
X. MISCELLANEOUS

1. CONFERENCE RULES

A. CONFERENCE OFFICERS

1. **President** – The presiding bishop shall be the legal chairperson of the annual conference.
2. **Duties** – The president shall decide all points of order raised by the members, as s/he deems necessary to conform to the Rules of Order, subject, in both cases, to an appeal to the conference by any member without debate; except that the chair and the appellant, in the order named, shall each have three minutes for a statement in support of their respective positions. A tie vote in the case of an appeal shall sustain the chair.
3. **Conference Secretary** – A secretary shall be elected at the first session of each quadrennium following General Conference. S/he shall be nominated by the Conference Cabinet. If the position is vacated during the term of office, the bishop, in consultation with the Cabinet, shall appoint an interim secretary until the next conference session (*BD 2012 ¶603.7*).
4. **Duties** – The secretary shall name his/her assistants at the opening of the conference as part of the Organizational Resolutions. S/he shall verify the record of the daily proceedings of the conference created by the assistant secretaries, which shall be approved by the Committee on Examination of the Conference Journal. When so approved and signed by the president and the secretary, this record shall become the official minutes of the conference, and shall be included in the official Journal. The secretary shall edit material to be included in the Journal as may be necessary to meet specifications for publication with special concern for brevity but without substantive change. The district superintendents shall have responsibility with the secretary of the conference whenever this editorial license is exercised.
5. **Conference Treasurer / Director of Administrative Services** – Upon nomination of the Council on Finance and Administration, a conference treasurer/director of administrative services shall be elected at the first session after General Conference. (*BD 2012 ¶619*). S/he shall serve as business administrator of the conference for the quadrennium or until his/her successor shall be elected. If a vacancy should occur during the quadrennium, the council shall fill the vacancy until the next session of the annual conference. An assistant treasurer may be elected with the power to serve in the event of the incapacity or inability of the treasurer to fulfill his/her duties.
6. **Duties** – The conference treasurer shall be the business administrator of the conference and the treasurer of the Council on Finance and Administration and have other duties as specified in the *Book of Discipline* or assigned by the council (*BD 2012 ¶619.3*). As an employee of the conference s/he shall not be a member of the

- council, but may sit with the council and its executive committee at all sessions and have the privilege of the floor but without vote.
7. **Conference Statistician** – Upon nomination by the conference Cabinet, a statistician shall be elected at the first session of each quadrennium following General Conference to serve for the succeeding quadrennium (*BD 2012 ¶603.7*). The conference treasurer may be named to fill the role of conference statistician, but shall be elected for that position separately by the conference.
 8. **Duties** – The conference statistician shall keep an accurate record of the statistics of the conference as required by the General Council on Finance and Administration (*BD 2012 ¶606.8*). S/he shall report annually to the conference by means of the Conference Journal. S/he shall name her/ his assistants at the time of making her/ his annual report.
 9. **Conference Chancellor** – Upon nomination of the bishop, the conference chancellor shall be elected by the Conference at the first session of each quadrennium following General Conference. The chancellor must be a member in good standing of a local church in the New York Conference and be licensed to practice law in the conference area. (*BD 2012 ¶603.8*).
 10. **Duties** – The chancellor shall serve as legal adviser to the bishop and the conference.
 11. **Conference Lay Leader** – The conference lay leader shall be elected by the lay and clergy members of the conference. S/he shall be a professing member of a local church in the annual conference. (*BD 2012 ¶603.9*).
 12. **Duties** – The conference lay leader shall participate in annual conference sessions as a partner in ministry with the bishop.

B. ORGANIZATION OF THE CONFERENCE

13. Following the opening of the conference by the bishop, the conference secretary shall present the Organizational Resolutions for adoption by the conference. These resolutions shall include the sections where members shall be seated for participation in the business of the Conference, designated the “Bar of the Conference,” and the names of those persons who shall act as assistant secretaries during conference sessions.
14. Only those persons who are members of the conference and who are seated within the bar of the conference, except as otherwise provided, may vote, be recognized by the president of the conference and participate in the conference proceedings. Others may be invited by the conference to have the privilege of the floor without vote.
15. There shall be a roll call of lay and clergy members at the opening of the conference session. The method of calling the roll shall be determined by the president and shall be the responsibility of the conference secretary. Other roll calls of members may be taken by having each member record attendance as prescribed by the conference secretary.

