

GUIDELINES FOR MEMORIALS AND RESOLUTIONS

I. What is the difference between a memorial and a resolution?

Although both memorials and resolutions are requests by a synod for action, they are intended to address different issues, address different bodies, and are processed differently.

Memorials address broad policy issues and are passed by synod assemblies for consideration by the Churchwide Assembly. Only a Synod Assembly may address a memorial to the Churchwide Assembly. Synod councils are not authorized to adopt memorials.

Once a memorial has been adopted by your Synod Assembly, it is forwarded to the Office of the Secretary so it can be submitted to the Churchwide Assembly. One of the responsibilities of the Churchwide Assembly, in accordance with provision **12.21.c.** of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (CBCR), is to “receive and consider proposals from synod assemblies.” Once received by the churchwide organization, memorials are referred to the Memorials Committee, which is appointed by the Church Council to review and make recommendations to the Churchwide Assembly, in accordance with bylaw **12.51.02.** (CBCR). The Memorials Committee meets in the year of a churchwide assembly after all synod assemblies are over.

Resolutions are requests from synods to the Church Council or units or offices of the churchwide organization. Either synod assemblies or synod councils may originate resolutions. As a practical matter, resolutions have a narrower focus than memorials because they are requests for consideration or action by the Church Council or by individual units or offices of the churchwide organization by way of the Church Council Executive Committee. Thus, for example, a request for the Church Council to recommend a parliamentary rule or some action by a unit of the churchwide organization would be the subject of a resolution, but a request to change an ELCA policy should be a memorial. Frequently, synod councils will pass resolutions between meetings of their Synod Assembly and forward them to the Church Council for consideration, or to the Church Council Executive Committee if the desired action involves referral to a unit or office of the churchwide organization.

II. Which body should be addressed by a memorial or a resolution?

Essentially, there are three avenues for synods to request action by the churchwide expression:

- 1) synod assemblies may address the Churchwide Assembly through memorials;
- 2) synod councils may address the ELCA Church Council through resolutions;
- 3) synod councils may address churchwide units or offices through resolutions sent to the ELCA Church Council’s Executive Committee (including forwarding resolutions adopted by synod assemblies).

A resolution and a memorial may *not* be combined in one action. In addition, a synod should not address both the Church Council and the Churchwide Assembly on the same subject.

The Office of the Secretary, with the concurrence of the Executive Committee of the Church Council, may decide whether a proposal that has been received is to be classified as a memorial or as a resolution. In these circumstances, the synod will be notified promptly of the re-classification.

It is important to note that resolutions and memorials may *not* direct the churchwide organization to take action because of the principle of interdependence of the three expressions of this church (churchwide organization, synods, and congregations). They are proposals *requesting* a specified action. Memorials may request that the Churchwide Assembly urge synods and congregations to do something the writers desire, but a memorial should not assume that the Churchwide Assembly can compel synods or congregations to do these things. Similarly, resolutions may request that the Church Council or units or offices of the churchwide expression take a desired action, but the principle of interdependence applies here, as well.

III. Drafting Memorials and Resolutions

Both memorials and resolutions are forms of main motions under *Robert's Rules of Order, Newly Revised* (12th ed.), Section 10.* A main motion is simply a motion that brings business before the assembly. It is the basic mechanism to present a matter to the assembly for possible action.

Resolutions and memorials frequently contain both “resolved” clauses and “whereas” clauses. “Resolved” clauses state the action to be taken by the assembly; “whereas” clauses constitute a preamble describing the reasons for the proposed action. “Whereas” clauses are *not* required; in fact, *Robert's Rules of Order, Newly Revised* (12th ed.), Section 10, page 98, discourages their use:

In general, the use of a preamble should be limited to cases where it provides little-known information without which the point or the merits of a resolution are likely to be poorly understood, where unusual importance is attached to making certain reasons for an action a matter of record, or the like.

