

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

Decision 1523

IN RE: Petition requesting a declaratory decision regarding the meaning, application, and effect of ¶ 404.2 of the *Book of Discipline* (2020/2024), submitted by the General Council on Finance and Administration (GCFA).

Digest

The Constitution does not contemplate a unified episcopacy in name only, but one that exists in fact, structure, and access across the whole Church.

The funding structure created by ¶¶ 404.2(d) and (e) violates the principle of a unified superintendency and episcopacy guaranteed in the Constitution ¶ 46, Article I, the exclusive funding authority of the General Conference ¶ 17.9, Article IV, and Judicial Council Decisions 1208, 1366, 1378, and 1499, and, therefore, is unconstitutional, null, and void. Therefore, Questions 2-5 are moot.

On Question 1, read together with ¶ 819, the sentence in ¶ 404.2(c), which provides that GCFA “shall include the costs of such bishops when recommending a quadrennial budget,” refers to the total number of bishops (not just the minimum five per jurisdiction) recommended by the IJCOE after following the procedures under ¶¶ 404.2(a)-(c).

Statement of Facts

The General Conference rewrote ¶ 404.2 in a series of separate votes during the afternoon plenary session on April 30, 2024, acting on two calendar items and offering amendments and explanations from the floor. That legislative work and the subsequent editorial work of the Committee on Correlation and Editorial Revision established a novel process for determining the number of bishops for each jurisdiction, calculating the costs of those bishops and their offices, and recommending a quadrennial budget.

The amendments to ¶ 404.2 were part of legislation proposed by the Jurisdictional Study Committee (“JSC”), authorized by the 2016 General Conference. The JSC issued its report on September 26, 2023 (*Daily Christian Advocate, Advance Edition* (“ADCA”), Supplement 3, pp.

1268–1274). In its report, the JSC provided reasons for the proposed amendments. Not all of its rationale or proposed language made it into the legislation. In addition, the legislation included a requirement for “surety,” which was not part of the JSC report. At the time “surety” and other provisions were added, floor discussion indicated that those proposing the additions had consulted with GCFA.

The JSC report listed constitutional authority related to the amendments:

The Constitution of The United Methodist Church establishes an interconnected set of authorities leading to the determination of the number of bishops authorized for election and assignment in the jurisdictional conferences. The Judicial Council has observed that “[t]he system balances and constrains the power exercised by each of the authorities individually and by all connectionally” (Decision 1312). Colleges of Bishops have authority to arrange the plan of episcopal supervision of the annual conferences, missionary conferences, and missions within their respective territories (§ 48).

Jurisdictional conferences have authority to determine the number, names, and boundaries of the annual conferences and episcopal areas (§ 40). Colleges of Bishops have authority to arrange the plan of episcopal supervision of the annual conferences, missionary conferences, and missions within their respective territories (§ 48). General Conference has authority to “fix a uniform basis upon which bishops shall be elected by the jurisdictional conferences” (§ 16.10) and to “determine and provide for raising and distributing funds necessary to carry on the work of the Church” (§ 16.9); the Judicial Council has reasoned that this dual authority granted to General Conference determines how many bishops there will be in each jurisdiction (Decision 1312). Our legislative proposals attempt to take into account the tension created by these competing constitutional provisions in an effort to create a new process that allows the determination of the number of bishops in the jurisdictions to be based on missional needs rather than a strict mathematical formula, while shifting the financial responsibility for support of bishops beyond the minimum number directly to the jurisdiction.

Neither the JSC report nor the General Conference discussion addressed § 46 of the Constitution, and it was not discussed during the floor deliberation on the amendments to § 404.2.

The JSC acknowledged that it made its report in the context of constitutional amendments related to regionalization.

The newly amended § 404.2(a)-(c) assigns the General Conference final authority over the number of bishops in each jurisdiction, acting on recommendations from the Interjurisdictional Committee on Episcopacy (hereinafter, IJCOE). In developing those recommendations, the IJCOE must evaluate missional need rather than rely on raw numerical formulas. The paragraph

directs the committee to consider, in order of priority, episcopal workload (including the number of charge conferences and active clergy), the geographic size of episcopal areas, and overall church membership. It must also assess the missional impact of proposed changes and the capacity of the episcopal fund, in consultation with General Council on Finance and Administration (hereinafter, GCFA) and the Council of Bishops. Each jurisdiction is guaranteed a minimum of five bishops, with the cost of those bishops included in the church's quadrennial budget.