16. The members of the conference may be divided into groups called “legislative sections,” with such membership, powers and responsibilities as the conference shall determine, for the purpose of dealing with the business of the conference. The parliamentary procedures of such groups shall be guided by the Conference Rules of Order and the Rules for Legislative Sections.
17. The Commission on Conference Sessions shall consist of at least twenty members, including the director of connectional ministries, the conference lay leader, the conference secretary, the conference coordinator of legislative sections, the host pastor and a member of the Cabinet. The commission shall be responsible for the organization and schedule of activities of the conference sessions. The members of the commission shall be elected by the conference upon presentation by the Conference Committee on Nominations after an opportunity has been given to nominate members from the floor. The commission shall elect a chairperson for the coming year at its first meeting following the annual conference. The chair shall be allowed to serve in that position for up to four years, but shall be elected annually. The commission’s responsibility shall include program, administration, fellowship and publicity. If necessary, ad interim additions to the committee shall be made by the Committee on Nominations in consultation with the dean of the Cabinet, the conference director of Connectional Ministries, and the conference lay leader.

C. RULES OF ORDER

18. The rules of order shall be those elected by the conference at its opening session and shall be those of the General Conference of The United Methodist Church as far as they may be applicable. Robert’s Rules of Order shall govern the conduct of business in all cases where these rules or those of the General Conference do not apply.
19. There shall be a Committee on Rules consisting of eight members, four of whom are to be clergy members and four lay members of the conference. The following shall be ex-officio members: The conference secretary, a Cabinet representative, and any present or former members of the Judicial Council who are members of or who reside within the bounds of the conference. To this committee shall be referred all proposed changes or additions to the rules of order. Such proposed changes or additions to the Rules of Order shall be presented to the committee, through its chairperson, by either electronic means or regular mail, no later than February 1 of each year. The committee shall report its recommendations upon all proposed changes to the conference for decision.
20. The Committee shall restudy periodically the Conference Rules of Order in light of changing General Conference and annual conference actions and procedures and shall recommend to the annual conference for its consideration and action such changes and adaptations as in its judgment are necessary.

D. RULES OF ORDER FOR LEGISLATIVE SECTIONS

21. Parliamentary procedures in the section shall be guided by the Conference Rules of Order (see Rule #18). The leaders of the section will evaluate and prioritize the items before the section and present an agenda to be adopted by the seated members of the section. Top priority items will be those with budget implications and those which appear to be most controversial.
22. The section may vote to amend reports which are before it. Amendments shall be written out and submitted to the chair. The section may also vote to refer the matter to some particular person or group for further consideration, rather than recommending that the conference itself take action. Amendments shall pass with a simple majority vote. Amendments are not placed on the Consent Calendar for consideration separately from the motions they perfect. Votes on referrals shall be counted and if such a vote achieves concurrence of 90% or higher, the referral shall be placed on the Consent Calendar for adoption by the conference.
23. When items have been fully read, discussed, and prepared for action by the conference, the chair shall call for the final vote. This vote must be counted. Section members may vote concurrence (if they agree) or non-concurrence (if they disagree). If a member votes neither way, they will be counted and reported as having abstained.
24. Except for the conference budget, if the final vote on any item in the section is 90% or better for or against concurrence, then that report will not be presented to the conference plenary session for debate. Abstentions are not counted in determining the percentage of concurrence or non-concurrence. Reports that achieve 90% or better for or against concurrence shall be listed on the Consent Calendar, and presented to the conference for adoption as a group. Before the vote on the Consent Calendar is taken, the bishop shall entertain motions to remove items for debate or amendment. Any member making such a motion, after a second, will be given two minutes to present the rationale for removing the item. The chairperson or representative of the Legislative Section will then be given two minutes to explain the action of the section, after which the vote to remove the item will be taken. A simple majority vote of the conference is needed for removal and presentation to the body for debate and action at the end of the agenda for section reports.
25. Members of the section may prepare a minority report that must be signed by fifteen (15) members of the section. Minority reports must not be simply the reverse of the majority report, but must offer a substantial revision of the majority report. A minority report which simply wishes to defeat the original report may express itself in plenary debate, and vote "NO" on the report. The person organizing a minority report must inform the Legislative Section Leaders by the end of the Section meeting. A minority report shall be submitted in writing to the Section Leadership and will be printed in the Legislative Section report pages for action by the conference.

26. Only those members assigned to the section may speak or vote in the section. By common consent or by vote, the section may grant the courtesy of the floor to an unassigned member or other person, for the purpose of bringing additional information or expertise to the attention of the section. Section assignments will not be changed in order to permit persons to vote in more than one section. Visitors shall be seated in sections after and separate from voting members as space allows. Visitors shall not interfere with the work of the section.

