



The Ratification Process – Some Basics

Why do congregations have to vote on ratification?

Congregational participation is a cornerstone of NALC governance. One element of this participation is ratification. By requiring congregational ratification of certain key decisions, the NALC ensures that NALC members are aware of and broadly support those decisions. Participation in the ratification process is an important responsibility that every congregation owes to its own members and to all other NALC congregations.

What matters require ratification?

The Constitution identifies the matters that require congregational ratification. Notably, under Section 17.03 of the Provisional Constitution, all Constitutional Amendments require ratification to take effect. In addition, Section 13.04 subjects all “inter-Lutheran and ecumenical church-to-church relationships of an official character” to the Section 17.03 ratification process.

What specific matters are subject to ratification this year?

The annual Convocation approved two items that require ratification – a full-communion agreement with the Ethiopian Evangelical Church Mekane Yesus and a package of Constitutional Amendments. Information about each of these is available on the NALC web site and in documents previously sent to pastors and congregations.

For the full-communion agreement with the EECMY go to:

<http://www.thenalc.org/documents/governance/NALC-Proposal-for-Partnership-between-NALC-and-EECMY-v2.pdf>

For the Constitutional Amendments go to:

<http://www.thenalc.org/documents/governance/NALC-2011-Constitution-Provisional-Compared.pdf>

What must our congregation do to fulfill its ratification responsibility?

Under Section 17.03 of the Provisional Constitution, a congregation’s ratification vote must be taken “in and through properly called congregational meetings.” Thus, congregations cannot delegate responsibility to their councils, pastors, or any other persons or groups.

What is the deadline for voting on ratification?

Under Section 17.03, congregations could vote any time through August 12, 2012. However, if at all possible, each congregation should act at its next congregational meeting, and ideally not later than February 12, 2012, which is six months after the end of the 2011 Convocation. The Executive Council and Nominating Committee need to know well advance of the 2012 annual

Convocation whether the proposed amendments will be in force or whether the Provisional Constitution will continue to govern. Moreover, the proposed Constitutional Amendments would allow just six months for the ratification process. Thus, in voting by mid-February, a congregation will establish a precedent of voting on a schedule that will fit within the process envisioned by the proposed Constitutional Amendments.

Are congregations required to use a particular form of resolution or ballot?

The short answer is “no.” However, in creating its ratification process, a congregation must take care to ensure that its members have a clear way to express their preference for having the congregation vote either “yes” or “no.” The best way to accomplish this is probably to use a paper ballot that asks the following question: “How should Congregation X vote on whether to ratify” the particular measure at issue? It should permit members to vote “yes” or “no.” Like an election involving two candidates, voters would select between possible choices.

Such a ballot would be importantly different from the type of resolution used to conduct most business in congregational meetings. A resolution taking the usual form likely would involve a simple motion to “to ratify” a particular Convocation action. If such a motion were to pass, the congregation would have decided to vote for ratification and the process would be complete. However, if such a motion were to fail, the situation would become complicated. The defeat of a motion to vote “yes” on ratification does not constitute a “no” vote. It is nothing more or less than a decision not to vote “yes.” In order to vote “no,” a congregation in this situation would have to pass a follow-up motion that the congregation vote “no.” From a legal perspective, a congregation that stops after failing to pass a motion to vote “yes” (or that also considers and rejects a motion to vote “no”) would be deemed to have abstained.

To understand the problems, it might help to imagine proceeding by resolution when electing one of two nominees to an officer position. Theoretically, someone could move to elect the first candidate. If that motion were to pass, the first candidate would be elected. However, the second candidate would not have received fair consideration. Moreover, the defeat of the motion to elect the first candidate would lead to complications because it would not constitute the election of the second candidate. The congregation would have to continue voting on resolutions until it passed one electing someone to office.

By using the included model ballot – and treating the matter as an election between two choices – congregations will avoid the confusion that could arise from voting on ratification by resolution.

Which congregations are entitled to vote?

The 250 congregations that belonged to the NALC at the time of the 2011 annual Convocation are entitled to vote on ratification.

How does a congregation submit its ratification vote?

A form is included for congregations to use.

How many congregations must vote “yes” in order for ratification to be effective? Some of the proposed Constitutional Amendments need only a simple majority for ratification. However, the other Constitutional Amendments and the full-communion agreement require a two-thirds majority. Thus, ratification will be fully accomplished once two-thirds of the congregations have

voted “yes” on both items. As of the annual Convocation, **250** congregations belonged to the NALC. Thus, **167** congregations must vote “yes” to effect ratification.

How will we know the status of the vote on ratification?

Regular updates will appear on the NALC web site.

Should our congregation vote even if more than two-thirds of the congregations already have voted to ratify (or more than one-third already have voted against ratification)?

Absolutely. Ratification is a responsibility borne by all congregations. It is important to get into a regular practice of participating in the ratification process each time a matter is submitted to congregations for their consideration. By taking the time to deliberate and vote, a congregation keeps its members well informed. Moreover, the congregation claims ownership for the decision-making process.

What happens if a congregation does not vote on ratification?

Under Section 17.03 of the Provisional Constitution, a congregation that has not voted either “yes” or “no” within twelve months after the 2011 annual Convocation will be deemed to have voted “yes.” The Constitutional Amendments approved by the 2011 Convocation would eliminate the yes-vote presumption. However, this presumption will apply to the two matters now before congregations.

Can a congregation enact amendments to the measures before it?

No.