

CCMS RULING – NOMINATIONS FROM THE FLOOR

September 23, 2018

Description of the Issue

The amendments to the 2014 Synodical Handbook made by the 2017 Convention introduced a requirement that candidates for offices be vetted. Oversight of the vetting process is given to the Commission on Nominations and Elections (CNE) according to Synodical Bylaw 2.521.3.a¹, and the responsibility to carry out the vetting process is assigned to various people depending on the position (2.534). At the same time, the new 2017 Handbook continues to allow for nominations to be made for the various positions from the floor of the Convention.

The CNE published a decision in its reports to the upcoming District Conventions that it has set a deadline of 10 days prior to the conventions for receiving nominations further to the slates published in the workbooks. The reasoning is that this allows adequate time to ensure the vetting process is completed prior to the Conventions.

This decision has received a challenge that it unduly prevents nominations being made on the convention floor, and that, in enforcing such a deadline, the CNE has not adequately respected the Synodical Bylaws which allow for such nominations.

THE QUESTION:

The question before the CCMS is: Is it appropriate to impose a 10-day deadline prior to the Convention for all Regional nominations to be in the hands of the CNE and thus disallow potential nominations from the floor?

CCMS Opinion

Nominations from the floor of the Convention must be allowed according to Synodical Bylaws 2.503f; 2.513f; 2.531.5 ; 2.534.12. The Commission on Nominations and Elections has the right to request that all nominations be received 10 days prior to the Convention, but cannot remove the right granted to the delegates by the Synodical Bylaws to alter the slate for Regional Pastor, Circuit Counsellor, or lay members of the Regional Mission and Ministry Council of each Region on the floor of the Convention.

¹ All parenthetical references to specific sections of the Handbook, unless otherwise indicated, are from the Synodical Bylaws, and as such will only contain the number.

EXPLANATION:

The general process for nominating people for the various Synodical positions is described in the Synodical Bylaws. It includes nominations by Member Congregations which are submitted to the CNE, which in turn works through the defined nomination process and publishes a slate of candidates in Convention workbooks. All of this is done well in advance of the date of the Convention.

There is also provision for the convention delegates to amend the slate of candidates from the floor of the convention. The introduction of a requirement for the vetting of candidates has introduced a potential complication to the process of nominating from the floor. Any nomination that is made after the workbooks are published must come from the floor of the Convention. If the CNE has received information and the vetting is completed, it has the authority to bring forward such a nomination to the Convention. Any Convention delegate may also bring forward a nomination from the floor, providing that certain conditions specified in the Bylaws, particularly the requirement for proper vetting of the candidate, have been fulfilled.

This convention cycle presents a unique challenge to the nomination and election process, since Synodical elections are being held at District conventions rather than at a Synodical one. This was to facilitate the transition to the new structure at the request of the Synod in Convention (2017 Synod Convention, Resolution 17.04.01a). Each District has agreed to allow time for the CNE to oversee Synodical elections within the timeframe of the District Conventions.

Each District Convention has set and published its own agenda, and the Synodical elections will be held no earlier than the second day of the respective Conventions. The only positions to be elected at the District Conventions are Regional Pastors, Circuit Counsellors, and lay members of the Regional Mission and Ministry Councils; there is not a full slate of positions to be elected. Therefore the time required for elections will be much less than it will be at future Synod Conventions. This, then, should not present an undue burden on the CNE or the Conventions in allowing for the Synodical elections to be done.

To help ensure the efficient use of time at each Convention, the CNE set a deadline of 10 days prior to the respective District Conventions for further nominations to be received. This deadline is not included in the Handbook, which has caused a concern that the rights of delegates may be unduly restricted during the Convention election process. In setting such a deadline, the CCMS is of the opinion that the CNE did not explicitly contravene the Handbook, but did impose restrictions that have the potential to undermine the rights of delegates. The CNE does have the authority to “adopt procedures and methods which will insure efficiency and accuracy” (2.521.3.c). It instituted this 10-day deadline to safeguard the efficiency of the election process at Conventions, which includes the preparation of paper ballots and other logistical matters that are important to the timely operation of the election process, which are their responsibilities (2.523).

