

RULES OF PROCEDURE OF CHURCH SYNOD

of the

NORTHEASTERN EVANGELICAL LUTHERAN CHURCH IN SOUTH AFRICA

{Abbreviated name: NELCSA}

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Introduction

Church Synod has adopted the following Rules of Procedure in terms of Section 42 (2) of the Constitution of NELCSA:

Section 1 *General*

In these Rules, unless the context indicates otherwise, singular shall include plural and vice versa, and masculine shall include feminine and vice versa.

Section 2 *Constituting Synod*

Church Synod is constituted anew every six years or after it has decided on its dissolution in accordance with Section 34 of the Constitution.

Section 3 *Members*

- (1) Synod is composed of ex officio members, elected members and delegates nominated to it in accordance with Section 32(1) of the Constitution.
- (2) Membership of Synod shall terminate when:
 - (a) the conditions of eligibility or conditions under which appointments were made in terms of Section 32(1) (e) and Section 32(3) of the Constitution fall away.
 - (b) an elected or appointed member renounces his membership. Church Council is to be informed of the renunciation.
- (3) Congregations shall advise Church Council of the results of elections of Synod members.
- (4) Where doubts exist as to the validity of the election or of the appointment of any member of Synod, or about the continued eligibility of such membership, Synod Council shall instruct a committee of Synod to re-examine the membership. After submitting the committee's findings, Synod shall make a final decision.

Section 4 *Participation at Sessions*

- (1) It is compulsory for Synod members to attend Synod meetings.
- (2) If members of Synod are prevented from attending a meeting of Synod or a meeting of a committee of which they are members, Church Council, Synod Council or the chair of the committee is to be notified.
- (3) All Synod members shall record their attendance in an attendance register provided for that purpose. Members leaving a session prior to its conclusion are to inform Synod Council thereof.
- (4) Travel costs of Synod members are borne by the relevant congregation. Travel costs of Synod members appointed by Church Council are borne by the Church. Guests are responsible for their own travel costs.

Section 5 *Chairship*

Synod is chaired by the President of Synod in accordance with Section 39 of the Constitution. The President may hand over chairship on particular aspects of deliberations to any member of the Synod appointed by the President.

Section 6 *Preparation and Convening*

- (1) Meetings of Church Synod are prepared and convened by Church Council in accordance with Section 36 of the Constitution, provided that the requirements of Sections 35 (1) or (2) or 34 (4) are fulfilled.
- (2) Church Council schedules divine services and devotions as well as other business of Church Synod.

Section 7 *Opening, Quorum, Public*

- (1) Every meeting of Synod commences with a divine service and ends with the closing divine service. Every day shall be opened and closed with devotion.
- (2) During the opening service of the first session of each Synod period the members of Synod are commissioned by the Bishop and thereafter the Bishop is commissioned by the President in accordance with the existing Church Order.
- (3) Members who were not present at the commitment referred to in Section 7(2) shall be commissioned during the session as soon as possible after they have arrived.
- (4) At the commencement of the Synod meeting a quorum is established by roll call in accordance with Section 40 of the Constitution. It is the responsibility of Synod Council to advise Synod if the number of members present no longer constitutes a quorum.
- (5) Sittings of Synod are open to members of NELCSA. Synod may exclude the public.

Section 8 *Subjects for Deliberation*

- (1) The subjects for deliberation are:
 - (a) Motions, which include in particular:
 - decisions pertaining to the scope of the Church's responsibilities in terms of Sections 30(2) and 31(1) of the Constitution;
 - draft laws in terms of Section 60 of the Constitution;
 - opinions by the Ecclesiastical Council in terms of Section 68(1) of the Constitution;
 - results of the work of committees.
 - (b) Resolutions of Church Synod and of Church Council.
 - (c) Motions, requests and suggestions by members of Synod, congregations, Pastors' Conventions, Ecclesiastical Council and Church Council.

- (2) The report on the activities of Church Council in terms of Section 46(4) of the Constitution shall be presented to Synod on the first day of a meeting. The report is to be tabled in writing before deliberation thereon takes place.

