

The Big Warning Signs Your Church Bylaws Are Working Against You and Not for You



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Every church needs a good set of bylaws. Put simply, the bylaws are written legal documents establishing the governance of a church. Church polity and ecclesiology will have an impact on the contents of bylaws. The size and structure of a church will also affect bylaws. For example, multi-site churches will differ from single-site churches.

Consider the following points about church bylaws.

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- Bylaws are subordinate to the constitution of the church. The constitution is usually a much shorter document detailing a church's fundamental principles. The bylaws set forth the operational rules to support the constitution.
- Bylaws typically include instructions on church meetings, conflict resolution, leadership structure, doctrinal parameters, financial oversight, and membership requirements.
- The constitution of a church rarely changes, while the bylaws can change as often as needed.
- Every church should review bylaws every two years to make sure they are current.

- If a church operates without bylaws, then issues among congregants may go to state courts. You relinquish a lot of governing ability without current bylaws.
- Bylaws should be clear and specific about how the church operates. If they are vague or overly complex, this can lead to confusion, misunderstanding, or manipulation. They should be written plainly for all to understand and not use legalese.

No two church bylaws are alike, which is to be expected. Churches are not carbon copies of each other. However, we do see some common problems in bylaws.

The bylaws are used in a reactionary way to deal with one-off problems. Church bylaws should be proactive, not reactive. We heard of one church with a lengthy section detailing the sale of cassette tapes on campus. Another church stipulated which types of drinks were permitted in the sanctuary. You should not attempt to insert every potential issue into the bylaws.

The bylaws are viewed as set in stone and cannot be changed. Every set of bylaws should include a mechanism for amendment. The bylaws may become stagnant if this process is overly complex or non-existent. We do not recommend allowing the amendment process to occur in one meeting, which leaves the possibility of the bylaws being hijacked by those with ill motives.

The bylaws contain more stop signs than guidelines. Church bylaws are meant to reflect your current practices, not dictate what you are supposed to do in perpetuity. They should bring order and not become an obstacle. If your church grows, for example, you will likely change how you operate in the bylaw to accommodate this growth. The bylaws should not become a hindrance to growth.

The bylaws have become a weapon for an individual or group. When a group shows up to a business meeting with the bylaws and copies of *Robert's Rules of Order*, you know something is about to go down. Weaponized bylaws can create a lot of collateral damage and even split a church. One church had an executive pastor that used his ability to select committee members to coalesce power among his friends and oust the lead pastor. Bylaws should be available and understandable to the congregation. If they are kept secret or written in such a way that only a few can understand them, this can be a sign of a problem.

The bylaws are outdated and no longer relevant. Your bylaws should be known but in the background. As a leader, you must be an expert on your church bylaws. Do not operate a church without an understanding of the legal guidelines. Remember, bylaws are your own rules and can be changed if needed. But they are still what the courts will recognize if anyone challenges the church. Outdated bylaws are a ticking time bomb. We know of cases where the courts held churches to the standards in their bylaws. These churches regretted not keeping their bylaws current.

Good bylaws provide proper guidance and legal protection for the church. Bylaws will work against you when they are reactionary, outdated, weaponized, or viewed as set in stone.

Posted on August 2, 2023

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