



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH  
 CONSEIL JUDICIAIRE DE L'EGLISE METHODISTE UNIE  
 RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE  
 CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA  
 CONSEJO DE LA JUDICATURA DE LA IGLESIA METODISTA UNIDA



**Petition for Declaratory Decision**

This form is to be used by the Secretary of the body authorized to petition the Judicial Council for a ruling in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of (please check one):

- The Book of Discipline 2016* or any portion thereof (§ 2610.1)
- any act or legislation of a General Conference (§ 2610.1)
- any proposed legislation (§ 2609.2)

Name of body authorized to make a Petition (§ 2610.2): COUNCIL OF BISHOPS  
 Date of session: 4/8/24 (month/day/year) Location: ZOOM MEETING

Name of Secretary: BISHOP JONATHAN HOLSTON  
 Address: 100 MARYLAND AVE. NE, SUITE 320 City: WASHINGTON D.C.  
 State/Province: \_\_\_\_\_ ZIP/Postal Code 20002 Country: USA  
 Phone: 202-547-6270 Fax: \_\_\_\_\_ E--mail: jholston@umcsc.org

To be reviewed (indicate paragraph number, title of legislation and/or act where applicable):  
 Book of Discipline: 2602.1  
 Legislation: \_\_\_\_\_  
 Act of General Conference: \_\_\_\_\_

Signature:  Date: 4/10/24  
 Secretary of the Conference/Body (month/day/year)

**The following must be attached:**

- o Text of the written Petition for Declaratory Decision as originally presented
- o Minutes of proceedings
- o List of names and addresses of interested parties, including eu mail
- o Other relevant materials (e.g. conference rules, resolutions, policies, reports)

➤ Send electronic copy of this form and all materials in PDF and Microsoft Word format to: **secretary@umcjudicialcouncil.org**

➤ Mail thirteen (13) sets of hard copies to:  
**UMC Judicial Council, c/o LaNella Smith, Assistant to the J.C. Secretary,  
 1215 Shady Lane, Durham, NC 27712**

**IN THE JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH**

**IN RE: PETITION FOR DECLARATORY DECISION  
REGARDING PARAGRAPH 2602.1 OF THE 2016 BOOK OF DISCIPLINE**

**PETITION FOR DECLARATORY DECISION REGARDING  
PARAGRAPH 2602.1 OF THE 2016 BOOK OF DISCIPLINE**

The Council of Bishops of the United Methodist Church (“COB”) petitions the Judicial Council for a declaratory decision regarding ¶ 2602.1 of The 2016 Book of Discipline, and for reasons, states:

1. The Judicial Council has jurisdiction in this matter pursuant to ¶ 2610.2b.
2. The COB authorized the filing of this petition as indicated by the excerpt of the minutes of the COB’s meeting on April 8, 2024 attached hereto as Exhibit A.

3. The COB requests a declaratory decision on these questions:

(a) Does the sentence “A member’s term of office shall be eight years” in ¶ 2602.1 mean that a person elected to the Judicial Council at the 2016 General Conference has served one eight-year term and must stand for re-election at the 2020 General Conference to be held in 2024 if the person desires to continue to serve on the Judicial Council?

(b) Does ¶ 55 of the Discipline give the General Conference authority to enact legislation to modify ¶ 2602.1 and determine whether a person elected to the Judicial Council at the 2016 General Conference has served one eight-year term and must stand for re-election at the 2020 General Conference to be held in 2024?

4. Paragraph 2602 provides as follows:

*Members*—1. *Composition and Term*—The Judicial Council shall be composed of nine members and should reflect the diversity of The United Methodist Church, including racial, age, ethnic, gender, jurisdiction and central conferences, and

**PETITION FOR DECLARATORY DECISION  
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congregational size. In the year 2000 and each sixteen years thereafter, there shall be elected three laypersons and two ordained clergy other than bishops. In 2004 and each eight years thereafter, there shall be elected two ordained clergy other than bishops and two laypersons. In 2008 and each sixteen years thereafter, there shall be three ordained clergy other than bishops and two laypersons. The laypersons shall be professing members of The United Methodist Church. Elections shall be held at each session of the General Conference for only the number of members whose terms expire at such session. A member's term of office shall be eight years. A member may serve a maximum of two consecutive eight-year terms, with a minimum of four years before reelection to the council.

2. *Nominations and Election*—Members of the council shall be nominated and elected in the manner following: At each quadrennial session of the General Conference, the Council of Bishops shall nominate by majority vote three times the number of ordained ministers and laypersons to be elected at such session of the General Conference. The number to be elected shall correspond to the number of members whose terms expire at the conclusion of such session. Each of the jurisdictions and the central conferences as a group shall be represented by at least one nominee, but it shall not be a requirement that each of the jurisdictions or the central conferences as a group be represented by an elected member.<sup>1</sup> At the same daily session at which the above nominations are announced, nominations of both ministers and laypersons may be made from the floor, but at no other time. The names of all nominees, identified with the conference to which each belongs, and a biographical sketch that does not exceed one hundred words shall be published by the Daily Christian Advocate at least forty-eight hours prior to the time of election, which shall be set by action of the General Conference at the session at which the nominations are made; and from these nominations the General Conference shall elect without discussion, by ballot and majority vote, the necessary number of ministerial and lay members.

5. Although ¶ 2602.2 is clear that persons are nominated and elected to serve on the Judicial Council at “each quadrennial session of the General Conference” and ¶ 2602.1 states that those elected “may serve a maximum of two consecutive eight-year terms,” ¶ 2602.1 does not specify when a second eight-year term begins. This creates ambiguity as to whether persons elected to the Judicial Council at the 2016 General Conference have served their first eight-year term and must stand for re-election if their election in 2016 was not the start of their second eight-year term.

