

## Recognizing the Nonvoting Delegates

Adopted at the 2023 Synod Convention:

### 22 To Strengthen Nonvoting Advisory Delegate Participation at Conventions

#### 23 RESOLUTION 9-08A

24 Report R62 (CW, 159–68); Overtures 9-20–26 (CW, 381–84)

25 Rationale

26 The Synod is comprised of parishes—that divinely established unity of the office of the one given to proclaim the Word  
27 of God and administer His Sacraments together with the one given to receive this grace thus administered through these  
28 means. As the Synod meets, each parish has been given equal voting status to be exercised by those without which there  
29 is no parish—the office of proclaiming and the office of receiving. This proclaiming office is identified in the Lutheran  
30 Confessions (Augsburg Confession [AC] V) and in the official theological position of the Synod (C.F.W. Walther,  
31 Kirche und Amt, Thesis VIII) as the called pastor of the parish.

32 In addition to the voting parishes of the Synod, individuals rostered as ministers of religion—ordained and ministers of  
33 religion—commissioned all hold a non-voting, advisory status (Constitution Article V B). In recent history, **these**  
34 **advisory delegates have been underutilized within our district and Synod conventions.** Recent efforts have included  
35 polling advisory delegates prior to delegate voting, but in addition to violating the established rules of order (Henry  
36 Martyn Roberts, Robert's Rules of Order [Berkley Publishing Corporation, 1998] 45:72), **such polling reduces the advice**  
37 **and counsel given to a single word**—either “Yes” or “No”. The counsel these advisors can bring is much more nuanced  
38 and valuable than merely a single word. The 2019 Resolution 9-17 Report included in the 2023 Convention Workbook  
39 concludes, “...one of the best existing opportunities is to encourage more participation of commissioned ministers on  
40 floor committees” (2023 Convention Report R62, “2019 Res. 9-17 Report: Study of Voting Privilege in the LCMS  
41 (CCM),” Secretary of Synod, Workbook, 167). The Bylaws have always contemplated, and it is made explicitly clear in  
42 the revisions made at the 1981 Convention, that advisory members of floor committees have full voice and vote on the  
43 floor committees (Bylaw 4.2.3 [a]). Some have suggested extending the full franchise to some or all advisory delegates,  
44 but there is no way to accomplish this without fundamentally changing the structural and theological underpinnings of  
45 the Synod and redrafting the entirety of the Constitution and Bylaws.

46 Therefore be it

47 Resolved, That we reaffirm the historical and theological position of the Synod from its foundation, that every parish  
48 is represented by one who holds the **preaching office** and one who holds the **hearing office** (Small Catechism Table of  
49 Duties); and be it further

1 Resolved, That the conventions of the Synod and its districts be encouraged to ensure that the advisory delegates  
2 are well prepared to exercise their responsibilities and privileges because their participation is valued and appreciated;  
3 and be it finally

4 Resolved, That we encourage the conventions of the Synod and its districts to include more robust representation of  
5 advisory delegates, especially ministers of religion—commissioned, on the floor committees of their respective  
6 conventions.

Suggested additional text:

The advisory delegates are very often at the leading edge of the church's work. Their insights should be heard at the time they are discovered, at any point in the convention cycle.

Resolved, that advisory delegates are encouraged to produce articles, white papers, essays and/or presentations, to be shared at congregation, district and Synod levels; and be it further

Resolved, that pastors, district presidents and synod officials should propagate these insights for consideration, and make place for presenting them at district and synod conventions.

These suggestions were presented to the Floor Committee at the 2023 Synod Convention. The Committee responded that these were beyond the scope of the existing resolution, but would be a good contribution as a separate Resolution, at a subsequent Convention.

2022:

## **Shall Commissioned Ministers of Religion be Given the Vote at Conventions?**

### The Question

Depending on the District, conventioners are certain to hear the complaint:

“Teachers and DCEs are second-class citizens at the Convention, because they do not vote.”

“Commissioned Ministers are without voice at the Convention.”

“We wish to represent our interests.”

“Why can’t the teachers vote?”

etc.

The grievance expressed is strong and urgent.

On the first hearing, it might seem reasonable to give them a vote, along with lay and ordained delegates, if you will, a third category of Voting Delegate. We admire the Commissioned Ministers, for the important work they do, and for their expertise which we most certainly want to hear.

Do we have occasion to change the polity?

What IS the polity?

Are there historical considerations in support of the polity?

Is the Synod in some way weakened or harmed by the existing polity?

As noted below, this is a constitutional matter, and so must be approached deliberately. The Lutheran approach is to say “What does this mean?”, to look carefully past the euphoria of a change-proposal.

### What is the Polity?

- Through 175 years of LCMS history, the CONGREGATION is the voting member at the convention.

- A congregation may send 2 Voting Delegates, a layman and a clergyman. This is to preserve a 50/50 balance between laity and clergy.

- Congregations choose their Voting Delegates - 1 layman, 1 pastor. If several pastors, which one.

- There are auxiliary (helping) offices - Commissioned Ministers: Teachers, DCEs. These, along with university professors and other pastors not representing congregations, are Advisory Delegates.

Per the Constitution, they are expected to attend the Convention, and give their advice.

- Laymen, pastors and commissioned ministers may serve as voting members of Floor Committees if they are convention delegates.

- Statutes do not confer voting privileges. Not every pastor is sent by a congregation to cast its clergy vote. Not every layman is a voting delegate.

## Challenges to the Polity

“Why can’t teachers vote?”

Per the Constitution, congregations alone have the vote. They send delegates to cast their vote.

“Why not give some congregations a third vote, for the Commissioned Minister(s)?”

This upsets the clergy/laity 50/50 balance.

This would render the congregations unequally represented.

“Some Commissioned Ministers say they would like to represent their 'interests'.”

'Interest group' is a secular concept, and has no place in the Synod.

The sole voters are the congregations.

Clergy and Laity (and workers) are not competing interest groups.

## Procedural Challenges to the Polity

Some districts have proposed to poll selected groups of Commissioned Ministers immediately prior to the Voters' votes. One District President (or more) has thought to mix said selected Commissioned Ministers in the voter-section on the floor.

Several objections:

- This amounts to additional debate after debate has closed, if a motion to close debate has been adopted. The case would be different if the chair polls the Advisory Delegates (or anyone else) prior to the Convention itself closing debate.

- A question of fairness -- How representative is the chosen group of CMs?

The time to discuss this is when it is proposed at the beginning of the convention, when the parliamentary rules are set.

## Logical Sleight-of-Hand

Per human nature, we easily forget all history and precedent and constitutional concerns as we empathize with one or several of our aggrieved colleagues. We would like to make profound changes very quickly because we feel strongly.

We must be like the Christians everywhere, who have compared doctrinal claims against Creed and Bible. In similar fashion, we would stick to the constitutional principle,

The CONGREGATION has the vote  
and so would be required to turn aside any discussion that ignores this essential detail.

## Conciliatory Points

However vigorous the polity debate may be, we do not call into question the value of the Advisory Delegates' work and expertise.

A professor who is ordained, but without cure, could talk about how he advises, but does not vote.

A scan through the Constitution shows that Commissioned Ministers have reserved and voting positions throughout the Synod governance. Already mentioned is the Convention Floor Committee.

