

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

MEMORANDUM 1305

IN RE: Review of a Bishop's Decision of Law in the Northwest Philippines Annual Conference Regarding the Constitutionality of Choosing by Lot the Delegates to General and Central Conferences.

STATEMENT OF FACTS

On March 5, 2015, the Northwest Philippines Annual Conference voted 178-7 to approve a recommendation from the Commission on Elections "that the 2016 Election of General and Central Conference will be by draw lots."

The Commission on Elections recommended that "the guideline/method of electing our delegates will be based on proportion and category as presented." The Annual Conference voted to adopt this recommendation. (For example, the proportion and category for principal clergy delegates would be 14 men, 4 women, 1 retired, 1 person with disability.)

The Annual Conference agreed 83-8 "to approve the consideration for the legitimate excuse of those who will be drawn but are not around." After prayer, the Bishop called on the minor daughter of one of the church workers to draw the names for the delegates to General Conference. This step identified two persons as clergy delegates (principal and alternate) and two persons as lay delegates (principal and alternate). After other business was conducted, the drawing of lots continued, with a clergyperson drawing the names. This procedure concluded with eighteen additional clergy and eighteen additional lay delegates chosen. It was determined that the lay person chosen as principal delegate to General Conference had left the Annual Conference session without permission; a motion was made, seconded, and passed that this delegate be replaced.

On March 7, 2015, the Annual Conference approved a motion that "only registered delegates, after the given extension, are qualified to be selected and elected as delegates to the general and central conference." The Bishop made a parliamentary ruling that any elder who was a full member of the Annual Conference was eligible for selection whether they were present or absent. That ruling was submitted to the Judicial Council. (See Memorandum 1306.)

The Annual Conference voted to use a simple plurality in order to determine the order in which the chosen delegates would be named to General Conference and to Central Conference. This procedure was followed and the principal lay delegate and the alternate lay delegate to General

Conference were elected with 83 and 48 votes respectively. The same process was used to elect the principal clergy delegate and the alternate clergy delegate to General Conference; they received 62 and 30 votes respectively. The Minutes indicate that “the conference in session cast the votes for the Central Conference delegates for both Lay and Clergy Principal Delegates.” After a vote to break a tie, the Conference by simple plurality elected and ranked in order the full slate of delegates and alternates for Central Conference.

On March 8, 2015, the Bishop read a question of law he had received in writing. The Minutes do not reflect when the matter was presented orally, but both the Bishop and the appellants agree that it was done in a timely way. Although the Minutes do not indicate when the request was made from the Conference floor, the Minutes for March 8, 2015, do refer to the request as a matter that had previously been presented to the Conference.

The Minutes do not record the exact wording of the request for a decision of law, but all parties agree on the text: “Is the process of drawing of lots (as done during the 67th Regular Session of Northwest Philippines Annual Conference) as a means of choosing the delegates of Annual Conference to the General Conference and the Central Conference, a violation of the provisions of paragraphs 33, 34, and 36 of the Constitution of the United Methodist Church?” (In a brief filed by the appellants, ¶ 35 is also listed in a statement of the question.)

The Bishop asked the Conference to elect a temporary presiding officer so the Bishop could respond to the question. Later in the session, the Bishop requested the Conference Secretary to read the ruling. The record does not contain the text of what the Secretary read.

The Bishop’s ruling, as he filed it with the Judicial Council, follows:

My answer is NO. The annual conference in session 1) approved that they shall elect their delegates by drawing of lots which means that 2) while the names of General and Central Conference delegates were drawn by lots, 3) the NWPAC delegates will confirm their faithfulness to the covenant by actually casting their votes and the rule on simple plurality will be followed. This means that it is not the drawing of lots that is decisive for the final list of General and Central Conference delegates. The ranking of these delegates will still depend on the free, honest, clean, and conscientious votes of the delegates. (This was actually the wisdom and caution advised by Rev. Dr. Homer Wesley O. Refuerzo, and this was heeded by the Presiding Officer and the Commission on Elections accordingly.)