If “whereas” clauses are used, there should be as few as necessary. They should be succinct and factual. They should not be argumentative. The Resolutions/Reference and Counsel Committee should ensure that any “whereas” clauses comply with *Robert's Rules of Order*.

The “resolved” clauses represent the actual motion being voted upon. “Resolved” clauses, if adopted, become the officially worded statement of an action taken by a legislative body and a request for further action by the churchwide organization or the Churchwide Assembly. This means that they should be concise, accurate, and complete. They also should be unambiguous and should state clearly the proposed action. Just as any main motion, “resolved” clauses should not employ offensive language that would be improper in debate.

Some resolutions and memorials should not be considered. Any resolution or memorial that conflicts with the governing documents of this church is an “improper motion.” As stated in *Robert's Rules of Order, Newly Revised* (12th ed.), Section 39, page 326:

Motions that conflict with the corporate charter, constitution, or bylaws of a society, or with the procedural rules prescribed by national, state, or local laws, are not in order, and if any motion of this kind is adopted, it is null and void.

Synod Councils are encouraged to work closely with the Resolutions/Reference and Counsel Committee to be certain that resolutions and memorials do not conflict with the governing documents of this church and that they meet the required criteria.

Memorials must always include a final “resolved” clause asking the Churchwide Assembly to act (or refrain from acting) in a particular way. Here is a sample final paragraph of a memorial from a Synod Assembly:

RESOLVED, that the _____ Synod Assembly memorialize the 2022 Churchwide Assembly of the Evangelical Lutheran Church in America to . . . [*clearly describe the proposed course of action*].

The final “resolved” clause of **resolutions** will differ depending upon whether they are intended for the attention of the Church Council or a churchwide unit or office. Here are sample final clauses for resolutions:

RESOLVED, that the _____ Synod Assembly direct the Synod Council to forward this resolution to the Church Council for consideration and possible action.

Or

RESOLVED, that the _____ Synod Assembly direct the Synod Council to forward this resolution to the Church Council's Executive Committee for referral and disposition to the appropriate unit or office of the churchwide organization in accordance with the bylaws and continuing resolutions of this church.

[cont.]

Or

RESOLVED, that the _____ Synod Council request the Church Council to . . . [clearly describe the proposed course of action].

Or

RESOLVED, that the _____ Synod Council request the Church Council's Executive Committee to . . . [clearly describe the proposed course of action].

*Provision †S7.32. in the *Constitution for Synods* states: "Robert's Rules of Order, latest edition, shall govern parliamentary procedure of the Synod Assembly, unless otherwise ordered by the assembly." A comparable bylaw **12.31.09.**, is in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

IV. Review and Processing of Draft Memorials and Resolutions

Synods generally provide that memorials and resolutions (as well as other main motions) be referred to a Resolutions Committee, which frequently is called a Reference and Counsel Committee. Regardless of its name, a conscientious and well-trained committee can screen proposed actions and thereby facilitate discussion of important issues and save valuable time at synod assemblies.

The scope of authority of the Resolutions/Reference and Counsel Committee varies, depending on the governing documents and rules of organization and procedure of the synod. In the simplest arrangement, the Resolutions/Reference and Counsel Committee only has the power to put memorials, resolutions, and main motions in the proper form, eliminate duplication where similar motions are offered, and ensure that all motions relating to a specific subject will be offered in logical sequence. In other cases, the synod's rules may authorize the Resolutions/Reference and Counsel Committee to make substantive edits and alterations in memorials, resolutions, and main motions. In all cases, the committee must report all motions referred to it, although the committee can report motions without a recommendation.

If a synod so desires, its rules of organization and procedure or a continuing resolution can provide additional authority for the Resolutions/Reference and Counsel Committee. For example, a synod could provide that in reviewing proposed memorials, resolutions, and main motions, the Resolutions/Reference and Counsel Committee may edit, prepare an alternative memorial, resolution, or main motion, or consolidate into a single proposed action multiple memorials, resolutions, or main motions on the same or similar subjects. In these circumstances, the Resolutions/Reference and Counsel Committee should confer with the makers of the original memorial or resolution. In addition, whenever the Resolutions/Reference and Counsel Committee recommends an edited or alternative memorial, resolution, or motion, the report to the assembly should contain the original maker's text.

