



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
 CONSEIL JUDICIAIRE DE L'ÉGLISE METHODISTE UNIE
 RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE
 CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA
 CONSEJO DE LA JUDICATURA DE LA IGLESIA METODISTA UNIDA



Petition for Declaratory Decision

This form is to be used by the Secretary of the body authorized to petition the Judicial Council for a ruling in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of (please check one):

- The Book of Discipline 2016* or any portion thereof (§ 2610.1)
- any act or legislation of a General Conference (§ 2610.1)
- any proposed legislation (§ 2609.2)

Name of body authorized to make a Petition (§ 2610.2): COUNCIL OF BISHOPS
 Date of session: 1/6/23 (month/day/year) Location: ZOOM MEETING

Name of Secretary: BISHOP JONATHAN HOLSTON
 Address: 110 MARYLAND AVE. NE, SUITE 302 City: WASHINGTON D.C.
 State/Province: _____ ZIP/Postal Code 20002 Country: USA
 Phone: 202-547-6270 Fax: _____ E-mail: jholston@umcsc.org

To be reviewed (indicate paragraph number, title of legislation and/or act where applicable):
 Book of Discipline: Decision 1451 - Petition for Clarification

Legislation: _____
 Act of General Conference: _____

1/6/2023

Signature: _____ Date: _____
Secretary of the Conference/Body (month/day/year)

The following must be attached:

- Text of the written Petition for Declaratory Decision as originally presented
- Minutes of proceedings
- List of names and addresses of interested parties, including eu mail
- Other relevant materials (e.g. conference rules, resolutions, policies, reports)

➤ Send electronic copy of this form and all materials in PDF and Microsoft Word format to: **secretary@umcjudicialcouncil.org**

➤ Mail thirteen (13) sets of hard copies to:
**UMC Judicial Council, c/o LaNella Smith, Assistant to the J.C. Secretary,
 1215 Shady Lane, Durham, NC 27712**

IN THE JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH**IN RE: PETITION FOR CLARIFICATION OF
JUDICIAL COUNCIL DECISION 1451****PETITION FOR CLARIFICATION OF DECISION 1451**

The Council of Bishops of the United Methodist Church (“COB”) petitions the Judicial Council for clarification of Decision 1451, and for reasons, states:

1. In Decision 1451, the Judicial Council ruled that the general conference session to be held in 2024 is the postponed 2020 General Conference. The COB appreciates the clarity and guidance on that issue, which the three dockets (1022-1, 1022-2 & 1022-3) raised and which the Judicial Council characterized as “one central concern.” However, as the Judicial Council’s decision noted, addressing that one question would “have churchwide implications.” As predicted, the decision has generated a number of other questions that arise from the language of the decision, and the COB therefore petitions the Judicial Council for clarification of the decision on four limited questions.

2. The Judicial Council has jurisdiction of this petition pursuant to ¶ 2610. The COB has standing to bring this petition pursuant to ¶ 2610.2(b). The COB approved the submission of this petition by a vote of 39 in favor and one against at its meeting on January 6, 2023. An excerpt of the minutes of the meeting is attached to this petition.

3. JCD 1451 contains these statements regarding delegates to General Conference:

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.

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.

The foregoing statements have generated the need for clarification as set forth in Questions for Clarification Nos. 1, 2 and 3 below. In addition, JCD 1451 contains these statements regarding the minimum frequency at which the General Conference must convene:

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 duty 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.

Because a new quadrennium begins on January 1, 2028 and the postponed 2020 General Conference is the session convened for the 2020 quadrennium, the question has been raised whether ¶ 14 requires an additional session of General Conference before December 31, 2027. That issue is raised in Question for Clarification No. 4 below.

4. *Question for Clarification No. 1:* If an annual conference has vacancies in its General Conference delegation due to death, resignation, or otherwise, does JCD 1451 allow an annual conference to hold elections to fill the vacancies that have not already been filled by its reserve delegates?

Rationale: JCD 1451 does not preclude elections to fill vacancies but rather holds that such elections are not required in general for the postponed 2020 General Conference. The decision further states that “[t]he 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.”

Thus, while no new elections are required, the COB reads JCD 1451 to allow elections to

be held to fill vacancies that may have resulted from events such as death, resignation, relocation, or other reason. In the unusual and exigent circumstance of the 2020 General Conference being postponed for four years due to the COVID-19 pandemic, allowing annual conferences, at their discretion, to hold elections to fill vacancies is not only warranted but is consistent with the constitutional authority in ¶34 to elect persons up to the number determined by the approved ratio for representation in the General Conference. Nothing in the Discipline precludes such elections to fill vacancies.

