

1021-09

Request for an episcopal rulings from a member of the West Virginia Annual Conference [written submission]

[exact wording set forth herein below in compliance with the requirement added to Discipline ¶ 2608.1 by the 2012 General Conference]

In the event that the annual conference passes the new rule 6 on “Equalization of Lay and Clergy Membership” which is being proposed by the Rules, Committee, I submit the following:

In accordance with ¶¶51 and 2609 of *The Book of Discipline*, I request a bishop’s decision of law on the following questions about the amended new rules for “Equalization of Lay and Clergy Membership,” in light of Discipline ¶¶32, 602, and 604.1, Judicial Council Decision #886, and other relevant church law:

Does the newly amended rule 6, on Equalization of Lay and Clergy Membership violate Discipline Paragraph 32’s requirement for the genuine “election of additional lay members to equalize lay and clergy membership of the annual conference” (emphasis added), or any other relevant church law, when it provides for an election which takes place only after that year’s annual conference session is called to order?

Does this amended rule violate Discipline Paragraph 32 or any other part of church law when this vote would take place only AFTER the nominees had already arranged to take time off of work, checked into hotel rooms, and traveled to the site of the annual conference session?

Does this amended rule provide a genuine election in conformity with Discipline Paragraph 32 and other relevant church law when it would be too late at the time of the vote to have other persons make these same arrangements to be present for the annual conference session?

Proposed Change Concerning
PART B: RULES AND PROCEDURES FOR THE ORGANIZATION
OF THE ANNUAL CONFERENCE
Section IV: Miscellaneous Standing Rules of the Conference
Subsection 6: Equalization of Lay and Clergy Membership

Rationale:

In working to present rule changes to the 2020 Annual Conference, the rules committee prepared several changes to this rule based upon a request of a member of the conference. In preparations for our work for this session, Rev. Mark Flynn presented a substitute rule for this subsection, which is printed at the end of this document. In our deliberations, the substitute did not receive a second on the committee and the committee went about the work of perfecting Subsection 6 while keeping in mind the spirit of the substitution offered by Rev. Flynn. The committee saw this as a concern that a clear process for election be made of those who are serving as Equalization Members of the Annual Conference.

Based upon their working understanding of ¶602 of the *BOD*, the committee worked on Subsection 6 with the mind that the annual conference determines its membership except in those instances where the *BOD* specifically gives the power to another body. For instance, each charge served by a clergy member of conference is to elect a lay member. Also, in the instance of a clergy member serving a campus ministry (where there is no charge conference to elect a lay member) the *BOD* allows a process for the district to elect a lay member. The election of Equalization Members is the responsibility of the annual conference.

The committee further kept in mind the distribution of charges and members throughout our districts in the West Virginia Annual Conference. These districts were not formed to provide representational equality but are instead formed out of the need for mission and ministry in a geographical area. The committee felt that a conference strategy for the election of Equalization Members, which has served our conference well for many years, should be continued.

For brevity, which at this point in our report is somewhat moot, the committee presents this rule change not line by line but as a whole with changes either ~~stricken~~ to be removed or double underlined to be added. The strike-through indicates which parts of the existing rule we are proposing to delete. Portions with the double underlining are the portions which we are proposing to add to the existing rule.

THEREFORE, THE COMMITTEE MOVES THAT SUBSECTION 6. EQUALIZATION OF LAY AND CLERGY MEMBERSHIP BE AMENDED AS FOLLOWS:

6. Equalization of Lay and Clergy Membership. The Annual Conference Secretary shall annually review the number of clergy and lay members of the Annual Conference, based on information in the most recent *Conference Journal*, and determine the number of additional lay members required to be in compliance with ¶¶32 & 602.4. By authority of the Annual Conference ~~the Secretary shall determine the number of additional lay members required for equalization and select and notify and invite persons to be present for election as~~ these equalization members according to priorities of sequence in the following list:

- a. The Conference Secretary and the Conference Treasurer/Director of Administrative Services.
- b. Lay persons serving on General Church Agencies.