Here is a sample provision authorizing editing by the Resolutions/Reference and Counsel Committee:

In reviewing proposed memorials, resolutions, and main motions, the Resolutions/Reference and Counsel Committee may edit, prepare an alternative memorial, resolution, or motion, or consolidate into a single proposed action multiple memorials, resolutions, or main motions on the same or similar subjects. Whenever the Resolutions/Reference and Counsel Committee recommends an edited or alternative memorial, resolution, or motion, the report to the assembly also shall contain the original maker's text.

Regardless of the scope of editorial authority, a Resolutions/Reference and Counsel Committee should consider at least the following factors in evaluating memorials and resolutions:

- 1) Is the proposed memorial or resolution timely (i.e., was it submitted before the deadline)?
- 2) Is the proposed memorial or resolution consistent with the governing documents of this church?
- 3) Is the proposed memorial or resolution germane to issues on the agenda?
- 4) Does the proposed memorial or resolution address a priority, ministry, or concern of this synod and this church?

- 5) Is the proposed memorial or resolution clearly drafted?
- 6) Do the “resolved” clauses clearly define the proposed course of action?
- 7) If the proposed memorial or resolution contains “whereas” clauses, do they explain the proposed action and are they accurate and non-argumentative?
- 8) Does the proposed memorial or resolution have budgetary or human resource implications, and, if so, how will they be addressed?
- 9) Are the proposed actions feasible and appropriate for the Synod Assembly, Church Council, Churchwide Assembly, or the churchwide unit or office that will be addressed?
- 10) Are there other memorials or resolutions that address the same or similar issues?

Interdependence, as well as stewardship of resources, requires that care be taken to avoid resolutions and memorials whose effect would be to impose unreasonable financial demands on the churchwide organization, synods, or congregations. If a proposed resolution or memorial will impose an unfunded mandate if adopted, synod councils are requested to consider the proposed action *before* it is submitted to a Synod Assembly. Synods also are requested to advise their synod councils and synod assemblies that the churchwide organization may not be able to support requested resolutions or memorials for budgetary reasons and that, if adopted, such proposed actions may have adverse consequences on existing programs or ministries. As interdependent partners, it is important for synods and the churchwide organizations to work collaboratively. If questions exist regarding the potential implications of a proposed resolution or memorial, inquiries to the Office of the Secretary are encouraged.

The synod’s rules of organization and procedure also should address how the Resolutions/Reference and Counsel Committee reports to the Synod Assembly and the status of its recommendations.

Here is a sample of a provision, based on the “Rules of Organization and Procedure for the Churchwide Assembly,” that addresses the status of recommendations of the Resolutions/Reference and Counsel Committee:

The Resolutions/Reference and Counsel Committee shall report its recommendations on memorials, resolutions, and main motions to the Synod Assembly. Such recommendations do not require a second. When the Resolutions/Reference and Counsel Committee recommends approval, the committee’s recommendation shall be the main motion before the assembly. When the Resolutions/Reference and Counsel Committee recommends the adoption of a substitute or alternative motion, the committee’s recommendation shall be the main motion before the assembly. When the Resolutions/Reference and Counsel Committee recommends referral, the committee’s recommendation shall become the main motion before the assembly. When the Resolutions/Reference and Counsel Committee recommends that the assembly decline a proposed memorial, resolution, or main motion, the recommendation shall be reported to the assembly. If the author or another voting member wishes to bring the declined proposed memorial, resolution, or main motion to the floor, he or she may move the matter, and it shall become the main motion before the assembly, and the committee’s recommendation shall be received for information.