Section 9 *Procedure*

- (1) Subjects for deliberation are dealt with in accordance with the agenda or at the discretion of Synod Council.
- (2) All motions, with the exception of motions on points of order, must be submitted in writing.
- (3) Independent motions (motions which do not pertain to the amendment of motions or to points on the agenda) may be submitted during the session by any member of Synod. They shall be handed to Synod Council, who shall announce them to Synod. The motion must be seconded by at least five members of Synod. If the required number of seconders have not already signed the motion, then the President shall call for seconders. If the motion has been properly seconded, it shall be dealt with as a formal motion.
- (4) Dependent motions (motions that pertain to the amendment of proposals or to points on the agenda) may be put by any member of Synod. Motions must be seconded.
- (5) Motions exceeding the competence of Synod shall not be allowed by the President.

Section 10 *Deliberations*

- (1) The President opens discussion on each subject matter to be discussed.
- (2) In cases where major motions have been proposed, a general discussion shall take place initially; thereafter a detailed debate on individual points and individual resolutions shall take place. After this debate has been concluded a vote on the complete motion shall be taken.
- (3) Synod may restrict the time for deliberations on any subject matter.

Section 11 *Sequence of Speakers*

- (1) Persons presenting reports to Synod and proposers of independent motions in terms of Section 9(3) have the right to address Synod at the start of deliberations.
- (2) Members who wish to speak to the motion must record their names on the list of speakers kept for this purpose by a member of Synod Council and they will be accorded their right to speak in the sequence that their names are recorded.
- (3) The following have the right to speak outside the list of speakers, but they may not interrupt a speaker:
 - (a) members of Church Council;
 - (b) members of the Ecclesiastical Council;
 - (c) persons presenting reports to Synod;

- (d) proposers of independent motions.
- (4) The President of Synod may accord the right to speak to invited visitors.
- (5) Persons presenting reports to Synod and proposers of independent motions may, at their request address Synod after conclusion of a debate.
- (6) Personal remarks are only permitted to be made at the end of a debate. A speaker may only refute personal attacks or clarify his own statements. The President may allow exceptions.
- (7) If the President of Synod wishes to take part in a debate, he shall relinquish the chairship for the duration of the debate.
- (8) A speaker may only be interrupted by the President. The President shall prevent digressions from the subject matter and repetitions and shall, where necessary request the speaker to respect the debating procedures. If this is not adhered to, the President shall withdraw the right to speak from the speaker.

Section 12 *Motions on Points of Order*

Motions on points of order may be raised outside the sequence of speakers. Such motions may not exceed 5 minutes.

Section 13 *Conclusion of Debate and List of Speakers*

- (1) The President closes the debate on a subject matter once all speakers have been heard.
- (2) If a proposal is made to close the debate, the President shall first call for a seconder. If the proposal is seconded by at least five members the President shall then call for a vote on the proposal without further debate. If the proposal is rejected the debate shall continue.
- (3) If a proposal is made to close the speakers' list the President shall first call for a seconder. If the proposal is seconded by at least five members the President shall read out the names of the speakers still appearing on the speakers' list and then shall call for a vote on the proposal without further debate. If the proposal is rejected the speakers' list remains open.
- (4) If both proposals stand together, the vote to close the debate shall take precedence.
- (5) A proposal to close the debate or to close the speakers' list may only be made after the subject matter has already been discussed and may only be made by such members who have not yet spoken on the matter. This proposal shall be deemed to be a point of order in terms of Section 12.

Section 14 *Voting*

- (1) Once all speakers have spoken and the debate has been closed the President expressly puts the motion to the vote.
- (2) A motion shall be framed in such a manner, that it can be answered with "Yes" or "No". Questions are to be put in the affirmative; a negative question shall only be allowed to cross-check the result.

- (3) A motion on a point of order concerning the framing of questions may be put until the motion has been put to the vote. If there is an objection to the wording of the motion, Synod shall decide on the wording.
- (4) The President shall direct in which order the motions will be put to the vote. In principle the motion which has the widest effect shall be put to the vote first.
- (5) Voting shall be by a show of hands. Synod may decide on another method of voting.
- (6) Unless the Constitution provides otherwise, Synod shall adopt its resolutions by simple majority of members present. In case of a tied vote the motion fails.