Under ¶¶ 404.2(d) and (e), a jurisdiction may request additional bishops beyond this baseline, but only if (1) it assumes full financial responsibility for the additional episcopal offices and (2) demonstrates to GCFA that it can fund those costs for the entire quadrennium. When a jurisdiction makes such a request, the IJCOE, in consultation with the concerned jurisdictional committee on episcopacy, is mandated to submit a timeline for implementation of the new number of bishops.

Following the General Conference's amendments and the edits by the Committee on Correlation and Editorial Revision, ¶ 404.2 now directs GCFA to:

- a) Provide input to the Interjurisdictional Committee on Episcopacy (hereinafter, JCOE) to “analyze the capacity of the episcopal fund to determine the number of bishops that can be funded.” ¶ 404.2.c.
- b) Include the costs of certain bishops when recommending a quadrennial budget. ¶ 404.2.c (“The General Council on Finance and Administration shall include the costs of such bishops when recommending a quadrennial budget as provided by and required in ¶ 819.”).
- c) Calculate and apportion “the salary and other expenses” of “additional bishops that a jurisdiction may request.” ¶ 404.2.d (“A jurisdiction . . . may request additional bishops . . . ; provided, however, that the salary and other expenses of such bishops, as calculated by the General Council on Finance and Administration, shall be apportioned to the annual conferences of such jurisdiction.”).
- d) Receive a surety from any jurisdiction that seeks additional bishops. ¶ 404.2.d (“Any jurisdiction seeking any bishop(s) over the base number provided in subparagraph 2.a-c) shall be able to demonstrate their ability to fund any additional bishops by providing a

surety to the General Council on Finance and Administration that they are sufficiently capable to meet the full funding of additional bishop(s) for the coming quadrennium.”)

- e) Establish a base cost for the funding of an office of an episcopal leader. ¶ 404.2.d (“The General Council on Finance and Administration will establish the base cost for the funding of an office of episcopal leader, which shall be used by any jurisdiction seeking to fund a number of bishops over the base number of five.”)

The newly amended ¶ 404.2 raised significant questions for GCFA and other authorized agencies tasked with implementing that new process.

In a closed meeting on November 14, 2025, the Board of Directors of GCFA authorized a request for a declaratory decision as to the “meaning, application, and effect” of the various provisions of ¶ 404.2. Specifically, GCFA requested a declaratory decision resolving the following questions:

1. Does the sentence in subparagraph 404.2.c which provides that GCFA “shall include the costs of **such bishops** when recommending a quadrennial budget” mean that GCFA shall (1) include the costs associated with all of the episcopal areas ultimately recommended to the General Conference by the IJCOE after completing the entire process required by subparagraphs 404.2.a–c, regardless of how many episcopal areas are recommended for each jurisdiction, or (2) only include the costs associated with the “minimum of five bishops per jurisdiction” referenced in the sentence immediately preceding that sentence? ¶ 404.2.c (emphasis added).
2. Are any annual-conference-specific or jurisdiction-specific apportionments mandated by subparagraph 404.2.d if IJCOE recommends to the General Conference more than five bishops for each jurisdiction after completing the process required by subparagraphs 404.2.a–c?
3. What definition shall be given to the word “surety” as used in subparagraph 404.2.d? If a jurisdiction is not able to provide surety would that responsibility fall to the annual conferences within the jurisdiction? At what point must a surety be provided?
4. If the General Conference determines in its discretion to reject the recommendation of the IJCOE made in accordance with the provisions of ¶ 404.2, and any petition of a jurisdictional committee on episcopacy as to the number of episcopal areas to be approved for the next quadrennium and instead determines a different number of bishops for a given jurisdiction, are any annual-conference-specific apportionments as described in subparagraph 404.2.d required for the annual conferences within that jurisdiction?
5. Under subparagraph 404.2.e if a jurisdictional committee on episcopacy requests a change in the number of bishops for the jurisdiction, must the IJCOE recommend a timeline and a change in the number to satisfy that request from the jurisdictional committee to General Conference? If so, are additional apportionments required from that jurisdiction to cover the costs of the additional bishops?

Jurisdiction

The Judicial Council has jurisdiction pursuant to ¶¶ 2610.1 and 2610.2(c) of the *2020/2024 Book of Discipline* [hereinafter *The Discipline*].

