MINUTES

COMMISSION ON HANDBOOK St. Louis Crowne Plaza Airport Hotel August 25–26, 2012

37. Call to Order

Chairman Gordon Tresch called the meeting to order with all members present except Marvin Temme (absent for personal reasons). Richard Nuffer provided the devotions and prayers for the meeting.

38. 2010 Res. 8-05B "To Elect Delegates to the Synod Convention" (11-005)

The 2010 convention of the Synod referred Res. 8-05B "To Elect Delegates to the Synod Convention" to the Commission on Handbook for further attention. After discussion of the resolution by the commission during earlier meetings, a committee was asked to return with a recommendation for submission to the 2013 convention. After extensive discussion of the committee's recommendation during this August 2012 meeting, it was adopted for submission as two overtures to the 2013 convention, as follows.

Overture to the 2013 Convention

To Establish Number of Delegates to Synod Conventions

WHEREAS, The Synod convention is the "principal legislative assembly, which amends the Constitution and Bylaws, considers and takes action on reports and overtures, and handles appropriate appeals and establishes general positions and policies of the Synod, provides overall program direction and priorities, and evaluates all such positions, programs, policies, directions, and priorities in order to provide responsible service for and on behalf of its members" (Bylaw 3.1.1); and

WHEREAS, Conventions of the Synod "afford an opportunity for worship, nurture, inspiration, fellowship, and communication..." (Bylaw 3.1.1); and

WHEREAS, Voting membership in the Synod is held by all member congregations of the Synod and exercised through their elected representatives to Synod and district conventions; and

WHEREAS, The current system for determining the number of delegates to the national convention is based upon a process that includes variables which result in electoral circuits that vary widely in their size (Bylaw 3.1.2), including the number of congregations (7 to 20) and the number of communicant members (1,500 to 10,000); and

WHEREAS, A process to determine district representation at the national convention ideally should be based upon objective criteria designed to promote fairness and equity across the Synod, eliminating the need to grant approval for exceptional circuits (Bylaw 3.1.2 [b]); and

WHEREAS, The number of delegates to a Synod convention should

- enable greater engagement of the delegates in the discussion and the proceedings of mission and business;
- facilitate opportunity for deep and continuing discourse among delegates as they discuss, debate, worship with, and inspire one another;
- ensure equity in the number of delegates each district is apportioned; and

• allow for greater stewardship of the gifts of God's people for the work of mission and ministry by opening up less expensive venues; therefore be it

Resolved, That the number of voting delegates to the Synod convention be fixed based upon ten percent (10%) of the number of member congregations in the Synod six months prior to the first district convention; and be it further

Resolved, That Bylaws 3.1.2ff. be amended as follows:

PRESENT/PROPOSED WORDING

- 3.1.2 Voting delegates shall consist of one pastor and one layperson from each electoral circuit.

 (a) An electoral circuit shall consist either of one or two adjacent visitation circuits, as shall be determined by each district on the basis of the following requirements: each pair of delegates shall represent from 7 to 20 member congregations, involving an aggregate communicant membership ranging from 1,500 to 10,000.
 - (b) Exceptions to these requirements may be made only by the President of the Synod upon request of a district board of directors.

The Office of the Secretary shall facilitate the election of voting delegates to the next following national convention. These delegates shall be elected for three-year terms during the conventions of the districts of the Synod.

- (a) The total number of voting delegates shall be set at ten percent (10%) of the number of member congregations of the Synod six (6) months prior to the start of the first district convention. Such number shall be rounded to the higher even number to enable delegate pairs (one layperson and one minister of religion—ordained).
- (b) Two factors shall be averaged to determine the number of delegates from each district:
 - (1) The percentage of the district's member congregations compared to the number of member congregations of the Synod; and
 - (2) The percentage of the number of confirmed members of a district's congregations compared to the number of confirmed members of the member congregations of the Synod.
- (c) The most recent roster statistics available six months prior to the convention shall be used to determine all matters related to delegate representation.
- (d) One-half of the district's total allotment of delegates shall be laity from member congregations of the district and one-half shall be ministers of religion—ordained with membership in the congregations of the district.

