

SUBJECT TO FINAL EDITING

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### DECISION 1427

[Docket 1021-04]

***IN RE: Review of a Bishop's Ruling on Questions of Law in the Indiana Annual Conference Regarding Conference Rules that Govern Youth and Young Adult Eligibility Requirement to Serve as Lay Members to Annual Conference and those Rules that Govern Eligibility for Members of District Conference to Vote on the District-At-Large Lay Members to Annual Conference.***

### DIGEST

While the annual conference is the basic body in the Church and have the right to vote on the election of clergy and lay delegates to the General and the jurisdictional or central conference, it cannot undertake any action or enact legislation in contravention of the Book of Discipline.

Paragraph 32 of the Constitution expressly limits the right to waive the four-year participation and the two-year membership requirements to those annual conferences located within central conferences. The waiver granted in ¶ 32 cannot be added to or changed or expanded by the General Conference. Hence, as currently written, ¶ 602.4(a) extends the right to waive the four-year participation and the two-year membership requirements to include not only those annual conference located within central conferences, but also to those annual conference located within the jurisdictional conferences of the United States and thus conflicts with ¶ 32 of the Constitution. As such, ¶ 602.4(a) should be amended so as to comply with, and mirror, the Constitution's provisions in ¶ 32, as follows:

a) In the annual conferences ~~or~~ **of** the central conferences, the four-year participation and the two-year membership requirements may be waived for young persons under thirty years of age. Such persons must be members of The United Methodist Church and active participants at the time of election.

### STATEMENT OF FACTS

The Presiding Bishop of the Indiana Annual Conference at the 2020 annual conference session was asked a series of questions by a lay member. From the official record and minutes from the Conference Journal's Daily Proceedings the questions asked and answered by the Presiding Bishop were as follows:

Given that our annual conference is entitled to set internal policies ONLY within the boundaries of *The Book of Discipline of The United Methodist Church*, and given that no other part of the *Discipline* may contradict that portion of the *Discipline* known as the Constitution, then in accordance with ¶¶ 51 and 2609.6 of *The Book of Discipline*, and in light of ¶¶ 32, 602.4, and 604.1, Judicial Council Decision 886, and other relevant church law, I respectfully request a bishop's decision of law on the following questions related to the consistency of *The Book of Discipline* and the proposed Indiana Conference Rules and Structure Document that has been put before this annual conference for a vote:

### **First Question**

Does page 19, Section D.2.a.11, lines 49-50, which seems to authorize our annual conference to have only one "at-large" youth lay member and one "at-large" young-adult lay member (which would reduce by 90 percent the representation of such young persons from how Page 14, lines 4-11 of the Indiana Annual Conference's previous Rules and Structure Document authorized one of each such person from each of our ten districts), violate or negate ¶ 32 of the UMC Constitution and/or other relevant church law in defining annual conference membership?

### **Second Question**

Does Section D.2.a.17, found on lines 13-16 of page 20, which includes authorizations for exceptions to the requirements of how long laypeople must have been members and active participants in the United Methodist Church in order to be eligible to serve as lay members of the annual conference, even though our annual conference is not within any central conference, violate or negate Discipline ¶ 32 and/or other relevant church law?

### **Third Question**

When Sections D.4.b and D.4.c, found on page 28, lines 24-28, broadly grant voting rights "in ALL matters at district conferences" (emphasis added), without exception, to certain clergy who are retired or serving under appointment, and all matters voted on at district conferences include both ballots for district endorsements of laypeople willing to serve as General Conference delegates (Page 25, Section D.3.d.1, lines 37-44) and elections of equalizing lay members of the annual conference, who in turn are entrusted with electing lay delegate to General Conference (see Pages 21-22, Section D.2.d.3), then do these sections of the rules, which empower district operational teams to determine slates for district conference elections of laity and which authorize such significant numbers of clergy to vote in elections for lay representation, violate or negate Discipline ¶¶ 36, 249, and/or other relevant church law?

The Presiding Bishop's gave the following decision of law:

The following question has been asked of me by Mr. John Lomperis:

1. Does page 19, Section D.2.a.11, lines 49-50, which seems to authorize our annual conference to have only one "at-large" youth lay member and one "at-large" young-adult lay member (which would reduce by 90 percent the representation of such young persons from how Page 14, lines 4-11 of the Indiana Annual Conference's previous Rules and Structure Document authorized one of each such person from each of our ten districts), violate or negate ¶ 32 of the UMC Constitution and/or other relevant church law in defining annual conference membership?

