

UNITED METHODIST QUESTIONS

THREE: Must Annual Conferences Elect General Conference Delegates in the 2021 Sessions?

The Commission on the General Conference has set the new date for the 2020 General Conference to convene in August 2022. The Council of Bishops called—and then cancelled—a special session of the General Conference on May 8, 2021. Therefore, unless a new call for a special session comes from the Council of Bishops, or unless the Commission on the General Conference further revises the date when the 2020 General Conference will convene, a lot of time will have elapsed between regular General Conference meetings.

The last quadrennial gathering of the legislative body occurred in May 2016, which will have been more than six years before the next one—if, indeed, the next one happens as planned in August 2022. Although the General Conference did meet in February 2019, that was a special session for one specific legislative purpose, and the delegates who participated in it were almost entirely the same ones who attended in 2016 (unless an annual conference chose new delegates under Division Two, Section II, Article II of the Constitution.) Yet that special session was so consequential—as well as so catastrophic, in the view of many—that it impacted some annual conferences in the 2019 elections of lay and clergy delegates for the 2020 General Conference.

After reviewing the rosters of delegates and reserves elected by the annual conferences in the five jurisdictions in the United States, some commentators observed that multiple delegations included a larger proportion of young, progressive, first-time delegates than had previously been the case. Further, a few annual conferences went in the other direction. The consensus was that changes in the delegations to the General Conference probably would not be significant enough to alter the majorities on most of the legislative matters that involve human sexuality.

However, in the judgment of many, the shifts in the jurisdictional conference delegations probably could lead to electing more progressive bishops or at least blocking the elections of the more conservative episcopal candidates. And that could have a substantial impact on the church, if it were to mean that more members of the Council of Bishops globally would be progressives and more members of the five Colleges of Bishops in the United States would exercise authority to dismiss complaints about pastors who support LGBTQ+ interests.

The General Conference, the five Jurisdictional Conferences in North America, and the Central Conferences did not meet in 2020, of course. The global pandemic made such gatherings impossible. Given the current plan for a General Conference to convene for ten days starting in August 2022, and for jurisdictional and central conferences to meet thereafter, many questions are arising about these delegated assemblies of The United Methodist Church. Among them are huge questions involving the annual conference delegates chosen to attend those denominational meetings. Those questions have been posed in different ways across the church.

- Must the annual conferences hold new elections to choose delegates, given the delay until 2022 for convening the General Conference?
- Can the annual conferences continue to view the delegates, originally elected for the 2020 General Conference, as the delegation for the meetings in 2022?
- Is it in the authority of a Bishop to instruct the annual conference members that their 2021 sessions shall include new elections of delegates?

These questions come with a sense of urgency, particularly among first-time progressive delegates, who have not had opportunities to participate in a session of the General Conference or in their jurisdictional conference, and who want the current delegations remaining in place.

But it also comes with an eagerness on the part of other annual conference members, seeking a new round of voting, to alter the political point of view in their delegation. In some annual conferences in the five North American jurisdictions, progressives effectively used the social media to organize voting patterns in support of their preferred candidates for election. A new round of delegate selection might help others undo some progressives' successes.

There are always circumstances that could cause changes within a delegation originally elected by an annual conference. An elected delegate who has died or an elected delegate who is otherwise prevented from fulfilling the responsibilities of service would be replaced by a person from the roster of the reserve delegates. A clergy delegate who withdraws from, or is removed from, the roster of the reserve delegates. A clergy delegate who withdraws from, or is removed from, the clergy membership of the annual conference could no longer serve as a delegate and would be replaced by a clergy reserve. A lay delegate who withdraws from membership in The United Methodist Church or from membership in a local church in the annual conference that elected the person as a delegate likewise could no longer serve as a lay delegate but would be replaced by a lay reserve. These individual situations would be addressed according to the laws of the church without requiring new elections of delegates. Hence, those events should not be cited as reasons for requiring new elections.

However, the questions being posed and pondered are not driven by death, disability, or departure from membership. They are about the legitimacy of prior elections, conducted in the preparations for the 2020 General Conference (and the jurisdictional or central conferences that will normally follow). They may be driven by a desire to alter the direction of delegate elections, which were conducted after—and perhaps as a response to—the 2019 General Conference.

Must annual conferences elect General Conference delegates in their 2021 sessions?

The answer to this question involves some complexities.

The Constitution mandates several things regarding the elections of delegates. They are to involve "a fair and open process by the annual conferences." The clergy members in various categories choose the clergy delegates (all of whom must be full clergy members of the annual conference that elects them). The lay members choose the lay delegates, who must have been active in The United Methodist Church for four years, must have been members for two years, and must be members of a local church in the annual conference that elected them at the times when the General Conference and the jurisdictional conference meet. The number of delegates elected by the annual conference shall equal the even number that has been determined by the General Conference for proportional representation across the global church.¹

If the Constitution is clear on these points, there are complicating factors that bear on the question, "Must annual conferences elect General Conference delegates in their 2021 sessions?"