Overture to the 2013 Convention

To Change Process for Electing Delegates to Synod Conventions

WHEREAS, The Synod convention is the "principal legislative assembly, which amends the Constitution and Bylaws, considers and takes action on reports and overtures, and handles appropriate appeals and establishes general positions and policies of the Synod, provides overall program direction and priorities, and evaluations all such positions, programs, policies, directions, and priorities in order to provide responsible service for and on behalf of its members" (Bylaw 3.1.1); and

WHEREAS, It is important that representatives of member congregations understand in advance of the election of delegates for Synod conventions that an orderly process will be followed; and

WHEREAS, Such orderly process for the election of delegates to the Synod convention should include

- an apportioning of congregations in light of a district's prescribed number of delegates;
- a selection of delegates in a manner that takes into consideration reasonable and equitable representation;
- a process for creating electoral caucuses; and
- an election by those electoral caucuses at a district convention; therefore be it

Resolved, That voting delegates for Synod conventions be elected by electoral caucuses; and be it further

Resolved, That each district shall select advisory delegates (ministers of religion—ordained and ministers of religion—commissioned) retaining the proportionate representation to voting delegates as is currently followed; and be it finally

Resolved, That Bylaws 3.1.2.1–3.1.3.1 be amended as follows:

- 3.1.2.1 Elections of voting delegates to the national convention shall take place in accordance with established policy and procedures as follows.
 - (a) Each electoral circuit shall meet at the call of the counselor(s) to elect its delegates not later than nine months prior to the opening day of the convention. The district board of directors shall determine how its electoral caucuses will meet in light of its prescribed number of delegates to the next national convention. Such groupings shall take into consideration geographical factors, visitation circuits, and such other factors as will provide reasonable and equitable congregational representation in and as a result of the delegate selection process to occur not later than nine months prior to the opening day of the Synod convention.
 - (b) Elections shall be by written ballot. <u>Candidates for election as delegates to the national convention shall be delegates attending the district convention, except for those unwilling or unable to serve.</u>
 - (c) The privilege of voting shall be exercised by one pastor and one layperson from each member congregation of the circuit, both of whom shall have been selected in the manner prescribed by the congregation. Multiple parishes shall be entitled to a lay vote from each member congregation. Time shall be allotted on the district convention agenda to allow the delegates from each electoral caucus to select its delegates to the following national convention.
 - (d) All pastors who are not advisory members under Article V B of the Constitution shall be eligible for election. A circuit counselor appointed by the president of the district shall chair the caucus. Nominations shall be received and delegates elected in the following order: (1) minister of religion—ordained delegate; (2) lay delegate; (3) alternate minister of religion—ordained delegate; and (4) alternate lay delegate.
 - (1) Each voter may write in the names of two pastors on the initial ballot. The three pastors (or more, in case of a tie vote) who receive the highest number of votes in this preliminary ballot shall be placed on the next ballot.
 - (2) Each voter shall now vote for only one candidate. Balloting shall continue with the lowest candidate being removed from each succeeding ballot until one