**Mr. Lomperis has identified an omission in the Conference document. I therefore rule that as written this rule violates ¶ 32 of the UMC Constitution.**

The following question has been asked of me by Mr. John Lomperis:

Does Section D.2.a.17, found on lines 13-16 of page 20, which includes authorizations for exceptions to the requirements of how long laypeople must have been members and active participants in the United Methodist Church in order to be eligible to serve as lay members of the annual conference, even though our annual conference is not within any central conference, violate or negate Discipline ¶ 32 and/or other relevant church law?

**Mr. Lomperis has identified an error in inclusion based on an exception only applicable to the Central Conference as found in ¶ 32 of the UMC Constitution. Upon further review, ¶ 602.4a acknowledges ¶ 32 and then provides the provision for exception "in the annual conference or central conferences, the four-year participation and two-year membership requirement may be waived for young persons under thirty years of age. Such persons must be members of the United Methodist Church and active participants at the time of election." I therefore rule that as written this rule is in compliance with the Book of Discipline.**

The following question has been asked of me by Mr. John Lomperis:

When Sections D.4.b and D.4.c, found on page 28, lines 24-28, broadly grant voting rights "in all matters at district conferences" (emphasis added), without exception, to certain clergy who are retired or serving under appointment, and all matters voted on at district conferences include both ballots for district endorsements of laypeople willing to serve as General Conference delegates (Page 25, Section D.3.d.1, lines 37-44) and elections

of equalizing lay members of the annual conference, who in turn are entrusted with electing lay delegate to General Conference (see Pages 21-22, Section D.2.d.3), then do these sections of the rules, which empower district operational teams to determine slates for district conference elections of laity and which authorize such significant numbers of clergy to vote in elections for lay representation, violate or negate Discipline ¶¶ 36, 249, and/or other relevant church law?

This question presents an interpretation of the following phrase in the rule, which Mr. Lomperis has stated only in part:

#### D.4 District Conferences

District conference membership with voting privileges shall consist of:

- b. All clergy appointed in the conference shall be eligible to vote in all matters at district conferences, in the district where their charge conference relationship resides.
  
- c. All clergy in retired status whether appointed to serve in a local church in retirement or not, shall be eligible to vote in all matters at district conferences, in the district where their charge conference relationship resides.

**The foregoing is intended to delineate who has voting privileges in the district conference and is subject to any and all other provisions that might otherwise limit who may vote on certain issues as indicated by ¶¶ 26, 660.2, and other provisions of the Discipline. While I do not believe the quoted provisions are intended to, or, in fact, violate any provision of the Discipline in practice, I understand how the phrase “all matters at district conferences’ could be taken out of context and misapplied by a person who is not familiar with other limitations in the Discipline. I therefore rule that the words ‘all matters at district conferences may be applied to violate other provisions of the Discipline and should either be deleted from the rule or amended to read “all matters for which clergy are entitled to vote at district conferences under the Book of Discipline” or some similar modification to ensure compliance with the Discipline.**

An interested party brief was filed.

#### **Jurisdiction**

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

## **Analysis and Rationale**

At issue in this case is the Indiana Annual Conference voting process for the election of General and Jurisdictional Conference delegates. Hence, we believe that it would be in good order and appropriate to narrate the voting process in the conference prior to the 2020 annual conference.

The 2014 session of the Indiana Annual Conference adopted a new process for the election of General and Jurisdictional Conference delegates. A main part of this process allowed each district, meeting in the autumn before each annual conference session at which General Conference delegates are elected, to hold votes and make an official endorsement of up to three laity and up to three clergy (selected from among those in the district who had expressed willingness to serve as General Conference delegates), who are then publicly identified as “endorsed” candidates. When these district conferences were held in 2014 and 2018, the consistent practice was that only clergy voted for which of the clergy candidates to endorse and only laity voted for which of the lay candidates to endorse, reflecting the similar separation of voting established in ¶¶ 35-36 of the *Discipline*.

In 2020, the Indiana Annual Conference met on non-consecutive days, including on August 15. At the August 15 session, an amended version of the conference’s Rules and Structure Document was presented. Among the many changes in this new version was the addition, at the end of the Rules and Structure Document, of an entirely new Section D.4 on district conferences, which included significant new provisions both limiting the number of laity eligible to vote in district conferences from what had been previously practiced and declaring that all appointed and retired clergy “shall be eligible to vote in all matters at district conferences”. After the presentation, a motion “That the Rules and Structure document be accepted as already amended and then added to the record of this Conference Session” was approved by the conference. The issue presently before the Judicial Council arose out of the passing of the amended conference’s Rules and Structure Document.

