FAQ

On the Proposal to Add an Extra Year to the 2019–2022 Triennium

December 2020

Why is this proposal being made?

With a coronavirus pandemic continuing to significantly impact gatherings and accommodation planning for the foreseeable future in most parts of the country, many districts are experiencing difficulties scheduling, obtaining facilities and making arrangements for their district convention. Some district presidents have expressed uncertainty that their own districts will even be able to convene during 2021, or that they will be able to facilitate an accustomed and salutary churchly deliberative assembly, well-attended by the pastoral and lay representatives from their congregations and parishes. Other district presidents have expressed concern for districts other than their own, that prevailing circumstances should not be allowed to preclude any district from likely meeting in regular convention during this triennium.

Why is LCMS Constitution Article XI B 8 (2019 *Handbook*, P. 16) being used to address this situation?

The Constitution and Bylaws of the Synod provide for our accustomed triennial schedule of Synod and prior district conventions in Const. Art. VIII A 1: "The Synod convenes every three years for its regular meeting," and Const. Art. XII 13: "The regular sessions of the districts [i.e., district conventions] are held in the year immediately preceding the general convention of the Synod." The LCMS Commission on Constitutional Matters (CCM), reviewing the question of whether the Synod convention could be delayed a year to allow more time for districts to meet, noted the following (Op. 20-2960, minutes of Nov. 23, 2020):

1. The question is clearly a matter that has arisen upon which action cannot simply be delayed to the next convention; therefore, Const. Art. XI B 8 is applicable to be used in this circumstance by the President.
2. The Synod Constitution specifies the triennial schedule with an apparent purpose: "to preserve the right of the member congregations to govern the Synod and its agencies with the desired regularity and periodicity."
3. Doing nothing at this point may jeopardize the congregations' ability to meet in this triennium, in at least some districts, to effect their governance.
4. "When unforeseen circumstances arise that threaten the member congregations' ability to realize, legally, prudently, or reasonably, regular conventions (Synod or district) on the triennial schedule, it is consistent with the purpose of Const. Art. VIII A 1 for the member congregations of the Synod, using the mechanism of Const. Art. XI B 8, to manage that threat" by delaying the Synod convention, thus allowing more time for meeting without significant complications.
5. Const. Art. XII 13 explicitly allows for exceptions to the rule that "regular sessions of the districts are held in the year immediately preceding the general convention of the Synod" to be made by "the Synod"; a vote of the member congregations of the Synod under Const. Art. XI B 8 can therefore also stretch the period in which districts can convene regular conventions to include the two years prior to the Synod convention.

To summarize, the conventions are for the congregations, not the congregations for the conventions. Conventions provide congregations with their principal opportunity to govern the Synod and its agencies, including its districts, and give direction to its officers, boards and commissions. The member congregations, and only the member congregations, possess the right to manage the present threat to their ability to meet in regular convention as districts or as the Synod by determining whether to adjust the schedule for that meeting. Const. Art. XI B 8 allows the President of the Synod, after consulting with the Synod's Board of Directors, to put this vote directly to the congregations of the Synod, after properly informing them of the issues.

Has something like this ever been done before?

In 1944, a direct vote of the member congregations, initiated by presidential letter, was used to authorize postponement of the Synod convention due to the government's wartime urging to conserve fuel. By a majority vote, the congregations approved delaying the convention that had, three years before, been scheduled to meet that year. Circumstances ultimately changed, and the convention was held in 1944, the vote to postpone notwithstanding. The first act of the convention was to ratify and confirm the President's calling of the convention on schedule.

What would happen if a district was unable to assemble a quorum for a convention by Dec. 31, 2021, and the window for district conventions had not been expanded by this proposal?

Many congregations would miss out on their triennial opportunity, ordinarily restricted to the calendar year prior to the Synod convention, to govern their districts in regular convention, selecting officers, reviewing approaches, setting directions and growing together in one Lord, one Word, one confession and one mission. Neither would districts in convention be able to provide overtures to the Synod convention and effect influence on the governance of the Synod. For districts and congregations already experiencing challenging days, this would be a significant lost opportunity. Our Synod's CCM recently noted that if a district cannot meet, elected officers and the like will remain in office until the next year a district convention is to be held. For such districts, this would, in effect, result in a six-year term for elected officials currently in office (unless a special session was held simply to accomplish the delayed elections).

If an extra year is added to the triennium as proposed, how would this affect the terms of office for district and Synod officers and board and commission members?