- pastor shall have received a simple majority of all votes cast, whereupon he shall be declared the pastoral delegate.
- (3) The congregation or congregations served by the elected pastoral delegate shall be removed from consideration for supplying any other voting delegate or alternate for that particular convention.
- (e) A majority ballot vote shall be required for the election of each delegate. Prior to the meeting of the electoral circuit, each congregation may nominate one layperson, either from its congregation or from the circuit. These names must be submitted to the circuit counselor prior to the day of the circuit meeting and shall constitute the slate of candidates. All congregational nominees, except those who have been eliminated through the election of the pastoral delegate, shall be eligible for election.
 - (1) Each voter may write in the name of two of the remaining lay nominees on the initial ballot. The three laypersons (or more, in case of a tie vote) who received the highest number of votes in this preliminary ballot shall be placed on the next ballot.
 - (2) Each voter shall now vote for only one candidate. Balloting shall continue with the lowest candidate being removed from each succeeding ballot until one layperson shall have received a simple majority of all votes cast, whereupon he or she shall be declared the lay delegate.
 - (3) The congregation from which the lay delegate has been elected shall then be removed from consideration for supplying any alternates to that particular convention.
- (f) All other pastors who received votes in the initial write in ballot, except those who were eliminated through the election of the lay delegate, shall be eligible for election as the alternate.
 - (1) Each voter shall now vote for only one candidate.
 - (2) Balloting shall continue with the lowest candidate being removed from each succeeding ballot until one pastor shall have received a simple majority of all votes cast, whereupon he shall be declared the alternate pastoral delegate.
 - (3) The congregation or congregations served by him shall be removed from consideration for supplying the remaining lay alternate.
- (g) All lay nominees except those who have been disqualified through the procedures listed above shall be eligible for election as the alternate lay delegate. The election of the alternate shall follow the same procedure as in paragraph (f) above.
- (hf) All four persons Delegates elected shall come from four different member congregations.
- (ig) The <u>circuit</u> counselor(s) <u>selected to chair the caucus</u> shall report the results of the election to the secretary of the district in writing immediately after said election.
- (jh) If neither the delegate nor the alternate (pastoral minister of religion--ordained or lay) eanis able to serve, the vacancy shall be filled by an appointment made by the district president-in consultation with the respective circuit counselor(s).
- 3.1.2.2 Voting delegates Delegates shall serve from the time of election until the next district—a three-year term beginning with the convention, shall-functioning as advisory members of the circuit forum, shall serve as resource persons in the circuitto the congregations they represent and to the district and national Synod, and shall—assisting in the dissemination and implementation of reports and resolutions of the Synod in the circuitnational convention.

- (a) Delegates are responsible to the <u>circuits_congregations</u> they represent and shall attempt to discover the sentiment of the members thereof-, <u>but the congregations (b)</u> Congregations—shall not require their <u>delegates—them</u> to vote in accordance with specific instructions, <u>but every delegate shall be permitted to vote according to his or her own conviction</u>.
- (eb) Delegates are expected to be faithful in attendance atshall attend all sessions of the convention. All duly elected voting delegates shall attend all sessions regularly until the close of the convention. Delegates who arrive late or leave early or who do not attend at all shall and present-a written excuses to their district presidents for all absences, late arrivals, and early departures.
- (d) Delegates shall report the actions of the Synod to their circuits after each convention, preferably appearing before each of the congregations they represent.

Nonvoting Advisory Delegates

- 3.1.3 Advisory members of the Synod shall attend district conventions, but they shall not be elected by any congregation or by any group of congregations as lay delegates to a national convention of the Synod.
- 3.1.3.1 Each district shall select one advisory delegate for every 60120 advisory ordained ministers and specific ministry pastors, and one advisory delegate for every 60120 commissioned ministers on the roster of the Synod. Fractional groupings shall be disregarded except that each district shall be entitled to at least one advisory delegate in each category.
 - (a) Selection of district advisory delegates to conventions of the Synod shall be made by the respective groups meeting at the call of the district secretary either during the district convention or at official district conferences of ordained and/or commissioned ministers.
 - (b) Such selections must be completed at least nine months prior to the opening day of the convention.
 - (c) Individuals who are eligible for selection in any category under Bylaw 3.1.4 shall not be counted in determining the number of advisory delegates from each district, shall not be eligible to be selected as delegates from the groups defined in this bylaw, and shall not participate in the election process.

39. Circuit Counselor Nominations and Elections (11-013)

The chairman of the Commission on Handbook requested from the Council of President input regarding the current circuit counselor nominations and elections process and reported that the Council apparently is happy with the current bylaw process, including its provision of an opportunity to select circuit counselors from outside the circuit. After discussion of Bylaw 5.2.3.2 (a) and its reference to "fellow pastors," the commission agreed to advocate a minor change to the bylaw, deleting the word "fellow" to make clear that a circuit counselor may be selected from outside the circuit, the proposed change to be included in an omnibus overture to the 2013 convention in which the commission will advocate a number of minor changes to provide clarification to individual bylaws (see #46 below).

40. Staggered Terms of Office for New Mission Boards and Commission on Handbook (11-020)

Secretary Raymond Hartwig provided a draft proposal to the commission detailing how staggered terms might be accomplished for the two mission boards and the Commission on Handbook. After review, he

offered to bring a final proposal to the commission's November meeting that will include the required bylaw changes.

