



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
 CONSEIL JUDICIAIRE DE L'EGLISE 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): _____

Date of session: _____ (month/day/year) Location: _____

Name of Secretary: _____

Address: _____ City: _____

State/Province: _____ ZIP/Postal Code _____ Country: _____

Phone: _____ Fax: _____ E-mail: _____

To be reviewed (indicate paragraph number, title of legislation and/or act where applicable):

Book of Discipline: _____

Legislation: _____

Act of General Conference: _____

Signature: *Suey S. Malone*
Secretary of the Conference/Body

Date: _____
 (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 THE MATTER OF QUESTIONS RELATED TO
CALLING AND HOLDING REGULAR SESSIONS OF
THE JURISDICTIONAL CONFERENCE PURSUANT TO
PARAGRAPHS 26, 27.2, 45, 404.2 405, 406, 407, 512 & 521.2
OF THE 2016 BOOK OF DISCIPLINE**

REQUEST FOR DECLARATORY DECISION

The Council of Bishops of the United Methodist Church ("COB") submits this request for declaratory decision on the following questions related to the 2016 Book of Discipline of The United Methodist Church ("the Discipline"):

Question 1: Does the Council of Bishops have constitutional authority to set regular sessions of the jurisdictional conference to elect and assign bishops pursuant to ¶¶ 26, 27.2 and 45 of the Discipline, notwithstanding that the General Conference has not occurred since the last election of bishops in the jurisdictional conferences and the General Conference has not acted upon a report of the Interjurisdictional Committee on Episcopacy as contemplated by ¶ 512?

Question 2: If the answer to Question 1 is yes and the election and consecration of the new bishop(s) occurs after September 1, when does the assignment of the newly elected bishop(s) begin?

Question 3: Is the assignment date of "September 1 following the jurisdictional conference" set forth in ¶ 406 altered if the election and consecration occurs before the customary July election(s) that result in assignments taking effect in approximately one to two months after election and consecration?

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The Council of Bishops authorized the filing of this request for declaratory decision by a unanimous vote on March 11, 2022. A copy of the minutes of the March 8, 2022 meeting leading to the certified vote on March 11, 2022 to authorize the filing of this request for declaratory decision is attached to this request as Exhibit A. The certification of the vote is also contained within Exhibit A.

Jurisdiction

The Judicial Council has jurisdiction in this matter pursuant to ¶ 2610.2b.

Rationale

The second postponement of the General Conference from 2022 to 2024 has heightened the burden of bishops attempting to provide effective episcopal oversight and leadership. Due to vacancies created by retirements after the postponement of General Conference in 2020, special assignments to cover vacant episcopal areas in the United States have been faithfully served by bishops who continue to serve their residential areas. However, continuation of serving multiple episcopal areas for another two years is both impractical and unsustainable and impacts the continuance of the episcopacy mandated by ¶ 45 of the Constitution. The threat to the continuance of the episcopacy and the sustainability of effective episcopal leadership will increase as more retirements are expected, whether due to mandatory retirement, vocational retirement, or voluntary retirement. Therefore, the rationale for this request for declaratory decision is readily apparent, and the need for an expedited decision on the request is compelled given the current and expanding burden.

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Paragraph 26 of the Discipline provides the constitutional authority for jurisdictional conferences to meet. Paragraph 27.2 provides the constitutional authority for jurisdictional conferences to elect bishops. While ¶512 has been viewed as a potential obstacle to electing bishops unless and until the General Conference adopts the work of the Interjurisdictional Committee on the Episcopacy, in the time of the COVID-19 pandemic and the requirement of “a continuance of the episcopacy” as provided for in ¶ 45, the COB respectfully submits that ¶¶ 26 and 27.2 may be used as authority to call regular sessions of the jurisdictional conferences to elect bishops and to make assignments.¹