Terms of office related to one triennium would simply be "stretched" by one year, with elections for district officers held at district conventions during either 2021 or 2022, and terms thereafter extending to their next district convention in 2025. (Some districts would experience the four-year triennium as 2018–2022 and others, should they meet yet in 2021, as 2021–2025.) Elections for Synod officers would be held at the Synod convention, likely in July or early August, but definitely (Lord willing) in 2023. The appointment of other officers and board and commission members would also shift with the related conventions.

According to this proposal, what will be the schedule for district and Synod conventions going forward?

District conventions for the current triennium would be able to be held in either 2021 (as originally planned or possibly rescheduled within the year) or in 2022. Going forward, Synod conventions will continue on their usual triennial schedule, meeting in 2023, 2026, 2029, etc., and district conventions would be held as usual in each year prior (2025, 2028, etc.).

If this proposal is approved, would that mean that the Synod will operate according to a four-year cycle going forward?

The Synod has recently twice turned down resolutions calling for a four-year convention cycle. The proposal presented here is presented to the congregations as an option for them to make a one-time exception due to a very rare circumstance and will in no way enact a four-year cycle going forward.

How many congregations will need to vote on this proposal?

At least 25% of the Synod's congregations must vote for the result to be effective. Of those voting, a simple majority must vote in favor.

How and when will the vote be taken?

Voting instructions and credentials will be mailed to each member congregation in an envelope marked "CONVENTION REFERENDUM" no later than the first week of January. The vote will be conducted electronically by the LCMS Office of the Secretary, with two congregational officers attesting that the vote is the decision of the congregation. (A record of the congregation's vote will be emailed immediately to congregational leadership on file with LCMS Rosters, to assure congregations their vote has been properly cast and registered.) Using the electronic system, the Secretary will be able to remind leaders of congregations that have not yet voted. (This is therefore a good time for your church's administrator to get your congregation's lay leader emails up-to-date in *LISN for Congregations* using information received with the annual statistics and lay leader requests.) Voting on this proposal will close on Feb. 15, and the result will be announced almost immediately.

How will a congregation decide this question?

It is up to each congregation to determine how to decide this question. In most congregations, this is done by holding a voters' meeting. Such a meeting can be held on the basis of the information provided in the President's letter and does not have to wait until the voting credentials arrive in January. Once the voting credentials arrive in January, officers can at that time report a congregational decision that was made earlier. Some congregations delegate authority to make this kind of decision to another deliberative body, such as a church council or board. In whichever manner the congregation does it, it is important that the vote be the vote "of the congregation," either directly in a voters' meeting or by the congregation's delegation of its authority in its governing documents, resolutions or established and accepted practice.

Isn't it too early to make this decision? We're hearing that vaccines will be ready soon.

Actually, districts have already been engaged in convention planning for months. If postponement is to be an option, it must be placed before the congregations now in order to give the required time for consideration and vote. If the situation looks different during the period of voting concluding on Feb. 15, then congregations may vote accordingly.

What do our district presidents think about this proposal?

At their November 2020 Council of Presidents meeting, the council voted unanimously to ask the Synod President to use LCMS Constitution Article XI B 8 to put before the congregations the "request to extend the District Convention cycle to a two-year window [2021–2022] … and move the Synod Convention to 2023."

What was the consultation that the Board of Directors provided to the President?

The LCMS Board of Directors received a report from the President regarding the matter and the concerns raised from the Council of Presidents. Counsel from some of the board members to the President was to defer action for as long as possible, be slow in making major changes to the convention scheduling, and to

be cautious in proceeding unnecessarily before more was known about vaccine availability and ongoing COVID-19 impacts to communities. This consultation did not require a vote by the Board, and the President received their consultation and input with appreciation. The President explained to the Board that he would not move forward on the matter until receiving the CCM's opinion (Op. 20-2960).

What will be the financial implications if this proposal is approved by the congregations of the Synod?

Financially, there will likely be some significant costs for moving the Synod convention from July 2022 to July/August 2023. Certain commitments had to be made some time ago to secure the original meeting date, and there will likely be a significant but manageable expense involved in rescheduling, and possibly increased costs incurred for meeting at a later date. The LCMS is presently engaged in negotiations and is exploring all opportunities to manage the possible rescheduling with good stewardship.

