

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

MEMORANDUM 1442

[Docket No. 1021-21]

IN RE: Request for a Declaratory Decision from the Upper New York Annual Conference as to whether ¶635.1(a) of the 2016 *Discipline* Operates to Preclude and Prohibit Nominations to the Conference Board of Ordained Ministry from the Floor of the Annual Conference.

At the 2021 regular session of the Upper New York Annual Conference during the presentation of the Nominations Team, a portion of the nominations report was called into question from the floor and resulted in a motion for a Petition for Declaratory Decision. The clergy member making that motion posed the following question:

I request a declaratory decision from the Judicial Council to clarify the following ambiguity: Does paragraph 635.1(a) of the 2016/2019 [sic] *Book of Discipline* operate as a prohibition on nominations to the Board of Ordained Ministry from the floor of the Annual Conference?

The motion was defeated by a vote of 286 to 366. However, the minutes of that day contain the following entry:

The Request for a Declaratory Decision from the Judicial Council requires 1/5 support from the body. It was supported with 286 voting yes and 366 voting no. 131 votes were needed for passage.

As a result, the Secretary of the Conference transmitted the Petition for Declaratory Decision with supporting documents to the Secretary of the Judicial Council on August 10, 2021.

The Book of Discipline 2016 [hereinafter *Discipline*] does not require any specific percentage to pass a motion for declaratory decision. The controlling provision, ¶ 2610.2(j), sets forth:

2. The following bodies in The United Methodist Church are hereby authorized to make such petitions to the Judicial Council for declaratory decisions: [...] (j) any annual conference on matters relating to annual conferences or the work therein.

In JCD 1076 the Judicial Council enunciated the following general principle: “Where there is no stipulation regarding the number of votes required, **simple majority** vote is all that is necessary to approve an action” [emphasis added]. With respect to ¶ 2610.2(j), the Council noted

Par. 2610.2(j) provides annual conferences with authority for asking for a request for a declaratory decision, **but does not have a provision that requires a one-fifth vote**. In the absence of any specified vote, it is assumed that a simple majority vote is the requirement for a declaratory decision by an annual conference. [Emphasis added]

Where the *Discipline* requires a simple majority for passing a request for declaratory decision, the annual conference may not lower the bar by prescribing a one-fifth minority. Based on the record submitted, the motion did not reach the requisite threshold for approval and, therefore, failed to meet the necessary pre-requisites of ¶ 2610.2(j) to confer jurisdiction to the Judicial Council.

DIGEST

A motion for a petition for a declaratory decision under ¶ 2610.2(j) requires a majority vote by an annual conference. The motion presented at the 2021 session of the Upper New York Annual Conference did not meet this threshold requirement. The Judicial Council lacks jurisdiction in this matter.