

SUBJECT TO FINAL EDITING

## **JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH**

### **DECISION NO. 1451**

[Docket Nos. 1022-1, 1022-2 & 1022-3]

IN RE: Combined Petitions for Declaratory Decision Submitted by the Western Pennsylvania Annual Conference (Docket No. 1022-1), Kenya-Ethiopia Annual Conference (Docket No. 1022-2), and Alaska United Methodist Conference (Docket No. 1022-3).

#### **DIGEST**

The reserved right of an annual conference to vote on the election of clergy and lay delegates to General Conference, jurisdictional, and central conferences is a cornerstone of United Methodist connectional polity and cannot be abrogated. No provision in *The Discipline* authorizes the cancellation of a regular session of General Conference or the annulment of elections properly conducted by an annual conference. The next meeting scheduled for 2024 is designated as the postponed 2020 General Conference. Annual conferences that conducted elections in 2019 have met the requirements of ¶ 502.3 and, therefore, are not required to hold new elections. The delegates duly elected to the 2020 General Conference for the 2020-2024 Quadrennium stand as submitted and certified by the annual conference secretaries for the purpose of being seated in the postponed 2020 General Conference as well as jurisdictional and central conferences.

#### **STATEMENT OF FACTS**

At its session on March 10-13, 2022, the Kenya-Ethiopia Annual Conference voted to submit the following Petition for Declaratory Decision:

1. Given that the Commission on the General Conference has announced the third postponement of the 2020 General Conference to 2024 while expressing uncertainty about who will be the delegates in 2024 (see the attached March 2, 2022, Press Release of the Commission on General Conference), will the session held in 2024 be a postponed session of the 2020 General Conference or will it be the regular session of the 2024 General Conference? If it is a postponed session of the 2020 General Conference, must the regular session of the 2024 General Conference also be held?
2. Whether or not the 2024 session is a postponed or regular session, must annual conferences elect new delegates in order to comply with ¶ 502.3, which states, “Delegates to the General Conference shall be elected at the session of the annual conference held not more than two annual conference sessions before the calendar

year preceding the session of the General Conference?” If new delegates must be elected, will the number of delegates be based on the allocation of delegates for the 2020 General Conference or a revised allocation of delegates based on the formula for a regular 2024 General Conference?

On June 4, 2022, during its regular session, the Western Pennsylvania Annual Conference voted to submit a Petition for Declaratory Decision, which states (in relevant part):

THEREFORE BE IT RESOLVED that the Western PA Conference request a declaratory decision from the Judicial Council under ¶2610.1 on the meaning, application, and effect of ¶¶16.3, 33, 502.3, and 511.5 as they relate to the election of clergy and lay delegates to the newly announced and scheduled General Conference to be held in 2024. In particular the Judicial Council is asked to provide answers to the following questions:

1. What is the calendar year for the 2024 General Conference, announced by the Commission on General Conference to have its opening session in 2024, as it applies to ¶502.3?
2. Is the annual conference required to hold elections under ¶33 in compliance with ¶502.3?
3. Is the annual conference required under ¶33 to hold new elections if the current delegates were elected prior to 2022?
4. Is the 2020 or is the 2021 statistical report from General Council on Finance and Administration the most recent clergy and professing lay membership figures for calculating the number of delegates to General Conference under ¶511.5?

At its session on June 20, 2022, the Alaska United Methodist Conference voted to submit the following Petition for Declaratory Decision, which reads (in relevant parts):

THEREFORE BE IT RESOLVED that the Alaska United Methodist Conference, under its authority granted in ¶¶2610.2.(c) and 2610.2(j), submits to the Judicial Council this Request for Declaratory Decision on the meaning, application, and effect of ¶¶14, 34, 502, and 511.5 as they relate to the decision of the Commission on the General Conference to postpone General Conference 2020 into 2024 to be held in lieu of the previously announced regular General Conference of 2024, and

BE IT FURTHER RESOLVED that the Alaska United Methodist Conference, under its authority granted in ¶2609.5, asks that the Judicial Council determine the legality of the decision of the Commission on the General Conference to postpone General Conference 2020 into 2024 to be held in lieu of the previously announced regular General Conference of 2024.

### **JURISDICTION**

The Judicial Council has jurisdiction pursuant to ¶ 2610.1 of *The 2016 Book of Discipline of The United Methodist Church* [hereinafter *The Discipline*].

