

SUBJECT TO FINAL EDITING

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### DECISION 1429

IN RE: Request from the Alaska United Methodist Conference for a Declaratory Decision on the Meaning, Application, and Effect of ¶¶ 507.5, 507.6, and 507.7, on the Deadlines for General Conference Petitions that are Submitted to the Postponed Session of General Conference by constituent bodies, other than Annual Conferences, and the constitutionality or legality of any act to reject or refuse an otherwise proper petition filed no later than 230 days prior to the commencement of the Postponed Session of General Conference

#### DIGEST

The deadlines for petitions submission in ¶ 507 are based on the date of the postponed General Conference and reset with each postponement. The Commission on the General Conference is directed to process all petitions duly submitted by the Alaska Delegation and bodies other than annual conferences between September 19, 2019 and January 11, 2022 in a manner not inconsistent with this holding.

#### STATEMENT OF FACTS

The Commission on the General Conference [hereinafter Commission], in a press release of December 18, 2020, announced that petitions “submitted after the original 230 and 45 day deadlines...will be treated and processed through the existing system of receiving petitions submitted after the deadline.” It further stated that the “Committee on Reference is the appropriate body to determine whether petitions submitted after the original 230 and 45 day deadlines should be considered...” <https://www.resourceumc.org/en/content/commission-on-the-general-conference-establishes-timeline-for-next-steps>. In doing so, the Commission essentially declared all petitions filed after September 18, 2019 and March 21, 2020 to be late submissions.

On January 8, 2021, the Alaska Delegation to the General Conference [hereinafter Delegation] submitted a legislative petition, entitled “Christmas Covenant Combined with Wespeth Provisions and Protocol” [hereinafter Alaska Omnibus Proposal].

At the regular 2021 session of the Alaska United Methodist Conference [hereinafter Alaska Conference], on June 22, 2021, a lay member [hereinafter Movant] moved to request a declaratory decision from the Judicial Council. The motion was passed unanimously. The relevant part of the Petition for Declaratory Decision reads:

THEREFORE BE IT RESOLVED that the Alaska United Methodist Conference, under its authority granted in ¶¶ 2610.2(c) and 2610.2(j), submits to the Judicial Council this Request for Declaratory Decision on the meaning, application, and effect of ¶¶ 507.5, 507.6, and 507.7 as they relate to and inform the decision of the Commission on the General Conference to treat all petitions received from bodies other than annual conferences as late and subject to review and disposition by the Committee on Reference when such petitions are submitted any time after 18Sep19, with particular attention to those petitions submitted between and including 19Sep19 and 11Jan22. In particular the Judicial Council is asked to provide answers to the following questions:

1) Does the phrase found in ¶¶ 507.5 and 507.6 “no later than 230 days prior to the opening session of the General Conference” and the nearly identical phrase found in ¶507.7 “no later than 230 days before the opening of General Conference” provide to the Commission on the General Conference authority to interpret the language to mean “after the original 230 and 45 day deadlines” as stated in its press release of 18Dec20? [Emphasis added]

2) Is the petition that is the subject of this RDD which was submitted by an authorized body, the Alaska Delegation, in a timely manner as defined in the plain language of ¶507 properly subject to being treated as a late petition by the Commission on the General Conference?

### **Jurisdiction**

The Judicial Council has jurisdiction pursuant to ¶ 2610.1 of *The Book of Discipline, 2016* [hereinafter *The Discipline*].

### **Analysis and Rationale**

The Judicial Council notes that a similar, if not identical, request for a declaratory decision was submitted by this Annual Conference's General Conference Delegation under Docket No. 1021-6. Given that a General Conference delegation is not a “body created or authorized by the General Conference” within the meaning of ¶ 2610.2(c), the Judicial Council determined that it did not have jurisdiction to issue a declaratory decision. Fortunately, standing is not an issue in this companion case. JCD 1428.

The meaning of the phrase “230 days prior to the opening session of the General Conference” stands at the center of this case. It appears in ¶¶ 507.5 and 507.6, but in a slightly different version in ¶ 507.7 (“230 days prior to the opening of the General Conference”).

Two opposite views compete for our attention. The first reading, proposed by the Commission, would interpret the phrase to mean 230 and 45 days prior to the “original” date of the 2020 General Conference (i.e., May 5, 2020) and place the point of reference in the *past*. The second reading, advocated by the Movant, would treat “opening session” as an event and locate the point of reference in the *future* (i.e., August 29, 2022, the date of the postponed General Conference).

Hence, the issue boils down to one question: **Does “opening session” of the General Conference mean (a) the original date or (b) a future scheduled event?** If reading (a) is correct, all petitions submitted by the Delegation and bodies other than annual conferences after September 18, 2019 (past the 230-day window preceding May 5, 2020) would be considered late and, thus, subject to discretionary review by the Committee on Reference under the exceptions

clause of ¶ 507.6. But if interpretation (b) is true, all legislative petitions submitted by the Delegation and bodies other than annual conferences between September 19, 2019, and January 11, 2022 (230 days prior to August 29, 2022), would meet the deadline set by ¶¶ 507.5 and 507.7 and, therefore, not subject to discretionary review by the Committee on Reference under said exceptions clause.

*The Discipline* does not define “opening session” other than in relation to the annual conference. In ¶ 605.1, it says, “The session shall open with a period of devotion, followed by a call of the roll, including the roll of the local pastors.” [emphasis added]. Although this provision does not say “opening session,” it clearly describes the term in a way indicating an event, not a date.

The only document that speaks directly to this question is the Plan of Organization and Rules of Order for the General Conference [hereinafter Plan], which states in § I:

#### I. Opening Session and Organization

The General Conference will assemble at the set time and place beginning with worship. The opening business session of the Conference shall be called to order by the bishop designated, as provided in the *Book of Discipline* ¶ 16.11. [ADCA, Vol. 1, p. 32, lines 28-32].

Here too, “opening session” is understood to be an event composed of various segments such as worship and call to order. We cannot find anything in *The Discipline* or the Plan that would suggest otherwise. The textual basis is sufficient to support the interpretation (b) above as espoused by the Movant.

This view is consistent with JCD 1410, another case involving the Alaska Conference, in which we held that “the postponement of the 2020 session of General Conference effectively eliminated the need for invoking the exception under ¶ 507.6.” Our holding was grounded on the premise that the deadlines in ¶ 507 are based on the date of the postponed General Conference and reset with each postponement.

Considering the textual basis and our ruling in JCD 1410, we determine the phrase in question to mean the 230 and 45 days preceding the convening of the postponed General Conference and find that the Commission erred in using the original date as point of reference for the submission deadlines. Consequently, having submitted the Alaska Omnibus Proposal in a timely manner, the Delegation is entitled to the rights afforded in ¶ 507.

### **Decision**

The deadlines for petitions submission in ¶ 507 are based on the date of the postponed General Conference and reset with each postponement. The Commission on the General Conference is directed to process all petitions duly submitted by the Alaska Delegation and bodies other than annual conferences between September 19, 2019 and January 11, 2022 in a manner not inconsistent with this holding.