41. Bylaw Section 2.12: District Membership/Ecclesiastical Supervision (12-027)

Chief Administrative Officer Ron Schultz reported that the Board for National Mission is currently looking at a comprehensive solution to concerns associated with this section of the Bylaws.

42. COH/CTCR Convention Expenses (12-028)

Although Bylaw 3.1.4.1 (b) requires convention attendance by members of the Commission on Handbook and the Commission on Theology and Church Relations, they are not included in the Bylaw 3.1.9 (e) listing of those whose expenses are to be included in the operating cost of the convention. After Secretary Hartwig provided the following proposed overture for discussion and minor changes, a motion to submit it to the 2013 Synod convention was introduced and carried.

Overture to the 2013 Convention

To Include COH and CTCR Expenses in Convention Budget

WHEREAS, Bylaw 3.1.4.1 (b) requires representation at Synod conventions from the membership of the Commission on Constitutional Matters, the Commission on Handbook, and the Commission on Theology and Church Relations, "who may be represented by as many of their membership as they deem necessary"; and

WHEREAS, Bylaw 3.1.9 (e) does not include expenses of the Commission on Handbook and the Commission on Theology and Church Relations in the listing of those whose travel and convention expenses are to be included in the operating cost of the convention; therefore be it

Resolved, That Bylaw 3.1.9 (e) be amended to read:

PRESENT/PROPOSED WORDING

3.1.9 ...(e) All travel and convention expenses of the Synod's Praesidium, Secretary, Chief Administrative Officer, Chief Financial Officer, Chief Mission Officer, Board of Directors, district presidents, Commission on Constitutional Matters, Commission on Handbook, Commission on Theology and Church Relations, and legal counsel are included in the operating cost of the convention and as such are included in the district levy.

43. Synod Nominations Process (12-029)

During its April 2012 meeting, the commission discussed the need to update Bylaw 3.12.3.4 (b). Richard Nuffer provided a proposed convention action for discussion by the commission. After minor changes, the following overture was approved by the commission for submission to the 2013 Synod convention.

Overture to the 2013 Convention

To Clarify Bylaw 3.12.3.4 re Secretary's Preliminary Work For Synod Committee for Convention Nominations WHEREAS, The Secretary of the Synod plays an important role in assisting the Committee for Convention Nominations by gathering and presenting to the committee names and information for individuals to be considered for election to office in the Synod; and

WHEREAS, Bylaw 3.12.3.4 sets forth the Secretary's duties in the nomination process, but limits the agencies and individuals with whom he works in carrying out his work; and

WHEREAS, This limitation might inadvertently exclude qualified individuals from nominations for elected office; and

WHEREAS, Greater involvement of the agencies and members of the Synod in the nominations process would increase confidence in it; therefore be it

Resolved, That Bylaw 3.12.3.4 be amended as follows:

PRESENT/PROPOSED WORDING

- 3.12.3.4 The Secretary of the Synod shall handle the preliminary work for the Committee for Convention Nominations.
 - (a) He shall begin to solicit names of potential nominees from officers, boards, commissions, and agencies of the Synod and its districts the agencies and officers of the Synod at least 24 months prior to the convention.
 - (b) Approximately 24 months before a regular meeting of the Synod in convention, he shall solicit from the mission boards and the synodwide corporate entity boards those agencies with positions to be filled descriptions of criteria of qualified candidates to serve in those positions on those boards.
 - (c) With such criteria in view, the Secretary shall issue the first call for nominations through a publication of the Synod and on the Synod Web site 18 months before the convention, soliciting names from the agencies and officers of the Synod and the congregational and individual members of the Synodmission boards and synodwide corporate entity boards, as well as congregations, district presidents, district boards of directors, circuit counselors, and other likely sources.
 - (d) All incumbents eligible for reelection shall be considered for nomination.
 - (e) <u>Qualifications</u> The <u>qualifications</u> of each nominee shall be submitted together with the names on forms made available on the Synod's Web site.
 - (f) All suggested names and information for consideration by the Committee for Convention Nominations shall be submitted to the Secretary of the Synod no later than nine months prior to the convention of the Synod.
 - (g) The Secretary shall present the names and information gathered to the Committee for Convention Nominations at its first meeting.

