

Explanation Of Trinity's By-Laws
Regarding Calling A Pastor

Prepared By
Craig Scruggs
Chairman Of The Congregation

February 9, 2004

Trinity's By-Laws provide specific instructions and rules regarding the procedure, actions and responsibilities for the calling of a pastor. Where "gaps" exist, Robert's Rules of Order and the LCMS theological position on the Divine Call provide additional guidance. The congregation established the By-Laws and their wording has been thoughtfully and carefully constructed so as to provide guidance, direction and order for the conduct and operation of the church, including the calling of a pastor. Trinity members, officers and staff are to uphold and operate by the congregational By-Laws. Therefore, as the congregation proceeds with the calling of a pastor, it's important to understand what the By-laws have to say regarding this matter and what they mean from a practical standpoint. This document defines and explains the By-Laws for the pastoral call process and associated voters meeting.

Procedure For Securing A Pastor

Trinity's By-Laws specify the procedure for securing a pastor in items 1a, 1b and 1c of section D in Article V. They state that the Elders will constitute the "call committee" for a pastor (1a) and they also specify the following:

- 1b. The call committee shall request a list of candidates and all available information concerning them from the District President or his representative.
- 1c. The list of candidates for pastor shall be compiled by the call committee.
The committee should seek candidate names by soliciting the congregation membership, by contacting official sources within denominational offices, and through consultation with other appropriate sources.
The call committee is to secure all pertinent information regarding each candidate in order that such information can be shared with the voters at the time of the call.

Rules Concerning The Election

The By-Laws specify in item 2a of section D in Article V the rules of conducting and deciding the election. It stipulates that the voters' assembly will elect one of the proposed candidates by ballot and simple majority. A "simple majority" is more than 50% of the votes cast. Robert's Rules stipulate that several ballots may be required in order for one candidate to garner more than 50% of the votes. After each ballot is conducted, the chairman will announce to the assembly the total number of votes cast, the number of votes required for election and the number of votes garnered by each candidate. The balloting process is repeated until one candidate garners more than 50% of the votes. Plurality (the one with the most votes) does not elect anyone, it requires more than 50% of the votes cast to be elected.

What Does Rule #1b In The Procedure For Securing A Pastor Mean?

The rule is straightforward in nature and compliance is simply a matter of making the formal request for candidates and information from the District President.

What Does Rule #1c In The Procedure For Securing A Pastor Mean?

This is a compound rule (i.e. has several parts) and it does three important things:

1. Defines what the call committee is to do.
2. Identifies the two "outputs" required from the committee.
3. States the timing of when information is to be shared with the congregation.

The rule itself can be broken into three parts.

Part 1 – “The list of candidates for pastor shall be compiled by the call committee”.

The key word here is “compiled”. The purpose or “action” of the call committee is to “compile” the list of candidates. The word “compile” means “to put (various materials) into a volume, to draw together”. In practical terms, this means the committee is to take the candidate names submitted by the various sources and simply put all of them together onto one list. The call committee is not to create its own list or edit the list of names submitted. They are instead to “compile the list” which is not the same as creating, preparing or editing a list. The word usage is significant and by looking at other examples in the By-Laws, it would appear that the writers very purposely used the word “compiled”. For example, in item 2 in section A of Article IV, the same writers assign to another nominating committee the task of “preparing a list” of candidates for Officers, Directors and Elders (i.e. lay leader positions). In this case the nominating committee is commissioned to “prepare” or in other words, to make up it’s own list of candidates for presentation to the voters. Additionally, the rules further specify in item 5 of section A of Article IV that additional nominations for church officers can be made from the floor during the voters meeting. This is a necessary step to protect the rights of the assembly and its members. It is not in order to limit the assembly to a certain set of nominees unless the assembly specifically makes that a rule by two-thirds majority vote. So the writers, having used it before, could have used the word “prepare” in conjunction with the pastoral call committee but instead they chose the word “compile” to specify a different action. Under this strategy, nominations are not accepted from the floor during the voters meeting because **all** the names submitted by the various sources, including the congregation, are on the list of candidates submitted to the voters’ assembly. The rights of the assembly and its members are protected in this case because everyone had a chance to nominate candidates before the meeting and **all** candidates submitted show up on the list. If it is not carried out in this manner (i.e. all listed), then the By-Laws are violated and the rights of the assembly and its members have been denied as well. The list would be ruled out of order by the chair on both the counts. So one of the proper outputs of the call committee should be one list consisting of all the names of the candidates submitted by the various sources specified by the By-Laws. This part of the rule also precludes the call committee from “picking” a specific candidate and recommending that or directing that the congregation elect this candidate. The purpose of the call committee is to “compile” the list of candidates, not “select” the candidate.

Part 2 - The committee should seek candidate names by soliciting the congregation membership, by contacting official sources within denominational offices, and through consultation with other appropriate sources.

This part of the rule is straightforward and compliance is simply a matter of properly making the solicitations, contacts and consultations defined in the rule. The word “should” is not to be construed as imparting the “option” of doing the things described in the rule. The word “should” does impart the obligation or need to do these things.

Part 3 - The call committee is to secure all pertinent information regarding each candidate in order that such information can be shared with the voters at the time of the call.

This part of the rule describes two things. First, it describes an action on the part of the call committee. They are to “secure”, which means obtain, all pertinent information regarding each candidate. The means or process of obtaining the information and an exact description of what information is “pertinent” is not specified in the By-Laws. Therefore the call committee is free to use its best judgment. “Pertinent” information may be different in quantity and nature for each of the candidates. For example, the pertinent information provided on some candidates may be no more than a short statement like “candidate requested not to be considered for the job and declined to provide information”. Or another example, “District President deemed candidate not suitable for the position at this time”. And for others it could be a complete report giving a wide variety of information including background, education, family profile,

strengths, weaknesses, etc. If the call committee has interviewed or otherwise formally met with the candidates, pertinent information may also include the opinions, feelings and thoughts that the call committee has developed from their meeting(s) with the candidates.

The second thing described in this part of the rule is the specific timing for when the information is to be shared with the voters. In other areas of the By-Laws, time specifications dictate that information be shared with the voters in advance of the meeting (Article IV, item A2 regarding church officer nominations for example). However, in the case of calling a pastor, the By-Laws specify that the information on the candidates be shared “at the time of the call” or in other words, during the voters meeting versus in advance of the voters meeting. This is important because it precludes such acts as giving the candidate list or other information to the voters in advance of the meeting. It also precludes asking candidates to come and preach at Trinity or to come and interview/meet with the staff or lay leaders. Some of these would also constitute a denial of rights of the members of the assembly because equal access must be granted to all assembly members when it comes to information, interviews, etc. So if staff was allowed to interview/meet candidates, then all congregational members would need to be given equal time and access to the candidates. Therefore, the By-Laws wisely avoid these types of problems by dictating that the call committee keeps all information confidential and secure until the actual voters meeting.

What Is The Format Of The Voters Meeting?

The By-Laws provide little specific direction as to the format of the meeting. Robert’s Rules provides a format for election of officers that has some similarity but is not an exact match to a pastoral call. Taking what’s in the By-Laws, Robert’s Rules and the theology behind the Divine Call produces a format such as the following:

- Call To Order and Prayer
- The Order of Business
- Brief Review Of The Rules And Format
- Elders Report: Candidate List and Pertinent Information
- Election
- Adjourn