

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1500

IN RE: Petition for Declaratory Decision from the 2024 General Conference on the Constitutionality of Petition 21040 and Petition 21039 of the Regionalization Plan Concerning the Creation and Organization of Regional Conferences.

DIGEST

The Judicial Council lacks jurisdiction to review the constitutionality of proposed constitutional amendments and changes to the *Book of Discipline* that require the ratification of the former.

STATEMENT OF FACTS

The General Conference during plenary session, on May 2, 2024, adopted a motion to request a declaratory decision on the constitutionality of ¶ 543.7, as amended by Petition 21040, found at ADCA p. 1303, upon General Conference adoption of Consent Calendar A01, on which that petition was Item number 8, and the constitutionality of the changes enacted by Petition 21039, found at ADCA p. 1303, upon General Conference adoption of Consent Calendar A01, on which that petition was Item number 22, and matters related thereto. Petition 21040 is expressly contingent upon ratification of the constitutional amendments to create Regional Conferences, which ratification process has not yet commenced. Petition 21039 would amend multiple provisions of the Constitution to provide for the creation and organization of Regional Conferences, which amendments require ratification that has not yet commenced.

Jurisdiction

The Judicial Council has jurisdiction pursuant to ¶ 2610 of the *2016 Book of Discipline* [hereinafter *The Discipline*].

Analysis and Rationale

Petition 21039 (ADCA p. 1283) comprises various proposed constitutional amendments that have not been ratified yet, whereas Petition 21040 (ADCA p. 1303) contains changes to disciplinary provisions that require the ratification of those constitutional amendments.

For purposes of ¶ 2609.2, to trigger jurisdiction and be properly before the Judicial Council, a petition for declaratory decision must meet the following two-part test: the request must contain proposed legislation that (1) requires no constitutional amendment(s) for implementation and (2) can be tested directly against the constitutional provisions in effect at the time of filing. JCD 1366, at 8. This Petition for Declaratory Decision fails to meet both parts of the test since it contains constitutional amendments and disciplinary changes requiring ratification of the former.

It is beyond the authority of the Judicial Council to review proposed constitutional amendments, nor do we have the jurisdiction to test proposed legislation against a set of hypothetically or presumably enacted and ratified constitutional amendments.

Nevertheless, our ruling today does not prevent this question to be brought before the Judicial Council again in the future **after** the completion of the ratification process.

Decision

The Judicial Council lacks jurisdiction to review the constitutionality of proposed constitutional amendments and changes to the *Book of Discipline* that require the ratification of the former.

May 3, 2024

Dissent

I respectfully dissent. I see no decisions prior to JCD 1366, which this Judicial Council issued in 2018, that hold that proposed legislation does not include legislation that concerns amendments to the Constitution. I believe that it is important to not make such a decision without sufficient time for research. Personally, when serving as a delegate to General Conference, I perceived petitions requesting changes to the paragraphs of the *Constitution as being proposed legislation*. The Judicial Council does have jurisdiction to issue declaratory decisions concerning proposed legislation. The Judicial Council *may* need to find that it does not have jurisdiction over a proposed amendment to the Constitution based upon the *content* of the amendment. However, I am concerned about the creation of a rule that applies broadly and absolutely to General Conference's requests for clarity, especially if there is a specific identifiable issue that would clearly be problematic and create conflict within the Constitution itself, for example. I would have preferred that this matter be deferred to the next session of the Judicial Council so as to allow sufficient time for research, study, and deliberations before issuing a decision of this nature.

Respectfully Submitted by
Beth Capen

May 3, 2024