## ANALYSIS AND RATIONALE

The issues presented by the Western Pennsylvania Annual Conference (Docket No. 1022-1) and Kenya-Ethiopia Annual Conference (Docket No. 1022-2) as well as the first part of the petition submitted by the Alaska United Methodist Conference (Docket No. 1022-3) are nearly identical as they stand in direct relation to the multiple postponements of the 2020 General Conference caused by the global pandemic. Due to their similarity, the three cases are combined in this decision for the sake of consistency and clarity. Though varied in their articulation, these questions express one central concern: **Should the General Conference meeting scheduled for 2024 be designated as the postponed 2020 or regular 2024 session?** How this question is answered will have churchwide implications.

The annual conference is the body tasked with electing delegates to General Conference, jurisdictional, and central conferences. The Constitution enshrines this pivotal role in terms of a reserved right in ¶ 33. Hence, the members of an annual conference have not only the constitutional duty but also *right* to vote “on the election of clergy and lay delegates to the General and the jurisdictional or central conferences.” Const. ¶ 33. The reserved right to vote is essential to open and fair elections, the cornerstone of our connectional and democratic polity, and, therefore, cannot be abrogated. Cancelling or skipping the 2020 General Conference and requiring new elections to be held would be tantamount to overturning the results of the 2019 elections and disenfranchising the clergy and lay members of an annual conference who voted in good faith. It would also deprive delegates of their right to be seated and serve at the session of General Conference for which they were duly elected. There is no basis in Church law for such course of action.

The Constitution further establishes the minimum frequency at which the General Conference must convene, not the actual year when this occurs. “The General Conference shall meet once in four years at such time and in such place as shall be determined by the General Conference or by its duly authorized committees.” Const. ¶ 14. A cancellation would cause the number of General Conference sessions to drop below the quadrennial minimum and violate this constitutional mandate. From the beginning, the Commission on the General Conference—the body authorized to fix the time and place of General Conference—understood its action to be postponement, not cancellation. *See* Press Release of 03/18/20 posted at <https://www.umc.org/en/content/united-methodist-general-conference-to-be-postponed>. Likewise, the Judicial Council adhered to this understanding by consistently referring to “the postponement of the 2020 General Conference” in JCD 1409, 1410, and 1429. Viewed from the last regular session of General Conference in 2016, the postponed 2020 session falls squarely within the time window of ¶ 14. We see no compelling reason to depart from our jurisprudence and, therefore, designate the event scheduled for 2024 as **postponed 2020 General Conference**.

Moreover, the question was raised as to whether *The Discipline* requires new elections to be held. The controlling provision states that “[d]elegates to the General Conference shall be elected at the session of the annual conference held not more than two annual conference sessions before the calendar year preceding the session of the General Conference.” ¶ 502.3. Under this disciplinary paragraph, elections conducted at either the 2018 or 2019 session of annual conference would be valid and operative for the 2020 General Conference. The record clearly shows that the delegates of the Western Pennsylvania, Kenya-Ethiopia, and Alaska Conferences were duly elected, certified, and reported in 2019 for the purpose of being seated in the 2020 General Conference as well as jurisdictional and central conferences. Having properly conducted elections in 2019, the three petitioning annual conferences have satisfied the requirements of ¶ 502.3 for the postponed 2020 General Conference and, therefore, are not required to hold new elections.

The second part of the Alaska petition asking the Judicial Council to determine “the legality of the decision of the Commission on the General Conference to postpone General Conference 2020 into 2024 to be held in lieu of the previously announced regular General Conference of 2024” is mooted by the foregoing analysis.

### **RULING**

The reserved right of an annual conference to vote on the election of clergy and lay delegates to General Conference, jurisdictional, and central conferences is a cornerstone of United Methodist connectional polity and cannot be abrogated. No provision in *The Discipline* authorizes the cancellation of a regular session of General Conference or the annulment of elections properly conducted by an annual conference. The next meeting scheduled for 2024 is designated as the postponed 2020 General Conference. Annual conferences that conducted elections in 2019 have met the requirements of ¶ 502.3 and, therefore, are not required to hold new elections. The delegates duly elected to the 2020 General Conference for the 2020-2024 Quadrennium stand as submitted and certified by the annual conference secretaries for the purpose of being seated in the postponed 2020 General Conference as well as jurisdictional and central conferences.