As Presiding Bishop, it is my ruling that since the NWPAC delegates exercised

their prerogative to select the manner of election freely and democratically, and as Presiding Officer I witnessed the maturity and sincerity of their intentions and the decency and dignity of their conduct during the debate, I believe that the manner of election that they have selected does not violate the Constitution of The United Methodist Church. The Bishop also decides in favour of the decision of the NWPAC delegates because it goes in so far as to uphold the Biblical model of selecting leaders by casting lots. The UMC Book of Discipline puts the Scriptures in a high plane of authority when it comes to Christian faith and life (Par. 102). Arguing from the Discipline's silence, the Bishop further states that the Disciplinary provisions cited did not state in any way whatsoever that the drawing of lots as part of the method adapted by NWPAC is prohibited. Arguing from the precedent of voting by drawing lots and later on formalizing the results by actual election made by the Philippines Annual Conference some years ago, the Bishop declares his respect to the prerogative of the Philippines Annual Conference to decide in accordance with the decision of their delegates [their experience was relayed to the NWPAC delegates for Rev. Dr. Homer Wesley O. Refuerzo during the deliberations on this matter]. Having witnessed and presided over the proceedings, I therefore add that I believe in the integrity and credibility of the annual conference delegates as they exercised their right to choose the manner of electing their delegates to the 2016 General and Central Conference delegates. Based on these arguments, let me therefore state that I uphold the decision of Northwest Philippines Annual Conference unless they themselves rescind or reconsider it and if they do so, I will likewise fully respect their action.

Related to this, I also need to declare that the North Central Philippines Annual Conference, the first of eight (8) BEA Annual Conferences to convene this year, also chose to simply decide that the manner of election is by drawing of lots and this they decided to be the method by which the order of election will be determined. While there were similar discussions on the acceptability of drawing lots as a manner of election, the Bishop noted that Bishop Leo Soriano, who was mandated by the College of Bishops to present a "guide" to all Annual Conferences concerning election, included drawing of lots as one of the options. While there were objections to the method of election by drawing of lots from other contexts, the Bishop is finally making this ruling on the basis of the following:

- 1) The Annual Conference was given the right and power to decide on the

election of delegates [Par. 33], hence, that should include the manner of election, for as long as it does not directly or clearly contradict the UMC Book of Discipline (Paragraphs 33, 34, 35, 36 of the 2012 UMC Book of Discipline).

2) In the absence of a specifically prescribed method and definitely expressed prohibition of any particular method (2/3, simple majority, simple plurality, drawing of lots, etc.), the Northwest Philippines Annual Conference exercised its right to choose the manner of election. I believe the Annual Conference did not violate any specific provision of the Discipline.

3) The Bishop asserts that while Northwest Philippines Annual Conference respects the manners of election freely and conscientiously chosen by other United Methodists in different racial, cultural, or connectional contexts, such precedents should not define or limit the Northwest Philippines Annual Conference in exercising its own right to choose in accordance with its own context. It will be unfair to NWPAC if the right of its delegates is curtailed on the basis of recognizing the superiority of others in defining concepts and methods of elections when the UMC Book of Discipline itself is not explicit.

4) In a nutshell, therefore, the Presiding Bishop of the Northwest Philippines Annual Conference affirms and respects the decision of the delegates to elect their General and Central Conference delegates by drawing of lots. (Italics in original)

The Annual Conference voted “to approve that the conference will pass a resolution affirming the ruling of the Bishop Torio on the Question of Law.”

The Conference continued the selection of delegates until the lists were completed. The Bishop requested that the Commission on Elections chairperson and the Conference Secretary declare the final results on the selection of delegates to General Conference and to Central Conference. The names are recorded in the Minutes.

In a timely way, the Bishop filed a report on his decision of law. Subsequently, the appellants (one clergyperson and one lay person) submitted a brief challenging the Bishop’s decision. A supplement to the brief gave the signatures of forty-six clergy and lay members of the Annual

Conference who agreed that the question ought to be asked, regardless whether or not they agreed with the Bishop's decision. Later, after the deadline for filing briefs, three members of the Annual Conference filed statements supporting the Bishop's ruling and alleging that some of the persons who signed the aforementioned supplemental brief had been misled as to the content and intent of the document.

JURISDICTION

The Judicial Council has jurisdiction under ¶¶ 51 and 56.3 of the Constitution and ¶ 2609.6 of *The Book of Discipline* 2012 as modified by Decision 1244.

DIGEST

The Judicial Council defers this matter to the October 2016 session of the Judicial Council. Pursuant to ¶ 2609.6, until the Judicial Council takes action to affirm, reverse, or modify the Bishop's decision, the Bishop's decision stands, but is authoritative only in the Northwest Philippines Annual Conference. The Judicial Council requires the Bishop and the Conference Secretary, in consultation with the Commission on Elections, to provide details of the process of drawing lots, such as: whose names were included, how those names were chosen, the actual steps taken in drawing the names, how the system of proportion and category was intended to work, whose names were before the lay and clergy members when ranking the delegation by simple plurality, and how those names were chosen. This information should be in the hands of the Secretary of the Judicial Council no later than August 15, 2016. Further, the Conference Secretary is to include in the conference journal the full text of the request for a decision of law and the full text of the Bishop's decision as they were made at the Annual Conference and then to supply the relevant portions of the journal to the Judicial Council.

Beth Capen was absent.

Kabamba Kiboko was absent.

Randall Miller, first lay alternate, participated in this decision.

Timothy K. Bruster, first clergy alternate, participated in this decision.

October 24, 2015