5. ***Question for Clarification No. 2:*** If a person was elected as a lay or clergy delegate for the postponed 2020 General Conference and that person's status as a lay or clergy person has changed since election by the annual conference, do ¶¶ 34-36 of the 2016 Book of Discipline require that the delegate be declared ineligible to serve as a delegate in the status as elected and thereby creating a vacancy to be filled by the election of a new lay delegate if there is no reserve delegate to fill the vacancy?

Rationale: JCD 1451 states that “[t]he 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.” However, that blanket statement does not take into account the change of status of certain persons who were elected as lay or clergy delegates but no longer have the same status as when elected. The lapse of time since the election of certain lay delegates in 2018 and 2019 for the 2020 General Conference has encouragingly resulted in some lay delegates answering the call to vocational ministry and attaining the status of a clergy member of the annual conference. Persons who are clergy members of the annual conference are not lay members. *Compare* JCD 875 (addressing clergy delegates) & 819

(addressing lay members). Pursuant to ¶36, a lay member's status relates to membership in a local church. JCD 1405. Clergy members are not members of a local church once they obtain the status as clergy members of the annual conference. Therefore, such clergy members, even if an eligible lay member at the time of election, have lost the laity status and cannot serve as a lay delegate.

6. ***Question for Clarification No. 3:*** In regard to delegates who were elected from two previous annual conferences for the postponed 2020 General Conference that have since merged, (a) which delegates previously elected are eligible to serve at the postponed 2020 General Conference; and (b) if the merged annual conference is entitled to fewer delegates, what is the process under the Discipline for determining who among those previously elected is eligible to serve, including the date for determination of the delegates?

Rationale: As noted previously in this petition, JCD 1451 states that “[t]he 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 with the change of a delegate's status that is addressed in *Question for Clarification No. 2*, that blanket statement does not address the situation in which two annual conferences have merged since delegates were elected. For example, the Tennessee Annual Conference and the Memphis Annual Conference have merged since each elected delegates. The Discipline does not provide a mechanism or process for determining how many delegates the merged annual conference is entitled to and, if the number of persons elected before the merger exceeds that maximum number allowed, then how are the persons previously elected to be chosen without violating JCD 1451's holding that “[t]he reserved right to vote ... cannot be abrogated.” The COB does

not suggest a holding on these questions but suggests that requiring the election of new delegates for the merged annual conference would be violative of JCD 1451.

7. *Question for Clarification No. 4:* Based on the holding in JCD 1451, is the Commission on the General Conference required to schedule and make arrangements pursuant to ¶ 511.4 for a session of the General Conference to occur in the quadrennium after the adjournment of the postponed 2020 General Conference in 2024 and before December 31, 2027?

Rationale: The implication of the language of JCD 1451 interpreting ¶ 14 is that there must be at least one regular session of the General Conference convened once in four years and that not holding one such session would violate the constitutional mandate of ¶ 14. Thus, because a new quadrennium will be in place until December 31, 2027 and there has been no regular session of the General Conference in this quadrennium – only the postponed 2020 General Conference will take place – the COB understands JCD 1451 to require another regular session of the General Conference before December 31, 2027. If that understanding is correct, then the COB respectfully submits that the Commission on the General Conference is required by ¶ 511.4 to schedule and make arrangements for that regular session to occur before December 31, 2027.

WHEREFORE, the Council of Bishops submits this Petition for Clarification as to the four questions set forth herein and respectfully requests that the petition be expedited for consideration by the Judicial Council so that the issues raised by the questions may be addressed by the next regular sessions of the annual conferences and other bodies to meet the requirements of the Discipline.



BISHOP JONATHAN HOLSON
Secretary, Council of Bishops
of The United Methodist Church



**Council of Bishops
January 6, 2023
Zoom Meeting**

**MINUTES
(Relevant Excerpt)**

After extended conversation a motion was made by and seconded to approve submission of the petition for clarification of Judicial Council Decision 1451.

ACTION ITEM

The Council of Bishops approved that the COB petition the Judicial Council for clarification of Decision 1451 by a vote of 39 in favor, 1 against, and no abstentions.

A handwritten signature in black ink, reading "Jonathan Holston". The signature is written in a cursive style.

**Bishop Jonathan Holston
Secretary, Council of Bishops
United Methodist Church**

CERTIFICATE OF SERVICE

I certify that this Petition for Clarification has been served upon the following interested persons from Dockets 1022-01, 1022-02 & 1022-03 on this 6 day of January, 2023 by electronic mail:

John R. Wilson – secretary@wpaumc.org

Robert Zilhaver - connellsville.ds@wpaumc.org

Bishop Cynthia Moore-Koikoi – bishop@wpaumc.org

Rev. Wilton T. A. Odongo – odongo@umkenya-ethiopiaconference.org

Rev. Paul Matheri – paulmatheri@yahoo.com

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BISHOP JONATHAN HOLSTON
SECRETARY
COUNCIL OF BISHOPS