

FAQ Congregation Meeting Fall 2020

This document is merely trying to answer very general questions for congregation meetings. There are many nuances based on your constitution. For answers to specific questions please reach out to Michael DeNise at the North Carolina Synod office at 704-633-4861 or mdenise@nclutheran.org. Either he or a member of the legal committee will be happy to speak with you about your meeting.

Q: Is my congregation required to have an annual meeting?

A: Yes. State law requires an annual meeting of each non profit corporation.

Q: May we extend council terms without a meeting?

A: No. Council terms have limits. Those limits must be enforced so you will need to elect new council members following the process outlined in your constitution.

Q: What does North Carolina state law say about having a remote meeting?

A: **State law authorizes it unless the corporation's bylaws say otherwise.** In this case, you can have a remote meeting unless your constitution and bylaws prohibit remote meetings. This is unlikely, as we do not have model provisions prohibiting remote meetings.

Q: If needed, where do we look in our congregation constitution to see if remote meetings are authorized?

A: For congregational meetings, look to see if your congregation has included this provision from the *Model Constitution for Congregations* (or a similar one):

C10.08. This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication. To the extent permitted by state law, notice of all meetings may be provided electronically.

For council meetings, look to see if your congregation has included this provision from the *Model Constitution for Congregations* (or a similar one):

C12.13. The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication. To the extent permitted by state law, notice of all meetings may be provided electronically.

Q: We have confirmed that we are legally authorized to hold remote meetings. Now what?

A: Next you must determine how your meeting will be carried out. Provisions for remote meetings require that there be simultaneous aural communication: that is, every participant must be able to hear and to speak, with two-way communication possible. A platform that only allows people to listen, for example, would not be appropriate.

You must also consider those members who do not have online access. In choosing a technological platform, you should select one that allows for both online and dial-in participation so that as many members can participate as reasonably possible.

Q: What means may the meeting be conducted?

A: This depends on the size of the congregation. There are 5 options.

1. Inside in person

2. Blended. This is where you have people on an electronic conference call while some people attend an in person meeting.
3. All Electronic Meeting
4. Parking Lot Meeting
5. Outside. If the congregation is small enough the synod guidelines would allow for an outdoor meeting assuming you had less than 50 people attending.

Q: What notification do we have to give for a remote meeting?

A: You must give the same notification normally required by your constitution and bylaws for that type of meeting. For example, if your constitution requires that notice be given by mail or electronically a certain number of days before a meeting, and that it be announced at two consecutive Sunday worship services, you would still need to comply with those requirements. If you are streaming worship services, you would need to announce the meeting in those services, just as you would normally do.

Q: How do we establish quorum?

A: The same quorum requirements that your constitution establishes for face-to-face meetings apply to remote ones. The most effective means of assessing whether you have quorum might be by taking an oral roll call of voting members who are participating in the meeting. Some electronic platforms will list all the participants in a meeting. You may be able to take a screenshot or print out the list of participants and save it for your records. One challenge would be to verify the identity of persons who are dialing in and are not visible, but in many congregations it should be possible to verify by voice if members are known to one another. You also need to allow for situations where more than one person is participating from a single post (e.g., couples or families with teens who are voting members). Be sure to count heads and not just participants.

Q: What should we do if our constitution requires paper ballots but we would like to vote electronically or using spoken yeas and nays?

A: There would have to be a motion to waive the need for a paper ballot and to use a specific voting method. That motion would then have to be seconded. Then there would be discussion and a vote. If approved the voting members may vote using the process approved.

Q: How do we take a vote?

A: Some are going by spoken yeas or nays or polling each individual voting member participating in the meeting in a voice vote. Some are choosing to take votes using the poll feature of their electronic platform, though a challenge with that option is allowing for votes of members who do not have online access, as well as dealing with the problem of multiple voting members participating from one location.

If any member calls for a secret ballot or for division of the house, or if your constitution and bylaws require a written ballot and you do not amend it from the floor, you will have to vote using paper ballot. The best way to do that will be to mail out a ballot to each member attending the meeting, then set a time period to receive those ballots back. In this scenario the meeting would need to be recessed until a certain time when those votes would have to be in and could be counted.

Whatever you choose to do, you must allow for all voting members to be able to cast their vote who are present at the meeting.

Q: What if we elect our council members during worship and not part of our annual meeting and require paper ballots?

A: The council may make a motion at their meeting to amend that at a meeting of the congregation council prior to when those elections would happen. There would have to be motion to waive the need for a paper ballot and to use a specific voting method. That motion would then have to be seconded. Then there would be discussion and a vote. If approved the voting members may vote using the process approved by the congregation council. Another option would be to use "absentee ballots" if your church's constitution or bylaws allow that option for these types of elections.