### **First Question**

The Constitution establishes procedures for electing delegates to annual conferences in ¶ 32. While the annual conference is the basic body in the Church and has the right to vote on the election of clergy and lay delegates to the General and the jurisdictional or central conference, it cannot

undertake any action in contravention of the Book of Discipline. It must adhere to the Book of Discipline in all its endeavors. The Bishop's decision of law in respect to Question 1 is affirmed.

## **Second Question**

Paragraph 32 of the Constitution gives an exception to the annual conferences of central conferences to waive the four-year participation and the two-year membership requirements for young persons under thirty [30] years of age. ¶ 32 reads as follows:

### **Section VI. Annual Conferences**

¶ 32. *Article I.*—The annual conference shall be composed of clergy and lay members. The clergy membership shall consist of deacons and elders in full connection, provisional members, associate members, and local pastors under appointment. The lay membership shall consist of professing lay members elected by each charge, the diaconal ministers, the active deaconesses, and home missionaries under episcopal appointment within the bounds of the annual conference, the conference president of United Methodist Women, the conference president of United Methodist Men, the conference lay leader, district lay leaders, the conference director of Lay Servant Ministries, conference secretary of Global Ministries (if lay), the president or equivalent officer of the conference young adult organization, the president of the conference youth organization, the chair of the annual conference college student organization, and one young person between the ages of twelve (12) and seventeen (17) and one young person between the ages of eighteen (18) and thirty (30) from each district to be selected in such a manner as may be determined by the annual conference. **In the annual conferences of the central conferences, the four-year participation and the two-year membership requirements may be waived by the annual conference for young persons under thirty (30) years of age.** Such persons must be professing members of The United Methodist Church and active participants at the time of election. Each charge served by more than one clergy shall be entitled to as many lay members as there are clergy members. The lay members shall have been for the two years next preceding their election members of The United Methodist Church and shall have been active participants in The United Methodist Church for at least four years next preceding their election. (Emphasis added).

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.”

Paragraph 602.4(a) of the *2016 Discipline* purports to extend the right to waive the four-year participation and the two-year membership requirements to all annual conferences. ¶ 602.4(a) reads thus:

**In the annual conference or central conferences**, the four-year participation and the two-year membership requirements may be waived for young persons under thirty years of age. Such persons must be members of the United Methodist Church and active participants at the time of election. (Emphasis added).

Hence, the core issue presented is whether ¶ 602.4(a) is in conflict with ¶ 32 of the Constitution.

We note that ¶ 32 of the Constitution expressly limits the right to waive the four-year participation and the two-year membership requirements to annual conferences within central conferences. The waiver granted in ¶ 32 cannot be added to or changed or expanded by the General Conference.

We also note that ¶ 602.4(a) has been part of the Book of Discipline for a protracted period and has not been challenged until now. However, legislation cannot abrogate or violate the Constitution. Hence, the provision of ¶ 602.4(a) granting all annual conferences the right to waive the four-year participation and the two-year membership requirements conflicts with ¶ 32 of the Constitution.

The Bishop's ruling of law in respect of Question 2 is reversed.

### **Third Question**

The Constitution establishes procedures for electing delegates to General, central, and jurisdictional conferences in ¶¶ 34-36 and, in doing so, enshrines the fundamental principle whereby clergy members can vote only for clergy candidates and lay members only for lay candidates in an annual conference. Annual conferences must abide by the established procedures for the electing of delegates as enshrined in the Constitution.

We note that at the October 10, 2020 session of the Indiana Annual Conference, Rules D.4.b and D.4.c of the Indiana Rules & Structure Document were amended and now reads "all clergy shall be eligible to vote in all matters for which clergy are entitled to vote under the book of Discipline." This amendment makes the issue in question 3 moot.

## Decision

While the annual conference is the basic body in the Church and have the right to vote on the election of clergy and lay delegates to the General and the jurisdictional or central conference, it cannot undertake any action or enact legislation in contravention of the Book of Discipline.

