

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1479

[Docket 0423-05]

IN RE: Review of a Bishop's Ruling on Questions of Law Raised During the Southeast Jurisdictional Conference Concerning the Number of Nominees that a Recently Merged Annual Conference May Submit to the Jurisdictional Conference for Election to the Jurisdictional Committee on Episcopacy.

DIGEST

When two or more annual conferences unite to become a merged conference, the delegations of the original annual conferences are entitled to select nominees for election to the Jurisdictional Committee on Episcopacy until they are replaced by newly elected delegates of the merged annual conference. The holding shall have prospective effect only from the date of this ruling. The decision of Bishop David W. Graves is affirmed in part and reversed in part.

STATEMENT OF FACTS

On November 2, 2022, during the second afternoon session of the Southeastern Jurisdictional [hereinafter SEJ] Conference held at Lake Junaluska, NC, a bishop gave the Nominations report from the SEJ College of Bishops for Disciplinary and Administrative Committees. She presented the slate of nominations as listed in the Daily Christian Advocate [hereinafter DCA] for Wednesday, November 2, 2022. Since not all delegations completed their selections for the Committee on Episcopacy [hereinafter COE] by the DCA deadline the previous evening, those nominations were not listed but were presented on the screens, one annual conference at a time, until all nominees to the jurisdictional COE were listed.

Following this presentation and with two corrections noted to names of persons nominated by their delegations to the COE, a lay delegate from the Tennessee-Western Kentucky Conference, rose and made a request for a ruling of law. He identified himself as the first-elected lay delegate from the legacy Tennessee Conference. His written request submitted to the Conference Secretary and the presiding bishop stated, in relevant parts, the following:

When the nominations to the SEJ COE come to the floor, the Presiding Bishop is asked to rule that the original four nominees from the Memphis and Tennessee Conferences are properly before the Jurisdictional Conference for election to the SEJ Committee on Episcopacy pursuant to ¶50 and ¶524.1 of the Discipline.

The Delegations from the former Tennessee and Memphis Annual Conference [*sic.*] met together on Monday, October 24, 2022 and ratified four nominees and elected in the alternative two additional nominees to the SEJ Committee on Episcopacy: four from the Tennessee and Memphis legacy conferences, and two from the new Tennessee-Western Kentucky Conference.

Tennessee nominees: Harriet Bryan (clergy), Jim Allen (lay)
Memphis nominees

OR IN THE ALTERNATIVE

Tennessee-Western Kentucky nominees: Harriet Bryan (clergy), Josh Shaw (lay)

To effectuate this ruling, we request that the SEJ elect both sets of nominees in the alternative, with the expectation that the final Judicial Council decision will ratify either the legacy nominees or the new nominees.

On November 15, 2022, Bishop David W. Graves, presiding officer at the session in question, submitted the following Decision of Law:

The Book of Discipline Paragraph 50 clearly states “one lay, one clergy” from each annual conference to serve on the jurisdictional Committee on Episcopacy. Further, in Paragraph 524.1 of the Book of Discipline, the following appears: “There shall be a jurisdictional committee on episcopacy consisting of one clergy and one lay delegate to the jurisdictional conference from each annual conference elected by the jurisdictional conference upon nomination of their respective annual conference delegations.”

On July 21, 2021, in a special called virtual session, the Southeastern Jurisdictional Conference voted to unite the Memphis and Tennessee Conferences into one Conference, the Tennessee-Western Kentucky Conference. The Resolution approved by the called session of the Jurisdictional Conference states:

Now, therefore, be it resolved, that the Southeastern Jurisdictional Conference approves realigning the boundaries of the Memphis and Tennessee annual conferences to form one new annual conference known as the Tennessee-Western Kentucky Conference of The United Methodist Church, with boundaries coextensive with the current Tennessee and Memphis conferences.

Be it further resolved that the Southeastern Jurisdictional Conference authorizes such new conference to conduct an organizational meeting consisting of the voting membership (lay and clergy) of the Tennessee and Memphis annual conferences prior to January 1, 2022, and to begin operations as a fully unified annual conference on January 1, 2022, all in accordance with a Plan of Union adopted by both conferences at their June 2021 annual conference sessions.

That decision was affirmed overwhelmingly by the Jurisdictional delegates, and the uniting Conference was held on December 4, 2021. The first annual conference of the newly formed Tennessee-Western Kentucky Conference was held June 15-17, 2022.

Ruling

Under Paragraph 50, the COE consists of “one clergy and one lay delegate from each annual conference on nomination of the annual conference delegation.”

Therefore, the ruling of law is that the merged annual conference may only submit one clergy and one lay delegate and it would be out of order to elect legacy nominees, either as the primary nominees or as an alternative for the Judicial Council to rule upon. The annual conference can only nominate one clergy and one lay delegate. Anything else is contrary to Paragraph 50.

Jurisdiction

The Judicial Council has jurisdiction under ¶ 2609.6 of *The 2016 Book of Discipline* [hereinafter the *Discipline*].

Analysis and Rationale

At issue in this case is the meaning and application of ¶ 50 of the Constitution. The relevant portion of ¶ 50 reads:

The jurisdictional conference shall elect a standing committee on episcopacy to consist of one clergy and one lay delegate from each annual conference, on nomination of the annual conference delegation. The committee shall review the work of the bishops, pass on their character and official administration, and report to the jurisdictional conference its findings for such action as the conference may deem appropriate within its constitutional warrant of power. The committee shall recommend the assignments of the bishops to their respective residences for final action by the jurisdictional conference. [Const. ¶ 50 [emphasis added]]

The question is whether the underlined phrase “on nomination of the annual conference delegation” refers to (a) the two delegations of the **original** Memphis and Tennessee annual

conferences or (b) the delegation of the **merged** Tennessee-Western Kentucky Annual Conference.

Paragraph 50 must be construed in light of ¶ 33. The governing principle derived from ¶ 33 was pronounced in JCD 1451:

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.

In JCD 302, a case decided in 1968, the Judicial Council stated the following governing principle for mergers and consolidations:

Where consolidations and mergers change conference boundaries the delegates from such Annual Conference will become delegates of the receiving Annual Conference with which such delegate is affiliated by church membership or Annual Conference relation.

Consistent with the holding in JCD 302, the Judicial Council recently ruled in JCD 1472:

In the case of a merger of two or more annual conferences, the duly elected delegates of each original annual conference are eligible to serve at the postponed 2020 General Conference as well as jurisdictional and central conferences under the same delegate number until it is adjusted for the next General Conference.

The phrase “on nomination of the annual conference delegation” in ¶ 50 refers to the delegations of the original Memphis and Tennessee annual conferences. Consequently, we hold that, until replaced by newly elected delegates of the merged Tennessee-Western Kentucky Annual Conference, the delegations of the original annual conferences were constitutionally entitled to nominate candidates for election to the SEJ COE.

The bishop was correct to invoke ¶ 50 of the Constitution as the applicable provision. However, he erred in ruling “that the merged annual conference may only submit one clergy and one lay delegate and it would be out of order to elect legacy nominees, either as the primary nominees or as an alternative for the Judicial Council to rule upon.” Decision of Law, *supra*.

Decision

When two or more annual conferences unite to become a merged conference, the delegations of the original annual conferences are entitled to select nominees for election to the Jurisdictional Committee on Episcopacy until they are replaced by newly elected delegates of the merged annual conference. The holding shall have prospective effect only from the date of this ruling. The decision of Bishop David W. Graves is affirmed in part and reversed in part.

April 25, 2023