Analysis & Rationale

In its request for a declaratory decision, GCFA asks the Judicial Council to provide answers to a series of questions to enable it to fulfill its responsibilities related to ¶ 404.2. The request, as quoted above in the presentation of the Facts of the Case, is limited to “the meaning, application, and effect of ¶ 404.2....” The request did not include the issue of constitutionality, as provided in ¶ 2610.1, which gives the Judicial Council jurisdiction over the “constitutionality, meaning, application, or effect of the Discipline or any portion thereof....” Although GCFA's request did not include the word “constitutionality,” the Judicial Council has jurisdiction in this case to consider the constitutionality of ¶ 404.2.

The Judicial Council's jurisdiction over the issue of constitutionality has precedence in Church law. In Decision 2, issued in 1940, the Judicial Council stated that Methodist bishops lack authority to declare acts of the General Conference unconstitutional, and that bishops are the only other entities of the Church with authority to make decisions of law. In that case, the bishop in his Decision of Law said, “Neither a Bishop nor all of them, nor any person or group, has the right to declare a General Conference act unconstitutional in the interim between General Conferences.” When the bishop made this declaration, there was no Judicial Council, and the General Conference had authority over its own legislation as to constitutionality, meaning, application, and effect. In responding to the bishop's decision, the Judicial Council said, “The second sentence of the answer is correct, and we approve it,” thus establishing the Judicial Council—which came into being very soon after the bishop's decision—as the sole authority on constitutionality.

In Decision 1244, the Judicial Council exercised its sole authority in The United Methodist Church to make declarations of the unconstitutionality of acts of the General Conference. That case involved a bishop's Decision of Law. The Judicial Council took jurisdiction to declare an addition to a paragraph of the Discipline to be unconstitutional even though that was not part of

the decision being reviewed. The Judicial Council said, “The extended accounting in the minutes of the action of the Southwest Texas Annual Conference in relation to ¶ 2609.6 allows the Judicial Council to examine and clarify the paragraph under discussion.” It went on to say, “The amendment to ¶ 2609.6 by the 2012 General Conference is unconstitutional.”

In addition to precedence, plain logic dictates that questions about the meaning, application, and effect of a portion of *The Discipline* are all subordinate to and dependent on whether the paragraph is constitutional. If a paragraph is unconstitutional, then it has no meaning, it is never applicable, and it has no effect.

Therefore, the present case requires the Judicial Council to rule on the constitutionality of ¶ 404.2 before addressing any of the questions GCFA poses in its request for a declaratory decision.

While the General Conference possesses broad authority to structure and fund the episcopacy, the Constitution does not permit any system in which access to episcopal leadership is conditioned upon a jurisdiction’s ability to pre-fund, guarantee, or otherwise demonstrate financial capacity. Any such framework undermines the unified superintendency and episcopacy guaranteed by the Constitution and impermissibly reallocates funding authority reserved to the General Conference.

The funding framework embedded in ¶¶ 404.2(d) and (e) violates the Constitution’s requirement in ¶ 46 of a unified superintendency and episcopacy.

The constitutional defect in ¶¶ 404.2(d) and (e) is not merely fiscal; it is structural. By conditioning access to episcopal leadership on a jurisdiction’s ability to pre-fund, guarantee, or otherwise demonstrate financial capacity, these provisions undermine the “unified superintendency and episcopacy” required in ¶ 46 of the Constitution and impermissibly reallocate authority reserved exclusively to the General Conference under ¶ 17.9.

The framework raises constitutional concerns already addressed and rejected by the Judicial Council. In Decision 1208, the Council declared unconstitutional legislation that would have shifted the full missional costs of bishops to the jurisdictions in which they served. Citing the Constitution’s guarantee of a “unified superintendency and episcopacy” (¶ 46), the Judicial Council held that the proposal impermissibly created a funding mechanism dependent upon jurisdictional fundraising and thereby undermined the unified nature of the episcopacy. Most importantly, the Council emphasized that such a system “creates a funding mechanism that is

dependent upon raising funds from jurisdictions and that invades and undermines the ‘unified’ nature of the episcopacy.” *See* Decision 1208. The opinion further stated that, because the General Conference alone is constitutionally authorized to provide for episcopal funding (¶ 17.9), there is “no constitutional authority for jurisdictions to bear responsibility for funds that are not collected otherwise.” *Id.* [emphasis added].

The issue before the Judicial Council, therefore, is not whether the General Conference may regulate episcopal funding—it plainly may—but whether it may do so in a manner that conditions access to episcopal leadership on jurisdictional financial capacity or reallocates constitutional responsibility for that funding.