44. Removal of Reconcilers from Office (12-030)

During the commission's April 2012 meeting, Secretary Raymond Hartwig surfaced the issue of the absence of a provision in the Bylaws for the removal of district-appointed dispute resolution process reconcilers (Bylaw section 1.10). As assigned, Secretary Hartwig submitted a proposed convention action to the commission during its August meeting. After discussion and changes by the commission, the proposed resolution "To Allow Removal of Reconcilers for Cause" was adopted as follows.

Overture to the 2013 Convention

To Allow Removal of Reconcilers for Cause

WHEREAS, District reconcilers, four of whom are appointed by each district board of directors (Bylaw 1.10.10), provide important service to their districts and the Synod in the Synod's dispute resolution and expulsion processes; and

WHEREAS, Strict adherence by the reconcilers to the instructions provided in the Bylaws and *Standard Operating Procedures Manuals* of the Synod is of critical importance as they carry out their responsibilities; and

WHEREAS, Such adherence to the Bylaws and the *Standard Operating Procedures Manual* is essential for uniformity and good order as reconcilers do their important work across the Synod; and

WHEREAS, Current bylaws governing the Bylaws section 1.10 dispute resolution process contain no provision for removal of a reconciler for cause; therefore be it

Resolved, That a new Bylaw 1.10.10.4 be added to the existing bylaws governing the appointment and service of reconcilers (Bylaws 1.10.10–1.10.10.3), as follows:

PRESENT/PROPOSED WORDING

1.10.10.4 A reconciler may be removed for cause from a district's roster of reconcilers by that district's board of directors upon report of the administrator of the dispute resolution process after consultation with the president of the district.

45. Right of Certain Suspended Members to Request Hearing Before Final Hearing Panel (12-031)

At times suspended members fail to attend the hearing they requested to appeal their suspension and expulsion from the Synod. At question is whether such members should be provided opportunity to request a hearing before a Final Hearing Panel. Secretary Raymond Hartwig was asked to prepare a proposed overture to the 2013 Synod convention to amend the Bylaws governing such requests in the section 2.14, 2.15, and 2.17 expulsion processes. The proposed overture was discussed and changes were made before it was adopted for submission to the convention as follows.

Overture to 2013 Convention

To Deny Right to Request a Final Hearing During Expulsion Processes Under Certain Circumstances

WHEREAS, In each of the Bylaw section 2.14, 2.15, and 2.17 expulsion processes, the accused may (within 15 days of the decision of a Hearing Panel) request a second hearing before a Final Hearing Panel; and

WHEREAS, Such request may be made and must be granted, whether or not the accused has cooperated with the process and has appeared before the Hearing Panel to provide information and testimony; and

WHEREAS, Unless unavoidably detained, such failure on the part of the accused to appear before a Hearing Panel can only be regarded as a rejection of his/her/its opportunity to provide information and testimony; and

WHEREAS, Under such circumstances, to grant a second opportunity before a second panel would appear to invite a similar response from the accused, he/she/it having already rejected one such opportunity; therefore be it

Resolved, That the following bylaws from Bylaw sections 2.14, 2.15, and 2.17 be amended so as not to provide opportunity to request a second hearing (before a Final Hearing Panel) when the accused, unless unavoidably detained, has failed to appear before the earlier Hearing Panel:

PRESENT/PROPOSED WORDING

- 2.14.8 Within 15 days after receiving the decision of the Hearing Panel, the accused (if an active participant in the hearing before the Hearing Panel) or the President of the Synod if a question of doctrine or practice is involved (Constitution, Art. XI B 1–3) may request a final hearing.
- 2.15.8 Within 15 days after receiving the decision of the Hearing Panel, the accused (if an active participant in the hearing before the Hearing Panel), or the President of the Synod if a question of doctrine or practice is involved (Constitution, Art. XI B 1–3), may request a final hearing.
- 2.17.8 Within 15 days after receiving the decision of the panel, the accused (if an active participant in the hearing before the Hearing Panel) may request a final hearing.

46. <u>Discussion of "Omnibus Resolution" for Minor Bylaw Amendment Proposals</u> (12-032)

During the course of the meeting, the commission discussed and agreed that many of the minor changes and clarifications it will be proposing to the 2013 convention could be included in one or more "omnibus" resolutions.

