- b. The Congregation Council provides notice of the proposed amendments along with its recommendations to the congregation at least 30 days before the first congregation meeting at which the amendments are considered;
- c. The congregation adopts the amendments by a majority vote at a regular or special congregation meeting;
- d. The congregation ratifies those amendments without change by two-thirds vote at the next regular meeting of the congregation; and
- e. The amendments are sent to the synod for approval or disapproval; changes become effective when the synod notifies the congregation that it has approved them.

## **REVIEW BY THE SYNOD**

Each congregation of this church is to provide a copy of its governing documents, and any amendments thereto, to its synod. In accordance with ELCA bylaw 9.53.03. and Chapter 16 of the *Model Constitution for Congregations*, certain amendments to a congregation's constitution only become effective when approved by the synod. Other amendments need only be reported to the synod.

**Revisions in conformity with the *Model Constitution for Congregations*:** Revisions that bring a congregation's constitution into conformity with the *Model Constitution for Congregations*, whether to match required or recommended provisions, go into effect immediately upon approval by the congregation, and are then reported to the synod.

**Revisions to non-required provisions not provided in the *Model Constitution for Congregations*:** Revisions to non-required provisions not provided in the *Model Constitution for Congregations* shall be sent by the secretary of the congregation to the synod. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them. No governing document amendment will be approved by a synod if it conflicts with the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* or with any required provisions of the *Model Constitution for Congregations*.

As noted in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (9.53.03.), synods shall recognize that congregations may organize themselves in a manner which they deem most appropriate provided it is consistent with the required provisions in the *Model Constitution for Congregations*.

In order to be sure that amendments meet constitutional requirements and avoid potential problems, congregations are strongly urged to submit all proposed amendments to a congregation's constitutional provisions, bylaws, and continuing resolutions to the synod for review before voting on them.

## **ADOPTION BY A CONGREGATION OF A NEW CONSTITUTION**

To adopt a new constitution, a congregation is to follow the process prescribed for adoption of a constitutional amendment as specified in Chapter 16 of the *Model Constitution for Congregations*. If the congregation existed prior to January 1, 1988, and has not yet adopted the provisions of Chapter 16, then the process for constitutional amendment in the congregation's existing constitution applies.

According to a legal memorandum which addresses this matter, "Since a congregation's constitution will usually be treated, alone or in conjunction with another document, as the congregation's 'bylaws' for purposes of governing state law, it readily appears that the adoption of an entirely new constitution must be treated as an amendment of the congregation's bylaws for corporate law purposes."<sup>3</sup> You may obtain a copy of this legal memorandum, if needed, from the Office of the Secretary.

## **EFFECT OF FAILURE TO CONFORM TO THE *MODEL CONSTITUTION FOR CONGREGATIONS***

It may be the case that a congregation's constitution does not conform to required provisions in the *Model Constitution for Congregations*, either because the congregation has never adopted a constitution based on the *Model*

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<sup>3</sup> Some congregations face the unusual situation of so-called "unalterable" sections in their constitutions. A legal memorandum was sought regarding this matter. The memorandum, "Evangelical Lutheran Church in America: Amendment of Unalterable Governing Documents," was dated July 18, 1988. You may obtain a copy of this legal memorandum, if needed, from the Office of the Secretary.

*Constitution for Congregations* or because it has not updated its constitution to keep up with changes to the *Model Constitution for Congregations*. In the case of disagreement between the two, the congregation's constitution controls, except for specific circumstances in which the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* takes precedence.

According to the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (9.22.), all congregations of this church shall abide by chapter 9 and the following additional elements of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*: provision 6.01., provision 7.46., provision 7.75., and bylaws 20.41.01. through 20.41.11.

The following is a partial list of provisions in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* that take precedence over the congregation's constitution even if the congregation has not brought its constitution up to date with the *Model Constitution for Congregations*:

- a. The requirement of calling pastoral leadership from the rosters of the ELCA (except in special circumstances noted in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and with the approval of the synod bishop) (9.21.d.);
- b. Process for terminating the call of a minister of Word and Sacrament (7.46.);
- c. Process for terminating the call of a minister of Word and Service (7.75.);
- d. Process for withdrawal of a congregation from this church (9.61. and 9.62.);
- e. Provisions for congregational ownership of property and disposition of such property (9.71.);
- f. Pattern for discipline of members (20.41.01.–11.); and
- g. Requirement for synod review of all proposed changes in the constitution or incorporation documents of a congregation (9.53.03.).

## **FOLLOW THE MOST CURRENT EDITION**

The *Model Constitution for Congregations* originally was adopted by the Constituting Convention of this church in Columbus, Ohio, on April 30, 1987. This was done as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

The current edition (August 2025) of the *Model Constitution for Congregations* contains the changes that have been adopted by all churchwide assemblies of the ELCA. Many of these changes are intended to clarify the meaning and application of particular provisions.

## **COPIES OF THE UPDATED MODEL CONSTITUTION FOR CONGREGATIONS AVAILABLE**

The most recent version of the *Model Constitution for Congregations* (as well as the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and the *Constitution for Synods*) is available online ([www.elca.org/constitution](http://www.elca.org/constitution)). The Spanish language text of the *Model Constitution for Congregations* (*Constitución Modelo para Congregaciones*) also is available on this webpage.

## **ADOPTING OR MODIFYING BYLAWS AND CONTINUING RESOLUTIONS**

Each congregation has discretion and may develop its own bylaws and continuing resolutions (including bylaws and continuing resolutions related to required constitutional provisions) as long as they do not conflict with the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* or required constitutional provisions in the *Model Constitution for Congregations*.