- One is the way the legislation governing the elections of delegates is written.
- Another is the proper way to designate the session of the General Conference that is scheduled now to begin in late August 2022.
- A third is the role of the Bishop in setting the agenda of annual conference sessions.

First, let's consider the language in the legislation that defines the process for electing General Conference delegates. Paragraph 502.3 in the 2016 *Discipline* provides this: "Delegates to the General Conference shall be elected at the session of the annual conference held not more than two annual conference sessions before the calendar year preceding the session of the General Conference."

¹ The Constitution, Division Two, Section II, Articles I-III. Paragraphs 13-15 in the 2016 *Book of Discipline* are the numbered paragraphs of the clauses that form these constitutionally established provisions.

The calendar year preceding the originally scheduled session of the General Conference was 2019. So, the delegates could have been elected at any of three annual conference sessions in 2017, 2018, or 2019, since any of those gatherings could satisfy the church law that legitimizes elections “at the session of the annual conference held not more than two annual conference sessions before the calendar year preceding the session of the General Conference.”

For a General Conference session in 2020, a common understanding of this legislation was that a slate of delegates could be elected in 2019 or 2018. Before the pandemic, all annual conferences would have had regular sessions in 2018 and 2019. Those years would certainly be legitimate occasions for electing delegates within the time frame designated in this paragraph of the *Discipline*. One might also read this paragraph in the *Discipline* to allow delegate elections during an annual conference session in 2017, since it would have occurred at one of two annual conference sessions "before the calendar year preceding the session of the General Conference."

The annual conference controls the election of delegates, subject only to the specified provisions in ¶ 502, which designates the numbers of annual conference sessions and calendar years prior to the General Conference session that are the proper election sessions. We know that 2021 is “the calendar year preceding the session of the General Conference” assuming that it will convene as scheduled. Delegates can be elected at any of two annual conference prior to the year before the meeting, so they could be elected as early as the 2019 annual conference.

There could be a perceived conflict between the provision in church law about two sessions of the annual conference and "the calendar year preceding the session of the General Conference." Some United Methodists might insist that delegates elected in 2018 could not be delegates in August 2022 unless there is a new election that chooses them again. Whether such a perceived conflict could be resolved in a persuasive conclusion is unknown.

Second, if the General Conference convenes in August 2022 as currently scheduled, how will that General Conference be identified? Constitutionally, it must be understood as the regular session that is to occur every four years. It will be the delayed 2020 session. The Commission on the General Conference, with constitutional authority to set the dates, set the 2020 date for 2022.

The petitions, reports, and proposed legislation that accumulated in the months leading to the original dates in the spring of 2020 are still awaiting action. The session to be convened in August 2022 is the delayed 2020 General Conference. The delegates elected in 2019—or perhaps even in 2018—have to be understood as the properly chosen delegates for the 2020 session, even though it will have been postponed to another date.

The members of an annual conference are within their authority to have new elections if they wish and to choose new delegates if they wish. But the members of an annual conference are under no legislative mandate that says they must elect new delegates.

So, who decides whether to hold new elections? Let's look at another complication.

Third, according to the *Discipline*, the Bishop does not have the authority to decide what is to be included in the agenda of the annual conference session. Paragraph 605.2, in permissive language, says that the annual conference "may" adopt an agenda. If the annual conference does so, the agenda will be prepared by the persons named in this paragraph. They are the bishop, the district superintendents, the annual conference lay leader, "and such others as the conference may name."

It is important to emphasize that the annual conference, not the Bishop, would choose any additional members of the group who draft the agenda. And then, following their preparations, the draft agenda "shall be submitted to the conference for adoption."

The vote of the annual conference members will decide whether to approve the agenda as drafted or as amended. At that point, the presiding officer is the Bishop, but the Bishop is not a member of the conference and has no vote on whether the annual conference agenda will include elections of delegates. Therefore, even if a bishop believes that new delegates should be elected, that is not the bishop's decision. A vote by the annual conference will determine whether to elect new delegates.

In their April 2021 meeting, according to their news release, “The Council of Bishops affirmed their interpretation of the *Book of Discipline* that the delegates elected for the 2020 General Conference that was scheduled for May 2020 are the duly elected delegates to the postponed General Conference scheduled for Fall of 2022.” That certainly appears to be the correct understanding of the situation, although the Bishops carefully described this point of view as “their interpretation.”

Therefore, unless an annual conference chooses to conduct new elections, the persons elected to be the General Conference delegates in May 2020 and the jurisdictional or central conference delegates in the months thereafter will be their annual conference delegates either in August 2022, or whenever those delegated assemblies gather.

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