47. Circuit Counselor Selection Process When No Candidate Is Available (12-033)

A difficulty develops in the Bylaw 5.2.2 circuit counselor selection process when, prior to convention election action, no candidate has been selected by a circuit forum or a properly selected candidate no longer is available serve. Current bylaws provide no direction for making a selection under these circumstances. The commission discussed and agree to a bylaw addition that will provide such direction, to be included in its omnibus resolution that will advocate minor changes to address inadequacies and needs for clarification in the current bylaws.

48. Synodwide Corporate Entity Bylaw Clarification (12-034)

Wilbert Sohns reported a Commission on Constitutional Matters concern regarding the use of the phrase "each governing instrument" in Bylaw 3.6.1.7. The bylaw as currently worded requires synodwide corporate entities to provide specific provisions in each of their governing instruments, a requirement which, if taken literally, would be burdensome to these corporations, given the fact that "each governing instrument" can refer to many documents including policy manuals. The commission agreed to include a proposed bylaw amendment in its omnibus resolution that will advocate a number of minor changes to provide clarification to individual bylaws. In this case, paragraphs (a)–(d) will be changed to begin with the words "a provision."

49. Bylaw 2.17.3 (b) Reference to Other Expulsion Processes (12-035)

Wilbert Sohns reported a Commission on Constitutional Matters concern that Bylaw 2.17.3 (b) neglects to mention other expulsion processes that should be given consideration when a district president discusses with an accuser the question of which section of the Synod's Bylaws would be appropriate for use under the circumstances. The Commission on Handbook agreed to include a proposal for a correction of this concern in its omnibus resolution that will advocate a number of minor changes to the Bylaws of the Synod, adding mention of Bylaw sections 2.14, 2.15, and 2.16.

50. Correction of *Handbook* Contradiction re Approval of Theology Faculty (12-036)

A recent opinion of the Commission on Constitutional Matters (12-2643) determined that the current 2010 *Handbook* wording of the first paragraph of Bylaw 3.10.5.6.3 does not properly reflect actions taken by the 2010 LCMS convention regarding the responsibilities of the Board for University Education. By convention action (Res. 8-08A), the board no longer provides prior approval of theology faculty members of the Synod's colleges and universities, leaving this responsibility to the schools' boards of regents. The Commission on Handbook agreed that the wording of the first paragraph of Bylaw 3.10.5.6.3 must be brought into agreement with the convention action.

51. Other Matters

During the course of the meeting, the commission also discussed other matters, including:

- the commission's joint November meeting with the Commission on Constitutional Matters and the President's Office;
- a brief report by Wilbert Sohns from the initial meeting of the task force working on district reconfiguration;
- additional bylaw concerns in the current Handbook identified by Secretary Raymond Hartwig, changes to be advocated by him in coming meetings; and
- remaining pending items requiring future attention by the commission.

52. Adjournment

The meeting was adjourned and closed with words of benediction.

Raymond L. Hartwig, Secretary

"Omnibus" 2013 Convention Overture I to Address Handbook Issues – General (12-032)

During the triennium, *Handbook* concerns surfaced that invited convention attention and minimal bylaw amendment. It was discussed and agreed that an "omnibus" resolution should be developed during the course of the commission's remaining meetings of the triennium that would advocate such bylaw amendment solutions, each properly introduced and adopted by the commission, as follows.

(A) <u>Circuit Counselor Selection Process When No Candidate Is Available</u> (12-033)

A difficulty develops in the Bylaw 5.2.2 circuit counselor selection process when prior to convention election action, no candidate has been selected by a circuit forum or a properly selected candidate no longer is available serve. Current bylaws provide no direction for making a selection under these circumstances. The commission proposes the following bylaw amendment to provide such direction.