Section 15 *Proposal to refer a Matter to a Committee*

- (1) A proposal to refer a matter to a committee shall be discussed in conjunction with the subject matter being debated.
- (2) If the matter is referred to a committee, it shall deal with that motion as well as all other proposals made in regard thereto. The motions are deemed to be completed upon presentation of the committee report to Synod.

Section 16 *Elections*

- (1) Church Council appoints a nominations committee, comprising a chair and four Synod members. Each of the four Circuits as well as the body of pastors shall be represented on this committee.
- (2) Church Council shall prepare documentation for the nominations and elections.
- (3) Properly completed nominations on the prescribed forms shall be handed to the nominations committee.
- (4) The nominations committee may also nominate, even from within its own ranks.
- (5) The nominations committee shall:
 - (a) confirm that nominations comply with these rules;
 - (b) reject nomination forms which have not been completed properly;
 - (c) normally compile and publish a list of candidates for the relevant positions on the day before the elections but not later than four hours before the beginning of the ballot. This list shall include more names than the number of posts to be filled. The nominations committee shall take cognisance of suggestions made by Synod.
 - (d) ensure that, where a person has been nominated for more than one position, and has been elected into one of these positions, this name is removed from the list of nominations for all subsequent elections.
 - (e) accept additional nominations from members of Synod, if they are supported by at least five members;

- (f) close the list of candidates at least one hour before the beginning of the ballot;
 - (g) prepare the final ballot papers.
- (6) The nominations committee initiates the elections and:
- (a) announces each election and the relevant candidates;
 - (b) explains the voting procedure;
 - (c) explains that spoilt ballot papers and abstentions are recorded but are not taken into account for the vote;
 - (d) explains that number of votes cast for each candidate shall not to be announced.
- (7) The nominations committee shall conduct the elections by secret ballot. A ballot by a show of hands is permissible if there is only one nomination and no objection is raised.
- (8) Candidates who have received more than half of the votes cast shall be declared to have been elected. If a majority is not obtained, a further ballot shall take place between twice the number of candidates necessary to fill the posts, being those who obtained the highest number of votes in the first ballot. In case of a tied vote the ballot has to be repeated according to these provisions.
- (9) Those candidates who obtain the next highest number of votes during the final ballot shall be declared to be deputies.
- (10) Committee members are elected by simple majority.

Section 17 Committees

- (1) In terms of Section 42(1) of the Constitution Church Synod may form committees to assist it in decision making and may even assign to them other matters for deliberation during and between Synod meetings. Synod determines the number of committee members. As a rule, a committee shall consist of at least three members.
- (2) Committee members shall elect a chair and his deputy from among their own ranks. Members of the committee distribute the tasks amongst themselves. The chair convenes the meetings and presides over them. In general, the committees perform their tasks in terms of the principles laid down in these rules.
- (3) The committees take their decisions with a simple majority of votes. In case of a tied vote the motion fails.
- (4) Deliberations of the committees are not open to the public. The President, the Bishop, their respective deputies or other members of Synod Council or of Church Council delegated thereto shall have the right to attend meetings in an advisory capacity.
- (5) The committees may co-opt experts to act as advisers.
- (6) The committees shall submit their reports to Synod.

Section 18 *Minutes of Meetings*

- (1) Those members of Synod Council who have been designated secretaries are responsible for the minutes. The President may request other members of Synod to assist.
- (2) The minutes shall reflect the conduct and main results of Synod's deliberations. In particular they shall include:
 - (a) the names of those in attendance, those who have tendered their apologies and those who are absent without leave;
 - (b) confirmation that the members of Synod have been duly commissioned;
 - (c) the text of drafts, motions and resolutions as well as the results of voting and elections;
 - (d) official announcements by the President, the Bishop and Church Council.
- (3) Draft minutes shall be forwarded to all Synod members within 60 days after the end of a Synod meeting. If objections to the wording of these draft minutes are raised within a further period of 30 days, the President shall cause the secretaries to comment thereon, and where necessary, shall cause a correction to be made.
- (4) The final text of the minutes shall be confirmed by Church Council and signed by the Bishop and the President of Synod.
- (5) The minutes shall be forwarded to members of Synod and to the Circuit Councils.

Section 19 *Commencement Date*

These Rules shall come into effect on the 13th October, 2019