Paragraphs 404.2(d) and (e) do precisely that. Those provisions do more than authorize cost-sharing; they establish a financial eligibility threshold that a jurisdiction must satisfy before it may even request additional episcopal leadership. By requiring a jurisdiction to demonstrate financial capacity and provide “surety” satisfactory to GCFA as a precondition for consideration, the paragraph transforms a missional and connectional discernment process into a financial gatekeeping process. In practical effect, GCFA is empowered not merely to budget for episcopal offices, but to determine whether a jurisdiction may access episcopal leadership at all—an authority the Constitution does not confer. Even if exercised in good faith and for reasons of fiscal prudence, such determinations of financial “surety” function as a gatekeeping mechanism that conditions access to episcopal leadership on economic capacity rather than missional need, a role the Constitution assigns exclusively to the General Conference.

While ¶¶ 404.2(d) and (e) do not shift the entire cost of episcopal leadership to jurisdictions, that distinction does not cure the constitutional defect. The principle articulated in JCD 1208 applies equally to partial funding schemes that condition access to episcopal leadership on a jurisdiction’s financial capacity. The Constitution does not permit a unified episcopacy for some bishops and a jurisdiction-conditioned episcopacy for others. Accordingly, ¶¶ 404.2(d) and (e) are inconsistent with the Constitution and the holding of *See* Decision 1208 and are therefore unconstitutional.

Furthermore, the framework functionally fractures the unified episcopacy by creating constitutionally impermissible distinctions among bishops and jurisdictions. By funding bishops through two distinct and unequal mechanisms, ¶¶ 404.2(d) and (e) create functionally differentiated categories of bishops, notwithstanding identical duties, election processes, and

constitutional status. Under these provisions, the first five bishops in each jurisdiction are funded through general church funds, while any additional bishops are funded through jurisdictional and annual conference resources. This bifurcated funding structure undermines the Constitution's guarantee of a single, unified episcopacy.

The Judicial Council has previously rejected legislation that creates separate classes of bishops. In *See Decision 1499*, the Council invalidated legislation that distinguished between "active" and "retired" bishops for purposes of funding participation in the Council of Bishops, holding that "Petition 20299 creates two classes of bishops whereas there is only one provided for in the Constitution." *See Decision 1499*. The same constitutional infirmity is present here. A funding structure that differentiates jurisdictional bishops based on the source of their financial support introduces distinctions in status, perceived authority, and accountability that are incompatible with a unified episcopacy.

Within the forthcoming U.S. Regional Conference, this structure would predictably advantage wealthier jurisdictions while marginalizing those with fewer financial resources. Over time, this disparity threatens not only internal unity but also the church's public witness as a body of Christ committed to justice, equity, and shared ministry.

A statutory framework that favors financially strong jurisdictions and predictably fails less advantaged regions where episcopal oversight is most missional, cannot be reconciled with the unified superintendency and episcopacy guaranteed by ¶ 46.

Under the doctrine of severability, ¶ 404.2(e) is inextricably linked to ¶ 404.2(d), cannot function independently, and must be declared unconstitutional as well. In *See Decision 1378*, the Judicial Council articulated the doctrine of severability as follows:

When the General Conference enacts a [*sic*] legislation that contains unconstitutional provisions, it is our duty to so declare and to determine if the remaining parts can be upheld separately. Unless it is evident that the General Conference would not have enacted those provisions that are within its legislative powers without those that are not, the invalid parts can be severed if what is left is not inextricably linked and can function independently.

Then, the Judicial Council, citing *See Decision 1366*, applied the following severability test:

The doctrine of severability requires that we (1) identify the unconstitutional parts of the legislation in question, (2) declare them null and void, and (3) determine if they can be separated from the remainder. "For

constitutional purposes, separation is inappropriate when the remaining part is so inextricably connected to the part declared invalid that what remains cannot independently survive,” JCD 1366 at 22, or if it is evident that the General Conference would not have enacted what is left. *See* Decision 1378.

The legislative record in this case shows that both ¶ 404.2(d) and ¶ 404.2(e) were part of an amended form of Calendar Item 547 that was passed by the General Conference after much debate on April 30, 2024. Pet. at 2-3. At no point did the delegates consider passing one subparagraph without the other. Particularly instructive is the phrase “when a jurisdiction requests a change in the number of bishops” in ¶ 404.2(e), which is a direct reference to the similar phrase “a jurisdiction may request additional bishops” in ¶ 404.2(d). The legislative history and linguistic structure of ¶¶ 404.2(d) and (e) strongly suggest that these provisions form a coherent unit, so that one is inextricably connected to the other and cannot function independently. Because ¶¶ 404.2(d) and (e) violate established United Methodist constitutional law and Decisions 1208, 1366, 1378, and 1499, they are unconstitutional. Except for the first question posed in GCFA’s request, all subsequent questions pertain to the meaning and application of the provisions in ¶¶ 404.2(d) and (e) and, therefore, are moot. In its long-standing jurisprudence, the Judicial Council has declined to answer questions it deemed moot. *See* Decisions 33, 301, 463, and 1393.

