

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1437

(Docket No. 1021-13)

IN RE: Review of a Bishop's Ruling on a Question of Law in the Arkansas Annual Conference as to whether the Annual Conference's Petition to General Conference is Permissible Pursuant to the Submission Timelines set forth in ¶ 507 of the *Discipline*.

DIGEST

A bishop presiding at a session of an annual conference does not have the authority to rule on questions concerning the petitions process set forth in ¶ 507. The bishop's ruling is reversed.

STATEMENT OF FACTS

The Arkansas Annual Conference adopted at its 2021 session, on June 2, 2021, a petition entitled, "Petition to Clarify Deadlines in Paragraph 507" [hereinafter Petition] to the postponed 2020 General Conference rescheduled for August 29 - September 6, 2022. The following day, on June 3, a clergy member submitted the following Question of Law:

Is the petition, "Petition to Clarify Deadlines in ¶ 507," adopted by the Arkansas Annual Conference on June 3, 2021, and submitted by the Conference Secretary on behalf of the Annual Conference as prescribed by ¶ 507.5 and ¶ 507.6, properly before the postponed 2020 General Conference Session and subject to the provisions of ¶ 507.8 and ¶ 507.9?

On June 30, 2021, Bishop Gary Mueller issued his Decision of Law, which reads in relevant part:

The request for a ruling on this question of law is proper since it was presented in writing, addressed business undertaken during the Annual Conference Session and was submitted prior to the adjournment of the Conference.

It is important to note that this question of law is being raised because of a situation not foreseen by *The Book of Discipline*. The unprecedented COVID-19 pandemic not only has caused tremendous suffering globally, it has raised a

number of significant questions concerning how the United Methodist Church conducts its connectional life when General Conference cannot meet and make decisions about matters that are time sensitive. Several notable examples include the election of Bishops to General Agencies when General Conference cannot meet to elect them, the mandatory retirement of Bishops when Jurisdictional Conferences cannot meet to vote them into a retired relationship and the denomination's proposed quadrennial budget that General Conference cannot adopt because it cannot meet.

This question of law focuses on whether the fact that a General Conference has been postponed because of unforeseen circumstances impacts the required deadlines for submission of proposed legislation to be considered by General Conference in light of the authority of General Conference as delineated in ¶ 16. Article IV to set deadlines and the means of dissemination of information concerning business properly before the conference.

The Judicial Council recently has provided helpful guidance concerning this question of law in two distinct ways. In the first instance, the Judicial Council in Decision 1409 ruled that the authority given to the General Conference to enact legislation (in this particular case the process for adopting the denomination's quadrennial budget) must be adhered to even when unforeseen circumstances might suggest to some people that a 'common sense' solution outside the requirements of *The Book of Discipline* should be employed. ...

In the second instance, the Judicial Council in Decision 1401 declared that the Commission on the General Conference's ability to nullify a vote at the 2019 General Conference after the fact is limited by the authority given to the General Conference, even when an independent investigation determined that suspected voting irregularities may have affected the results of the vote. ...

Taken together, these two recent Judicial Council decisions make it clear that the legislative authority of General Conference must be adhered to even in unforeseen extraordinary circumstances. It is from this perspective that ¶¶507.5 and 507.6 must be examined. ...

These two paragraphs tie the deadlines for submitting petitions to be considered by General Conference to when General Conference actually convenes and not when it is scheduled to convene. The 'opening session' is an actual event. It can only occur when the Conference is called to order. It is not something that can be defined as an anticipated date that never actually occurred. *The Book of Discipline 2016* nowhere gives any group the authority to 'freeze' the deadline for the submission of petitions based on the originally scheduled opening session. It also does not authorize any entity to develop an alternate set of procedures for conducting General Conference if it is delayed or faces an unforeseen circumstance. The only entity that can change these requirements is General Conference.

I rule that the “Petition to Clarify Deadlines in ¶507” is properly before the postponed 2020 General Conference session when it convenes because it has met the requirements of that paragraph and, therefore, is subject to all provisions of ¶507, including ¶¶507.8 and 507.9. [boldface in original]

Jurisdiction

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

Analysis and Rationale

The Question of Law invokes ¶¶ 507.5, 507.6, 507.8, and 507.9. The controlling paragraph in this case, however, is the opening sentence of ¶ 507 and § 1, which read:

¶ 507. *Petitions to General Conference*—Any organization, clergy member, or lay member of The United Methodist Church may petition the General Conference in the following manner:

1. The petition must be sent to the secretary of the General Conference or a designated petitions secretary. It shall be in typed or printed form, or other means approved by the secretary of the General Conference, and shall follow a format determined by that officer. [emphasis added]

The implementation of this petitions process, including the determination if a petition meets the submission requirements, has been specifically assigned to “the secretary of the General Conference or a designated petitions secretary.” Notably, none of the provisions in ¶ 507 bestow any decision-making authority on a bishop presiding at a session of annual conference.

By requesting an episcopal ruling on whether the Petition meets the requirements of said provisions and, thus, is “properly before the postponed 2020 General Conference Session,” the Question of Law improperly asked the bishop to assume a role that the General Conference has reserved to the secretary of the General Conference and the petitions secretary. A presiding bishop cannot under the guise of ‘decision of law’ rule on questions concerning a process exclusively regulated in ¶ 507. No individual or annual conference may create episcopal powers that are not explicitly granted by the Constitution or *The Discipline*. To do so would violate the “separation of authority and decision making [which] is integral to the United Methodist

Constitution and law.” JCD 1156. Bishop Gary Mueller exceeded his authority when he ruled on an improper question.

Ruling

A bishop presiding at a session of an annual conference does not have the authority to rule on questions concerning the petitions process set forth in ¶ 507. The bishop’s Decision of Law is reversed.

March 28, 2022