- c. Lay persons employed as Director or Associate Directors of Office of Connectional Ministries.
- d. Lay persons who chair conference agencies including those who are elected to chair sections or divisions.
- e. Church and Community Workers.
- f. The Conference Chancellor.
- g. The President of West Virginia Wesleyan College, if that person is a member of The United Methodist Church. (~~If a member of The United Methodist Church~~)
- h. A West Virginia Wesleyan College student who is a young adult as determined by the Discipline. The student shall be a member of The United Methodist Church in the WV Annual Conference, familiar with the multi-faceted nature of the Campus Community and representative of the diversity of the student body. The student shall be invited by the Office of Spiritual Life in consultation with the Student Senate and President of the College.
- i. All lay persons serving on the following Conference Agencies: Nominations, Program, Rules, and nine youth between the ages of 15 and 18 to be ~~selected~~ invited by the Conference Council on Youth Ministries.
- j. All lay persons serving on the Conference Board of Ordained Ministry, Conference Council on Finance & Administration and Conference Covenant Council.
- k. All lay persons serving as the chairperson of a District Council on Ministry or equivalent structure.
- l. All lay persons employed as Directors of Conference Health and Welfare institutions and Mission Projects, if they are members of The United Methodist Church (~~if a member of The United Methodist Church~~).
- ~~m. Certified Lay Minister under assignment~~
- ~~n. A West Virginia Wesleyan College student who is a young adult as determined by the Discipline. The student shall be a member of The United Methodist Church in the WV Annual Conference, familiar with the multi-faceted nature of the Campus Community and representative of the diversity of the student body. The student shall be named by the Dean of the Chapel in consultation with the Community Council President and President of the College.~~
- m. Up to eight persons from each district invited by the District Committee on nominations or equivalent structure or superintendent with attention to ethnicity, race, age, gender and church size.
- n. Certified Lay Minister under assignment
- o. Additional persons ~~selected~~ invited by the Parish Coordinators in each district upon nomination by the District Committee on Nominations (or equivalent structure), after the Conference Secretary has informed the District Superintendents of the appropriate number per district.

Individuals from this priority list who have responded affirmatively to the invitation by their respective group shall be formally invited by the Annual Conference Secretary. Those who accept shall be presented for election by the Annual Conference in the organizing motion. Once duly elected by the Annual Conference, they will be seated within the bar as equalization members.

The Committee on Annual Conference Program, in consultation with the Council on Finance and Administration, shall assist with expenses of equalization members and shall determine the amount of the stipend each year. Funds will not be provided for attendance at one-day special sessions.

West Virginia Annual Conference

Of

The United Methodist Church

Ruling of Law

Bishop Sandra Steiner Ball

DIGEST

The amended and adopted new rule 6 for “Equalization of Lay and Clergy Membership,” in light of Discipline ¶¶32, 602, and 604.1, Judicial Council Decision #886, and other relevant church law, does not violate *The Book of Discipline of The United Methodist Church – 2016*.

STATEMENT OF FACTS

In accordance with the existing Rules of Order of the West Virginia Annual Conference, the Conference Secretary sent notices to all people who were nominated in accordance therewith to be At-Large Laity members in accordance with the required equalization formula. At the plenary session of the West Virginia Annual Conference session of The United Methodist Church on June 5, 2021, the Organizational motion for the 2021 Annual Conference Session on pages 9 – 11 of the Conference Workbook was adopted and is attached as Exhibit A. The equalization members did not vote until their election, and this was controlled by ZOOM accessibility and instructions to the tellers on the floor that persons with the orange name tags were not eligible to vote and were not to be counted in the vote on the organizational motion.

Subsequently, the following Conference Rule was presented and adopted and is attached as Exhibit B.

PART B: RULES AND PROCEDURES FOR THE ORGANIZATION OF THE ANNUAL CONFERENCE section IV: Miscellaneous Standing Rules of the Conference subsection 6: Equalization of Lay and Clergy Membership.

After the adoption of the above noted Rule, a clergy member raised the following Questions of Law (Also included as Exhibit C):

In accordance with ¶¶51 and 2609 of the Book of Discipline, I request a bishop’s decision of law on the following questions about the amended new rules for “Equalization of Lay and Clergy Membership,” in light of Discipline ¶¶ 32, 602, and 604.1, Judicial Council Decision #886, and other relevant church law:

1. Does the newly amended rule 6, on Equalization of Lay and Clergy Membership violate Discipline Paragraph 32’s requirement for the genuine “**election** of additional lay members to equalize lay and clergy membership of the annual conference” (emphasis added), or any other relevant church law, when it provides for an election which takes place only after that year’s annual conference session is called to order?