The first question of the Petition asks whether the budgeting process in ¶¶ 404.2(a)-(c) means that GCFA is required to submit a budget proposal that includes the costs associated with (1) all the episcopal areas recommended to the General Conference by the IJCOE or (2) only the minimum of five bishops per jurisdiction.

The legislative history shows that when the sentence “Each jurisdiction shall be entitled to a minimum of five bishops” was added to ¶ 404.2, neither the movant nor the General Conference indicated where or how that minimum should be incorporated in that provision. Its current placement immediately before the sentence on GCFA’s budgetary responsibility in subparagraph 2(c) is the result of the Committee on Correlation and Editorial Revision’s determination, not a legislative decision.

An important indication is that ¶ 404.2(c) explicitly cites ¶ 819, the paragraph that sets forth the budgeting process for bishops’ salaries and the costs of their offices. Paragraph 819.2 reads, in relevant part:

2. Requirements—The [GCFA] shall recommend to each quadrennial session of the General Conference for its action and determination: (1) the amounts to be fixed as salaries of the effective bishops or a formula by which the council shall fix the salaries; (2) a schedule of such amounts as may be judged adequate to provide for their office expense; (3) provision for an annual operating budget for the Council of Bishops, including the salaries and office and travel expenses of the executive secretary and the ecumenical officer of the Council of Bishops; (4) guidelines governing the payment of bishops' travel expenses, including all travel authorized by the Council of Bishops; (5) the amounts needed to fund the Clergy Retirement Security Program or the Global Episcopal Pension Program (or, in either case, any successor bishop pension or retirement plan or program); and (6) provisions for allowance for the surviving spouses and for the support of minor children of deceased bishops.

Under ordinary rules of statutory construction, ¶ 819.2 should be read as instructing GCFA to develop budget proposals for costs associated with bishops in their entirety, not just the minimum of five per jurisdiction. An interpretation that would limit GCFA's budgeting process to a minimum of five bishops would be inconsistent with the plain language of ¶ 819.2. Nothing in that provision or elsewhere suggests that the General Conference contemplated or authorized the operation of two parallel episcopal funding systems—one connectional and one jurisdictional.

Therefore, ¶ 404.2(c), read together with ¶ 819, requires GCFA to include in its quadrennial budget proposal the full number of bishops recommended by the IJCOE under ¶¶ 404.2(a)–(c), not merely a minimum of five per jurisdiction.

An oral hearing was conducted on April 23, 2026, via Zoom. Appearing on behalf of GCFA was Letitia Mayberry Wright. Appearing on behalf of the Western Jurisdiction College of Bishops were Rev. Lui Tran and Bishop Kristin Stoneking. Other interested parties were Rev. Kim Ingram, Rev. David Horton, and Lonnie Brooks.¹

Decision

The Constitution does not contemplate a unified episcopacy in name only, but one that exists in fact, structure, and access across the whole Church.

The funding structure created by ¶¶ 404.2(d) and (e) violates the principle of a unified superintendency and episcopacy guaranteed in the Constitution ¶ 46, Article I, the exclusive funding authority of the General Conference ¶ 17.9, Article IV, and Judicial Council Decisions

1208, 1366, 1378, and 1499, and, therefore, is unconstitutional, null, and void. Therefore, Questions 2-5 are moot.

On Question 1, read together with ¶ 819, the sentence in ¶ 404.2(c), which provides that GCFA “shall include the costs of such bishops when recommending a quadrennial budget,” refers to the total number of bishops (not just the minimum five per jurisdiction) recommended by the IJCOE after following the procedures under ¶¶ 404.2(a)-(c).

¹ During the oral hearing, there was a discussion about whether Decision 1502 implied that the amendments to ¶ 404.2 were constitutional. Decision 1502 considered only the amendments that had been adopted with immediate effect, which are ¶¶ 404.2 (a)-(c). Sub-paragraphs 404.2 (d) and (e) were not adopted with immediate effect and therefore were not considered. The Judicial Council addressed only the question about the then current authority of the IJCOE. There was no ruling on the constitutionality of any of the amendments to ¶ 404.2

April 24, 2026