Paragraph 32 of the Constitution expressly limits the right to waive the four-year participation and the two-year membership requirements to those annual conferences located within central conferences. The waiver granted in ¶ 32 cannot be added to or changed or expanded by the General Conference. Hence, as currently written, ¶ 602.4(a) extends the right to waive the four-year participation and the two-year membership requirements to include not only those annual conference located within central conferences, but also to those annual conference located within the jurisdictional conferences of the United States and thus conflicts with ¶ 32 of the Constitution. As such, ¶ 602.4(a) should be amended so as to comply with the Constitution's provisions in ¶ 32, as follows:

a) In the annual conferences ~~or~~ of the central conferences, the four-year participation and the two-year membership requirements may be waived for young persons under thirty years of age. Such persons must be members of The United Methodist Church and active participants at the time of election.

June 3, 2022

[**Note:** Five of the nine Judicial Council members voted to declare as unconstitutional that portion of ¶ 602.4(a) which, whether intentionally or unintentionally, expanded the ¶ 32 waiver provisions to include those annual conferences located within the jurisdictional conferences of the United States.

However, ¶ 2608.2 of the *2016 Discipline* requires that an “affirmative vote of at least six members of the council shall be necessary to declare any act of the General Conference unconstitutional.” **Wherefore this decision does not contain a declaration of unconstitutionality.**]



## Concurrence

The following concurrence is a direct quote from Judicial Council **Decision 495** issued on April 24, 1981, which provides some interesting historical information and analysis:

**Never** since the formation of the United Methodist Church has the General Conference legislation regarding eligibility for lay membership in the Annual Conferences been in conformity with the Constitution. From 1968 to 1970 the Constitution imposed only two requirements, age of at least twenty-one years and membership for four years preceding election in one of the constituent churches or of the United Methodist Church. In Par. 146.1 of the 1968 Discipline, which remained unchanged (except for renumbering in 1976) until rewritten and renumbered in 1980 as Par. 250.2, the General Conference attempted to add three additional provisions:

1. It was stated that if the charge's lay representative should cease to be a member of the charge an alternate member should serve in his place.
2. It was stated that the lay members and alternates must be members of the local church from which they were elected for at least one year.
3. It was stated that an exception could be made in a newly organized church which should have the privilege of representation at the Annual Conference.

It is not entirely clear as to whether the representative of a newly organized church was free only of the requirement for one year's membership in the local church or whether he was also free of the requirement of four years membership in the United Methodist Church or one of its predecessors. That question need not be determined, for the Constitution has never made any exception for newly organized churches. In 1970 Par. 36 of the Constitution was amended to eliminate the age requirement and to add a requirement of one year's membership in the *charge* (not the local church) the member was to represent.

The 1976 General Conference voted to amend Par. 36 of the Constitution and the amendment was subsequently confirmed and ratified by the Annual Conferences, so that the paragraph now stands as printed in the 1980 Discipline. The amendment reduced the requirement for membership in the United Methodist Church from four years to two years, but provided there must have been active participation in the United Methodist Church for at least four years. Any requirement for membership in the charge was eliminated. No exception was made for newly organized churches. The 1980 General Conference, by an "omnibus" motion, and without bringing the matter specifically to the floor, amended former Par. 244.1 of the Discipline to read as set forth in present Par. 250.2 (Daily Christian Advocate page 354, Calendar 471). Although this legislation contains an editorial reference to Par.

36 of the Constitution, it differs from the constitutional provisions in at least five respects:

1. It requires only one year of membership in the United Methodist Church rather than the constitutional two years.
2. It omits the constitutional requirement of four years of active participation in the United Methodist Church.
3. Unlike the Constitution, it requires at least one year of membership in the local church.
4. Unlike the Constitution, it would replace with an alternate a charge's lay representative upon termination of membership in the charge.
5. It could be construed to waive, in the case of a newly organized church, one or both of the constitutional requirements.

In the foregoing unanimous decision we held that the General Conference has authority to define the qualifications of members of general boards and agencies since the subject is not covered by the Constitution. In the case of lay membership in the Annual Conferences, however, the Constitution has specifically set forth two requirements. Consequently, neither the Annual Conference nor the General Conference may change or add to the provisions of the Constitution governing eligibility for lay membership in Annual Conferences.

Eligibility is governed solely by Par. 36 of the Constitution, not by Par. 250.2 of the *1980 Discipline*.

April 24, 1981

Respectfully Submitted,

Beth Capen & Rev. Dr. Kabamba Kiboko

June 4, 2022