6. By contrast to ¶ 710.4 that is the subject of a separate petition filed by the COB, the terms of members of the Judicial Council are not limited by the occurrence of any event following a General Conference; rather, the members only limitations are the two eight-year terms in ¶ 2602.1 and ¶ 2605's provision that "[t]he term of office of the members of the council and of the alternates shall expire upon the adjournment of the General Conference at which their successors are elected." Paragraph 2605 adds further ambiguity to the question posed by the COB in paragraph 3(b) above, because it does not answer whether persons elected to their first eight-year term in 2016 must now stand for re-election at the postponed 2020 General Conference in 2024.

7. The Judicial Council ruled in Memorandum 1485 that the next regular session of the General Conference will be in 2028. If persons who have served in their first term as members of the Judicial Council since 2016 and are not required to stand for re-election in 2024 at the postponed 2020 General Conference, they will serve twelve years in their first term in violation of the provision in ¶ 2602.1 that "[a] member's term of office shall be eight years." If the member were to then be able to be elected to serve a second eight-year term, then then the member would then serve a total of twenty years instead of the "maximum of two consecutive eight-year terms" set forth in ¶ 2602.1.

8. There are current members of the Judicial Council who have served more than two eight-year terms due to the pandemic that postponed the 2020 General Conference. While that circumstance could not be addressed since ¶ 2605 permitted them to serve until the "adjournment of the General Conference at which their successors are elected," ¶ 2605 does not permit the extension of eight-year terms to twelve years when there is a regular session of the General Conference at which all eligible members of the Judicial Council can be required to stand for re-

election to keep in alignment with the eight-year terms and the maximum of two consecutive eight-year terms. Therefore, the COB believes the answer to the question in paragraph 3(b) above is yes.

9. Paragraph 2602.1 refers to the election of classes of members of the Judicial Council every four years, which creates staggered terms. While ¶ 2602.1 does state that “[e]lections shall be held at each session of the General Conference,” that provision continues that the elections shall be “for only the number of members whose terms expire at such session; hence the need for a declaratory decision as to when the terms of those elected in 2016 expire. If all persons elected in 2016 who are eligible for re-election to a second eight-year term are required to stand for election, there is no violation of the requirements quoted in this paragraph of the petition. The requirements about the number of clergy and laypersons to elected that are also within ¶ 2602.1 would not be technically followed if all nine positions are up for election, but that could be cured by electing persons to classes of 2028 and 2032 to re-align those elected into staggered terms.

10. Notwithstanding the foregoing, the COB notes that ¶ 55 gives the General Conference authority regarding the terms of office of the members of the Judicial Council:

There shall be a Judicial Council. The General Conference shall determine the number of qualifications of its members, their terms of office, and the method of election and the filling of vacancies.

11. While it seems clear that the General Conference has authority to modify ¶ 2602.1 for prospective application, the COB’s second question asks whether the General Conference has authority specifically to determine whether a person elected to the Judicial Council at the 2016 General Conference has served one eight-year term and must stand for re-election at the 2020 General Conference to be held in 2024. This answer to this question has immediate application to the elections that are to occur at the upcoming session of the General Conference and will avoid

unnecessary disruptions of the elections. Unlike the legislation determined to be unconstitutional in JCD 1096, recognizing the authority of the General Conference to address the terms of Judicial Council members through legislation enacted in the context of the current circumstance related to the postponement of the 2020 General Conference does not run afoul of the constitutional authority of the Judicial Council to provide its own methods of organization and procedure in ¶ 56.6. In addition, retroactive legislation is not in and of itself unconstitutional, JCD 2, and the General Conference can provide that legislation is retroactive. JCD 47.

12. The COB reserves the right to submit a brief in support of this petition in accordance with the scheduling order established by the Judicial Council.

WHEREFORE, the Council of Bishops submits this petition for a declaratory decision as to the questions set forth herein regarding ¶ 2602.1.



**BISHOP JONATHAN HOLSTON**  
Secretary, Council of Bishops  
of The United Methodist Church

### **CERTIFICATE OF SERVICE**

I certify that this Petition for Declaratory Decisions has been served upon the following interested persons on this 10<sup>th</sup> day of April 2024 by electronic mail:

Gary Graves  
Secretary of the General Conference  
ggraves@umcgc.org

Kim Simpson  
Chairperson  
Commission on the General Conference  
kimsimpson1@tx.rr.com

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REGARDING PARAGRAPH 2602.1 OF THE  
2016 BOOK OF DISCIPLINE**

A handwritten signature in cursive script, appearing to read "Jonathan Holston".

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BISHOP JONATHAN HOLSTON  
SECRETARY  
COUNCIL OF BISHOPS

**PETITION FOR DECLARATORY DECISION  
REGARDING PARAGRAPH 2602.1 OF THE  
2016 BOOK OF DISCIPLINE**



**Council of**

**Bishops**

**(April 9, 2024)**

**Zoom Meeting**

**MINUTES**

***(Relevant Excerpt)***

*After extended conversation a motion was made by and seconded to approve submission of the petition for declaratory decision regarding Paragraph 2602.1.*

**ACTION ITEM**

**The Council of Bishops approved that the COB petition the Judicial Council for a declaratory decision regarding Paragraph 2602.1.**

A handwritten signature in black ink, appearing to read 'Jonathan Holston', is written over a horizontal line.

**Bishop Jonathan Holston  
Secretary, Council of Bishops  
United Methodist Church**