This position is rationally based in provisions of the Constitution and is not contradicted by ¶¶ 404.2 and 405 regarding the provisions for episcopal areas in the United States and the election and consecration of bishops. While ¶¶ 407 and 521.2 apply, respectively, to filling vacancies in the office of bishop and the calling of special sessions of the jurisdictional conference, those provisions, particularly, ¶ 521.2 contain possible time limitations that are not always workable within the context of particular vacancies created over varying periods of time. Paragraph 45’s mandate for continuance of the episcopacy, coupled with the provisions of ¶¶ 26 and 27.2, provide a practical and more holistic process for electing and assigning bishops in a jurisdiction that allows the missional needs and most effective episcopal assignments to be made across the whole jurisdiction. This is consistent with the rationale of ¶406 that precludes a jurisdictional committee on episcopacy from “reach[ing] any conclusion concerning residential

¹ Some jurisdictions may not have elections but may determine that assignments need to be made and approved by the jurisdictional conference pursuant to ¶406.1.

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assignments until all elections of bishops for that session are completed and all bishops have been consulted.”

Further, restrictions on the constitutional authority given in ¶¶ 26 and 27.2 could be viewed as an unconstitutional limitation on those paragraphs, particularly in light of the pressing need for effective episcopal supervision following the second postponement of General Conference, the continuing COVID-19 pandemic, and the mandate of ¶45. That is, when the constitution gives authority for an action (¶¶26 & 27.2) and there are constitutional mandates for a continuance of the episcopacy (¶45) and an episcopal plan of supervision (¶48), but the General Conference cannot be held thereby causing General Conference legislation (e.g., ¶512) to thwart the requirements of the constitution, then the constitutional authority supersedes the General Conference legislation. The COB therefore urges the Judicial Council to issue a declaratory decision holding that jurisdictional conferences can be held to elect bishops pursuant to ¶¶ 26, 27.2 and 45 of the Discipline, notwithstanding that the General Conference has not occurred since the last election of bishops in the jurisdictional conferences and the General Conference has not acted upon a report of the Interjurisdictional Committee on Episcopacy as contemplated by ¶ 512.

In regard to Questions 2 and 3, the COB has not found any guidance as to whether an election other than the customary July election would alter the date of assignment for a new bishop. However, if a bishop is elected to fill a vacancy pursuant to ¶¶ 407 and 521.2, the COB presumes that the bishop’s date of assignment is soon after election and consecration and is not delayed to the next September 1. For example, if a bishop were elected to fill a vacancy at a special session of the jurisdictional conference in November of 2022, the COB would not expect episcopal

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supervision to be absent for ten to eleven months until September 1, 2023. The same rationale should apply to assigning a bishop when a regular session is held other than in July or August of a given year. The COB therefore urges the Judicial Council to hold that if an episcopal election is held at a regular session of the jurisdictional conference other than in July or August of a year, then the date of assignment may be set by the jurisdictional committee on the episcopacy pursuant to ¶ 406 for a date earlier than September 1 in order to provide for the continuance of the episcopacy in that episcopal area.



BISHOP TRACY S. MALONE
SECRETARY
COUNCIL OF BISHOPS

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EXHIBIT A

**Excerpt of Minutes of Council of Bishops Meeting on March 8, 2022
And Certification of Electronic Vote on March 11, 2022**

On March 8, 2022, the following motion was presented and adopted by the Council of Bishops:

Request for Declaratory Decision Related to the Separation of an Annual Conference from the UMC:

Bishop McKee moved that the COB request a Declaratory Decision on holding regular sessions of Jurisdictional Conferences for the purpose of the election and assignment of bishops and to send the request to the COB to vote by email.

Motion carried.

On March 9, 2022, the request for declaratory decision was submitted to the Council of Bishops for approval by electronic vote, and on March 11, 2022, the vote to approve submission of the request passed unanimously.

CERTIFIED this 14th day of March 2022.



BISHOP TRACY S. MALONE
SECRETARY
COUNCIL OF BISHOPS