PRESENT/PROPOSED WORDING

- 5.2.2 The circuit counselor shall hold his position by virtue of his selection by the circuit forum and ratification by the district convention.
 - (a) Circuit forums shall meet at the call of their circuit counselors to select their circuit counselors no later than the time established by the district.
 - (b) Nominations for candidates for the office of circuit counselor may be submitted by a voting congregation of the circuit and suggested by the district president, in consultation with the praesidium of the district.
 - (c) Selection of the circuit counselor shall be by election by written ballot. The privilege of voting shall be exercised by the representatives from each member congregation of the circuit, who shall have been selected in the manner prescribed by the congregation (Bylaw 5.3.2).
 - (d) All nominated pastors serving congregations and emeriti pastors shall be eligible for election in accordance with section 4.3 of these Bylaws.
 - (1) Following presentations of pertinent information regarding each pastor as listed in Bylaw 3.12.3.6 (c) and circuit counselor responsibilities as provided hereafter in this bylaw, each voter shall write in the names of two pastors on the initial ballot.
 - (2) The three pastors (or more in case of a tie vote) who receive the highest number of votes in this preliminary ballot shall be placed on the next ballot. Each voter shall vote for only one candidate.
 - (3) Balloting shall continue with the lowest candidate being removed from each succeeding ballot until one pastor shall have received a simple majority of all votes cast, who shall be declared the nominee.
 - (e) Immediately following the circuit forum, the circuit counselor shall report in writing the results of the selection process to the secretary of the district in preparation for ratification by the district convention.
 - (f) In the event that a circuit counselor has not been selected by a circuit forum or has been selected but is no longer available to serve, thus resulting in no circuit counselor selection being included on the convention slate of circuit counselors for a circuit, the district president shall make the selection, which selection shall then be included on the convention slate of circuit counselors.
 - (\underline{fg}) The convention shall have the right to alter the slate by amendment.
 - (\underline{gh}) The convention shall then ratify the slate of circuit counselors, which ratification shall constitute election.
- 5.2.2.1 Vacancies that occur in the office of circuit counselor between conventions shall be filled by appointment by the district president.
- (B) Circuit Counselor Nominations and Elections (11-013)

The chairman of the Commission on Handbook requested from the Council of President input regarding the current circuit counselor nominations and elections process and reported that the Council apparently is happy with the current bylaw process, including its provision of an opportunity to select circuit counselors from outside the circuit. After discussion of Bylaw 5.2.3.2 (a) and its reference to "fellow pastors," the commission advocates a minor change to delete the word "fellow" to make clear that a circuit counselor may be selected from outside the circuit, as follows.

- 5.2.3.2 The circuit counselor shall serve the pastors of the circuit as a collegial and brotherly adviser, reminding them of the joy of the ministry and of its great responsibilities.
 - (a) He shall encourage the fellow pastors of the circuit in their preaching and teaching, in the exercise of church discipline in an evangelical manner, and in the proper supervision of Christian education and training in the parish.
 - (b) He shall encourage, in a brotherly manner, the pastors of the circuit in their spiritual and family life.
 - (c) He shall encourage the pastors of the circuit to continue both formal and informal continuing professional education.

(C) Re: Synodwide Corporate Entity Governing Documents (12-034)

Current Bylaw 3.6.1.7 as currently worded requires synodwide corporate entities to provide specific provisions in each of their governing instruments, a requirement which, taken literally, would be burdensome to these corporations, given the fact that "each governing instrument" can refer to many documents including policy manuals. The Commission on Handbook proposes the following amendments to clarify the expectation of the bylaw.

PRESENT/PROPOSED WORDING

- 3.6.1.7 Each synodwide corporate entity shall provide the following in its governing instruments:
 - (a) Each governing instrument shall include the a provision that every member of the governing board shall be a member of a congregation that is a member of the Synod-;
 - (b) Each governing instrument shall include the a provision that it is a component part of the Synod, is subject to the Constitution, Bylaws, and resolutions of the Synod, and its governing instruments are subordinate to the Constitution and Bylaws of the Synod-;
 - (c) Each governing instrument shall include thea provision that any amendments to a provision of its governing instruments which relate to its objects and purposes, the designating of its members, or the procedure for amending its governing instruments shall require a two-thirds affirmative vote of its members, if any, who are appointed by the Board of Directors of the Synod; and
 - (d) Each governing instrument shall include thea provision that upon dissolution of a synodwide corporate entity, its remaining assets shall be transferred to the Synod. Any amendment to this provision shall require the affirmative vote of the Synod in convention.