

CHURCH PLANT CONSTITUTION AND BY-LAWS: A HOW-TO GUIDE

In recent years there has been an explosion of church planting in the United States. As a result of this trend there is a wealth of discussion about the nature of polity and ecclesiology within the ranks of aspiring church planters and in places of ministry preparation. In this discussion we find several extremes: some wish to eradicate congregational church government, others desire to develop a more simplistic structure, and still others want to disregard structure to focus on the *Missio Dei* without the restraint of taxing ecclesiological structure. Regardless of the church planting model (or strategy), at some point the leader (or leadership) of the church will need to draft a structure that will serve as a guide for church government, even if the system is minimal.

Research on the subject of constitution and church by-laws typically focuses upon specific models, and is therefore unhelpful in this case. The purpose of this guide is not to suggest any particular model. Instead, the purpose is to produce a general step-by-step guide that is useful for developing any model, while including some tips for success.

Preliminary Points

1. A church in the United States is currently a “Not for Profit Organization” and therefore needs to abide by the tax code. At the end of the day, church by-laws, as seen by the government, are documents that establish the legal flow of money if there is trouble within the organization.
2. The necessary questions to be answered within the church bylaws are:
 - a. Who does the money belong to? (Name & Identification of the Church body)
 - b. Who has the responsibility for and ability to use money? (Fiscal Responsibilities)
 - c. Who receives the money and assets if the church dissolves? (Article of Dissolution)
 - d. How are people and the church protected from lawsuits when charges are brought against an acting member of the church?
3. The bulk of the document is only used by your church and therefore can be as simple or complex as the church would like.
4. The following guide is specifically designed for new church plants that consist of a church planter or church planting team (small group) alone.

Step-by-Step Process

1. Pray and seek the Holy Spirit’s direction.
2. Put together a small team (2-4 people) that will work together on the document.

3. Identify your core theological beliefs from Scripture. If you are cooperating with a specific denomination or network, use their theological documentation as a guide.
4. Research and collect the By-laws of numerous churches. Try to gather diverse view points from a broad spectrum of churches.
5. Determine a basic outline for the document with section headings.
6. Determine the church name and general location (city, county, or state; if you have an address, use it)
7. Determine your core values. These will guide much of the document.
8. Determine the broad mission of the church.
9. Determine your church polity.
 - a. Who will make final decisions?
 - b. What is the role of the pastor and to what extent does he have authority?
 - c. Will the church have membership?
 - i. If so, how do you become a member?
 - ii. What are the responsibilities and rights of members?
 - iii. How do you terminate membership?
 - iv. Do members vote? If so, what do they vote on?
 - d. How is leadership elevated into position?
10. Determine how money flows within the church.
 - a. Who determines and controls the budget?
 - b. What are the checks and balances of the financial system?
11. Determine how the by-laws can be changed.
12. Determine what happens to the church assets if the church is dissolved.
13. Write an Indemnification clause to protect the church and its members.
14. Put the document away for several days and come back to it later to re-read and edit.
15. Give the draft to several mature believers of varying view points for constructive criticism. A lawyer is helpful to determine if the document can withstand legal examination in a courtroom.
16. Complete a final draft; make numerous hard copies and electronic copies.
17. Adopt the By-laws as official by the necessary polity determined within the document.

Tips for Success

1. *Make sure Scripture and your theological convictions guide your principles.* When you are basing an idea on the foundation of Scripture, place the reference in the document.
2. *Keep it simple and make succinct statements.* The tendency for the pastor to regurgitate everything they learned in Seminary. Theological regurgitation is not necessary and leads to a mind-numbing experience for everyone who reads it. The by-laws need to be practical. Brevity is your best friend.
3. *Try to be general in every area possible, but specific where Scripture gives mandates.* The course of every organization is to become more structured as it ages. This will inevitably happen to your church as it matures. Circumstances will arise that will necessitate the leadership to make narrow guidelines. Generalizing most of the document will give decision makers a great deal of freedom.
4. *Leave out the possible problems.* By-laws get lengthy because the church tries to deter any possible loophole in the system. If the occasion arises, the church can always add a clause later that will close the loophole.
5. *Make it readable.* There is no need for the church bylaws to read like a congressional bill. Write the document with respectable user friendliness.
6. *Do not “re-invent the wheel.”* If you read another church’s by-laws and you like the way they presented a section, contact the church and ask to use their material and make it your own.
7. *Make it easy and normal for your by-laws to be revisited.* What you write on paper will need to be changed in the future, it’s inevitable.
8. *Your by-laws are not your church vision or strategy.* Vision and strategy change over time as the Holy Spirit guides, as well as leadership and cultural changes. Although the two may be linked, the bylaws are more foundational and lasting.
9. *Don’t make a big deal out of your bylaws.* Although they are foundational, they do not give your church much velocity for the Mission. (Some churches don’t write bylaws for a couple years for the sole purpose of NOT getting bogged down by structure.) By-laws serve as a guide to keep your church on track.
10. *Having a set of by-laws does not make you a church.* Just like having an ordination certificate doesn’t make you a pastor. Although you might be legally recognized in the government’s eyes as a religious organization, the real “Church” is one who fulfills the Great Commission. Make sure your structure affords you the freedom to accomplish this task.