#2. Does this amended rule violate Discipline Paragraph 32 or any other part of church law when this vote would take place only AFTER the nominees had already arranged to take time off of work, checked into hotel rooms, and traveled to the site of the annual conference session?

#3. Does the amended rule provide a genuine election in conformity with Discipline Paragraph 32 and other relevant church law when it would be too late at the time of the vote to have other persons make these same arrangements to be present for the annual conference session?

These questions have been numbered for ease in answering the questions.

ANALYSIS AND RATIONALE

Paragraph 32 states “If the lay membership should number less than the clergy members of the annual conference, the annual conference shall, by its own formula, provide for the election of additional lay members to equalize lay and clergy membership of the annual conference.”

#1. Newly amended rule 6, on Equalization of Lay and Clergy Membership does not violate Discipline paragraph 32. The rule 6 and the Organizational motion pages 9 – 11 of the Conference Workbook provide for a genuine election of Equalization members. The organizational motion provides for the action of election by the annual conference and is aligned with rule 6: “By the authority of the Annual Conference the Secretary shall invite persons to be present for election as equalization members ...” (2021 – 09 page 1 – Exhibit B) “Those who accept shall be presented for election by the Annual Conference in the organizing motion. Once duly elected by the Annual Conference, they will be seated within the bar as equalization members.” (2021-09 page 2 –Exhibit B) The Organizational motion (Exhibit A) provides for the election of Equalization members, Tellers, Assistant Secretaries for the West Virginia Conference Annual Conference Business session, sets the bar, and the organizational procedures for the conference business session. The organizational motion not only lists the positions or conference formula for equalization members but includes the names of those presented for election so that the Conference body may be attentive to its responsibility for inclusivity as called for in ¶ 4 of *The Book Of Discipline*. Following election, the duly elected persons fulfill the positions to which they have been elected. The Organizational motion precedes any discussion, debate, or vote on agenda items. The 2021 Annual Conference session was called to order and followed by opening worship, ministry celebration, a memorial service. These services and celebrations were open meetings in accordance with ¶722. (Annual Conference Agenda – Exhibit D.) There was no actionable business, voting, discussion, or debate scheduled for the annual conference session until the business session of the Conference was opened and called to order on Saturday morning June 5, 2021 with the organizational motion following an opening devotional and prayer. (Business Session Agenda – Exhibit E and relevant minutes – Exhibit F.)

#2. Does the amended rule 6 violate Paragraph 32 when this vote would take place only after the nominees had arranged to take time off from work, checked into hotel rooms and traveled to the site of the conference session?

No. Paragraph 32 does not speak to the practicalities of the arrangements for those considered for election. Rule 6 provides for an annual conference formula and process by which lay equalization persons are named, accept their willingness to be elected, are invited to be present for the election, and if elected, to be seated and to serve within the bar with voice and vote.

#3. Does this amended rule provide a genuine election in conformity with Discipline Paragraph 32 and other relevant Church law when it would be too late at the time of the vote to have other persons make these same arrangements to be present for the Conference session?

Yes. Paragraph 32 does not speak to the practical arrangements of those who may be elected. Paragraph 32 says that, “the annual conference shall, by it’s own formula, provide for the election of additional lay members.” Rule 6 provides the formula called for in Paragraph 32 and includes a process of naming, invitation, affirmation, and election. Not the rule nor the organizational motion prohibits a motion from the floor to nominate a replacement for someone in one of the formula categories as listed in the rule or as named in the organizational motion. If that were to happen, there would have to be immediate confirmation of that person’s eligibility as prescribed in Paragraph 32, their willingness, and availability to exercise vote and voice if elected.

DECISION

On the three questions raised in the request of Law, Rule 6, on equalization of Lay and Clergy Membership, as modified and adopted by the West Virginia Annual Conference, does not violate Paragraphs 32, 602, 604.1. It also does not negate, ignore, or violate The Book of Discipline and, therefore, does not violate the holding in Judicial Council Decision #886. I do not find that amended rule 6 violates any other relevant church law.

**1021-9 West Virginia
Interested Persons And
Persons To Whom Notice Should Be Given**

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(Raised the Question)

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West Virginia Annual Conference

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