- a. The *Model Constitution for Congregations* does not contain any required or recommended **bylaws**. Bylaws are adopted and amended in accordance with Chapter 17 of the *Model Constitution for Congregations*. Congregations may adopt bylaws related to each congregation's organization, operation, and life.
- b. The *Model Constitution for Congregations* does not contain any suggested **continuing resolutions**. Continuing resolutions are adopted and amended in accordance with Chapter 18 of the *Model Constitution for Congregations*. They are intended to provide more detailed descriptions of operational patterns and practices within the congregation.

Under 9.53.03.b., proposed bylaws and continuing resolutions must be submitted to the synod for review, but the synod has no authority to approve or disapprove such bylaws or continuing resolutions. That said, proposed bylaws and continuing resolutions which conflict with the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* or required constitutional provisions in the *Model Constitution for Congregations* are invalid. A synod may recommend that a bylaw or continuing resolution be amended if it seems unwise or impractical for some reason.

## CODIFICATION OF THE *MODEL CONSTITUTION FOR CONGREGATIONS*

The *Model Constitution for Congregations* (like the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and the *Constitution for Synods*) is organized into chapters by general subject matter and codified as follows:

- a. Constitutional provisions in the *Model Constitution for Congregations* are codified with two sets of numbers, preceded by a “C”: the chapter number followed by a period, and a two-digit sequence number also followed by a period.
  1. **Required constitutional provisions**, as explained above, are preceded by [\*]. For example, \*C5.02. is a required constitutional provision in Chapter 5, the chapter on Powers of the Congregation. The asterisk should be retained in the duplication of the congregation’s constitution to indicate that the particular provision is required.
  2. **Recommended constitutional provisions**, as explained above, are not preceded by [\*]. For example, C5.05. is a recommended provision in Chapter 5, the chapter on Powers of the Congregation.
  3. **Other constitutional provisions**, including modified versions of the recommended provisions, may be proposed and adopted by individual congregations. They should be marked with a “C,” not preceded by [\*], and numbered as appropriate.
- b. If a congregation chooses to adopt bylaws, they should be codified with three sets of numbers, each followed by a period: the chapter number (preceded by a “C”), the related constitutional provision number, and a two-digit bylaw number. For example, the first bylaw related to the powers of the congregation could be numbered “C5.03.01.”

Bylaws should be incorporated following the constitutional provisions to which they apply. For example, C5.03.01 would be after \*C5.03 but before \*C5.04. Bylaws should not be organized in a separate section or document.
- c. If a congregation chooses to adopt continuing resolutions, they also are codified with three sets of numbers, except that the third set is preceded by a capital letter indicating sequence and a two-digit number indicating the year of its adoption. For example, if a congregation adopted one or more continuing resolutions in 2025 related to the Powers of the Congregation, the first continuing resolution adopted could be numbered “C5.03.A25.”

Continuing resolutions should be incorporated following the constitutional provisions and/or bylaws to which they apply. As above, C5.03.A25. would appear after \*C5.03. and C5.03.01., but before \*C5.04. Continuing resolutions should not be organized in a separate section or document.

## ORGANIZATION OF THE *MODEL CONSTITUTION FOR CONGREGATIONS*

The codification of the *Model Constitution for Congregations* indicates general subjects (chapter number), constitutional provisions (provision number), bylaws (bylaw number), and continuing resolutions (continuing resolution number). In keeping with this, the organization of the *Model Constitution for Congregations* treats a chapter number as the major sequence number, a provision number as a fraction of the chapter number, and a bylaw number as a fraction of the provision number. In this way, the codification can be said to provide a progressive sequence. Thus \*C5.01. will precede C5.03.10., and C9.11.16. will precede \*C9.13.

Use of letters or numbers within provisions is managed in accord with the following rules:

- a. When parts of a provision form a unit and are considered inseparable, they are normally lettered “a.,” “b.,” “c.,” etc.
- b. When parts of a provision are considered separable, such as a list of duties, they are normally numbered in sequence.
- c. If the related provisions cannot be clearly judged to be separable or inseparable, preference may be given to a numbered sequence.

## SELECTION OF ALTERNATIVES

Alternatives are provided in some places within the *Model Constitution for Congregations*. Alternatives are noted by brackets or blank lines. For example, constitutional provision \*C9.01. offers the alternative of election of a call committee by the congregation or by the Congregation Council. Only one alternative should be chosen in each instance where brackets appear in the text. In other provisions, entire alternative provisions are provided. For example, in C11.02., options are provided separated by the word “or.” Each congregation should select only one of those options (or may draft its own provision, as C11.02 is not a required provision); it should not select more than one option. Where a blank line appears, such as in C12.01., the appropriate word, phrase, or number determined by the individual congregation should be inserted; it should not be left blank.

## **PARISH AUTHORIZATION**

In response to requests from some congregations and synods, Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* was adopted by the 1997 Churchwide Assembly and subsequently amended. Chapter 20 addresses issues related to parish arrangements.

- a. This chapter is required for a congregation that is part of a parish. A parish is defined as two or more congregations functioning in an established partnership for the calling and serving of a pastor and other matters. Chapter 20 provides a process for the creation and operation of a parish.
- b. A congregation that is not part of a parish does not need to include the provisions of Chapter 20 in its constitution.

## **MEANING OF “CHURCH”**

In the governing documents of the ELCA, “Church” with a capital letter is used in references to the one, holy, catholic, and apostolic Church. In references to the Evangelical Lutheran Church in America as a denomination, the words “church” and “this church” in lower case letters are employed. In references to the ELCA churchwide organization, the words “churchwide organization” in lower case letters are used.