Having an additional year in the cycle would provide a one-year holiday from convention costs for districts and the Synod. There is also a value to at least some of the districts of providing them an expanded opportunity to meet (and to meet well) during this triennium, which they otherwise might not have. As we all long for the ability to get together for fellowship, study, growth, deliberation and decision-making in our accustomed ways, one may think of the cost of this deferral as purchasing an opportunity to renew our commitment to meeting *well* together when we are finally able. Should the congregations of the Synod vote to delay the convention, let us all work together to make the best stewardship of that.

What should our congregation be doing right now?

Here are some suggestions:

- Thoroughly review the President's letter and this FAQ.
- If you have questions about the matter, speak with your circuit visitor or district president.
- Ask the person who enters your congregational statistics and lay leaders at *LISN for Congregations* to make sure your lay leader email addresses are up-to-date. These emails will be used to communicate with your leadership about this vote.
- Review your congregation's governing documents to know how best to decide this issue as a congregation.
- Determine if you need to schedule a voters' meeting. If so, you may schedule it in December 2020, January 2021 or prior to Feb. 15, 2021.
- If your council or other leaders are empowered by the congregation to make a decision like this, share this information with those individuals, invite congregation members to provide input to that group, and schedule a meeting to discuss and decide the matter.
- Identify the two congregational officers (president and secretary, most likely) who will attest to the vote being the congregation's official decision, along with the person who will access the electronic system and register the vote for your congregation prior to Feb. 15, 2021. Make sure they receive all the information for voting when it arrives by U.S. Mail in early January.
- Pray for wisdom.

Appendix

Added 12/18/2020 in response to more recent questions received, details newly available and further input from the Board of Directors:

Has the Board of Directors taken action on this matter?

As noted above, the President consulted with the Board at its Nov. 19, 2020, meeting. After the President presented the information to the Board, the Board held a healthy discussion of the pros and cons, pointed out that there are few district conventions planned prior to May 2021, stated some concerns regarding stretching the terms of service for elected and appointed officials by an extra year, and reminded the President that a lot could happen over the next few months, including the availability of a vaccine. Several board members thought action to extend the triennium an additional year seemed premature. In accordance with Const. Art. XI B 8, the Board then commended the matter to the President. *The proposed Nov. 19, 2020, Board of Directors minutes* are now available online (item 126).

What is the expected cost of moving the Synod convention, should the congregations vote to do so?

Many factors go into planning for a convention. Meeting space and hotel rooms must be contracted many months to years in advance. This is the case for the 2022 Synod convention scheduled to be held in St. Louis, Mo., July 23–28, 2022. The details of the currently signed contracts, ability to negotiate, hotel and meeting space circumstances, meeting space availability, concurrent St. Louis events and competitive pressures with other event planners are just some of the factors that may influence the cost of moving the 2022 Synod convention to 2023. The Board of Directors has estimated that moving the convention out one year would cost between $300,000 and $1,000,000. We understand this is a wide range, but at this time it is impossible to predict with certainty the cost of moving the Synod convention. However, based on experience and limited available information, we estimate in the worst-case scenario the cost would reach toward $1,000,000 (68 cents/communicant member). However, we hope and see a reasonable possibility that the cost could fall closer to $300,000 (20 cents/communicant member). Any additional costs incurred in moving the Synod convention to 2023 would be included in the development of the convention budget and balanced by anticipated convention revenues (registration fees, exhibit space rental, etc.). The net operating expenses of the convention determine the amount of the district assessment (levy) passed on through the districts to member congregations (Bylaw 3.1.9 [d]).

(Districts may have costs and benefits associated with rescheduling their conventions but may have more options at present to cancel existing contracts if they are simply unable, due to pandemic conditions, to meet as originally scheduled in 2021. Circumstances will vary widely. Your district office may have provided or may be able to provide further information on the cost and/or desirability of rescheduling your district convention.)

Why can't we have virtual conferences for districts or the Synod?

The Bylaws of the Synod, which govern the districts, do not provide for virtual or electronic conventions or for doing the business assigned to a convention by means other than meeting in person. Practically speaking, it is hard to see how the full character of a convention as a churchly, deliberative assembly with many active participants — who ordinarily would be able to interact with one another in ways far beyond simply debating and voting — could possibly be facilitated by electronic means. The Synod and district Bylaws expect things like district officer and board elections to be done in the context of a convention, and processes don't exist for doing them separately. While much information

can be disseminated before a convention by a variety of means (e.g., online reports), even where state not-for-profit corporate law allows for certain electronic (video) corporate or board meetings, and even though electronic meetings are useful in many other contexts, the Constitution and Bylaws' expectations for a convention as a churchly, deliberative assembly are not satisfied by these means (*CCM, Op. 20-2938*).