At the same time, the need for proper vetting does not outweigh the rights of the delegates to amend the slates from the floor of the convention. The CNE is authorized to request that members of Synod give them adequate time to ensure a vetting process can be fulfilled properly.

Members of Synod are encouraged to respect this request if at all possible. However, the CNE is not authorized to reject any nominations that may come in after their 10-day deadline, including ones that are made from the Convention floor, without inspecting their validity.

It is clear from the Synodical Bylaws that nominations are to be accepted from the floor of a Convention (2.531.5, 2.531.9, 2.534.12). It is also clear from those same bylaws that nominations from the floor will only be accepted if certain conditions, including the completion of the vetting process, have been fulfilled. The CNE has the authority to inspect the documentation of such nominations to ensure that all conditions, including vetting, have in fact been met (2.531.5).

The CNE also has the responsibility to make a report to a Convention “at one of its earliest sessions” (2.531.9). After its report, “immediately thereupon qualifying nominations may be made from the floor of the Convention” (2.531.9). It is this bylaw which the CCMS believes helps provide a solution to the current concern. Since the CNE has the responsibility and authority to inspect any nominations from the floor (2.531.12), it can fulfill this responsibility by presenting its report and then receiving any nominations from the floor. To accommodate this, the Synod will need to make one further request of the Districts, which is detailed in Recommendation #1 below.

Recommendations

1. The CNE is requested to petition each District Convention to allow time within or surrounding one of its earliest opening sessions for the CNE to present its report and receive nominations from the floor, according to 2.531.9. Following this session, the nomination period shall be considered closed and the CNE can make final preparations for ballots in time for the elections to begin as specified in each District Convention agenda.
 - a. Districts are urged to accept this request in the spirit of partnership and to allow the election process to be as smooth as possible. (The ABC and Central Conventions include a business session on the opening evening. The East Convention holds its first business session the first morning, immediately followed by the beginning of the election process, which does not allow as much time. Perhaps consideration could be made to hold the CNE report/nominations immediately following the opening service the first evening, or other such accommodation as may be possible.)
2. Anyone wishing to put forward a nomination from the floor is urged to make every effort to submit information to the CNE at least 10 days prior to the respective Convention so that the CNE can use the Convention’s time well as they oversee vetting, prepare ballots and other materials, and manage the election process. The CNE can then include such nominations on its proposed ballot during its report, or allow the delegate to put it forward.
3. If for some reason the CNE’s 10-day deadline cannot be respected, anyone wishing to put forward a nomination must be mindful of the prerequisites, namely, written permission of the candidate, biographical and other information pertinent to the position, and confirmation that vetting has been done (2.527, 2.531.7, 2.534.2). Anyone wishing to put forward such a nomination is strongly urged to communicate with the CNE as early as possible in the spirit of partnership and mutual gain.

4. Should a nomination be put forward from the Convention floor without previous notice to the CNE, the CNE will honour the responsibility to inspect the accompanying documentation to confirm that all the requirements have been fulfilled according to the Synodical Bylaws. If such a nomination is shown to have met the requirements, including the vetting process having been completed, the CNE will accept the nomination as required by 2.534.12. The CNE has the authority to reject such a nomination if the requirements have not been fulfilled.

Conclusion

The CCMS trusts that Members of Synod desire to work together to accomplish the work that is set out before us. We all desire to work together as partners in the Gospel, and our Handbook guides us in matters of our common life together. We have freedom, within the bounds of Holy Scripture and the Lutheran Confessions, to adopt ways of working that we deem best according to our context. At times there will be disagreements about how best to go about our common tasks, and the CCMS is tasked with guiding the Synod according to the Handbook.

The Handbook provides for the completion of appropriate vetting processes and for respecting the right of the Convention to nominate from the floor. These two elements seem to conflict with one another. In this instance, the CCMS is of the opinion that this challenge can be met without undue hardship. It will require the spirit of partnership between Districts and Synod, between delegates and the CNE, and among all Members of Synod as we venture into new ways of working together.

Soli Deo Gloria