E. REPORTS, RESOLUTIONS, PETITIONS AND MOTIONS

27. All reports, resolutions and petitions to be considered by the annual conference shall be in the hands of the conference secretary six weeks before the beginning date of the annual conference in order to be included in the Conference Program Booklet. All items that miss the “six weeks prior” deadline shall be submitted to the conference secretary at least five business days before annual conference to be given an appropriate number and in a format that allows it to be made available to the conference membership on the conference web site. Sponsors of such documents shall make the number of copies specified by the conference secretary, and deliver them to the document table in the registration area prior to the opening of registration, so that they can be available to conference members before the opening of annual conference registration. Reports, resolutions and petitions failing to adhere to the five-day deadline shall not be considered by the annual conference.
28. All resolutions or petitions for conference consideration shall be signed by at least five members of the conference, with the exception of petitions from local churches, which shall have been adopted by majority vote of the respective church’s Church Council (or equivalent structure) or Charge Conference. Such petitions shall be submitted to the conference secretary six weeks before the beginning date of the annual conference in order to be included in the Program Booklet.
29. Petitions to the General Conference desiring approval from the annual conference shall be in the hands of the conference secretary at least eight weeks before the convening of the annual conference.
30. All materials other than conference documents must be pre-approved by the conference secretary and shall be displayed or distributed only in areas designated by the Commission on Conference Sessions. All material to be distributed shall identify the source from which it comes.
31. Reports and resolutions printed in advance and distributed to the members shall not be read in full to the conference. Reports, resolutions, and amendments if enacted are not to be considered fully approved until the member offering the same shall have furnished a written text of the item to the secretary. If acted upon unfavorably such actions shall not be printed in the Journal, but their substance shall be noted in the minutes.
32. Any approved petition which instructs the conference secretary and/or any other agent of the conference, regarding its communication

to outside agents, shall be accompanied by all information adequate and necessary to implement said instruction. This information must include appropriate title(s), name, address, with zip code or country code, email address as available and telephone number and persons to help mail copies to those designated by conference actions.

33. Any material for the Journal not in the hands of the conference secretary within ten days after the adjournment of the conference shall be held over for the Journal of the ensuing year at the discretion of the conference secretary.
34. A motion made and seconded, or a report or resolution duly offered and seconded, shall be deemed to be in the possession of the conference. Any motion, resolution or report may be withdrawn by the mover, with the consent of the conference, at any time before amendment or decision. As soon as a motion is accepted by the conference body, it must be written legibly and submitted to the conference secretary.
35. Persons representing other interests, not included as part of the regular conference program, or presented as a part of a regular report, shall be heard only upon recognition by the president of the conference and approval by majority consent of annual conference.
36. When a report, resolution or motion is presented to the conference, a motion to lay on the table shall not be in order until the member who presented it shall have had three minutes to explain the same.

F. THE CONFERENCE BUDGET

37. The proposed budget of the New York Annual Conference as prepared by the Conference Council on Finance and Administration shall be included in the pre-conference materials and posted on the conference web site.
38. The budget shall be presented to and reviewed with the entire conference in a plenary session prior to its discussion in legislative section.
39. Designated members of the Conference Council on Finance and Administration shall be present in the legislative section where the budget is discussed, to provide additional information as needed. These persons shall not take the place of the section leadership.
40. Any changes approved by the legislative section in which the budget is reviewed shall be included by the Conference Council on Finance and Administration in the final budget figures to be presented to the members of the annual conference.

G. MEMBERSHIP

41. All clergy, both active and retired, shall be members of the New York Conference. This includes elders and deacons in full connection, provisional, associate and affiliate members, and local pastors under full- or part-time appointment to a pastoral charge. (*BD 2012 ¶602*)
42. Active deaconesses, and active home missionaries under episcopal appointment within the bounds of the conference, and diaconal

- ministers, both active and retired, shall be lay members of the annual conference.
43. Lay members of the annual conference shall be elected at the Charge Conference annually. A lay member may be elected to succeed him/herself.
 44. Lay members shall have been members of The United Methodist Church for the two years preceding their election and shall have been active in The United Methodist Church for at least four years prior to their election. (*BD 2012 ¶602.4*). This rule may be waived for young persons under twenty-five (25) years of age, however such persons must be active members at the time of election.
 45. A charge having less than 200 members shall elect one lay member of the annual conference. A charge having 200 to 599 members shall elect two lay members. A charge having 600 to 999 members shall elect three lay members and a charge having 1,000-1,399 members shall elect four lay members. An additional lay member shall be elected for each additional 400 members above 1,400. A church's entitlement shall be based upon the membership figure reported to the preceding session of the annual conference. Each charge served by more than one clergy member under appointment (including deacons in full connection for whom this is their primary appointment) shall be entitled to as many lay members as there are clergy members under appointment. (*BD 2012 ¶602.4*).
 46. In accordance with Paragraph 32 of the *2012 Book of Discipline*, the following persons shall be members of the conference: the conference president of United Methodist Women, the conference president of United Methodist Men, the conference lay leader, the conference director of Lay Servant Ministries, the conference secretary of Global Ministries (if lay), the president of the Conference Council on Youth Ministries, the president (or equivalent officer) of the conference young adult organization, and the chair of the conference college student organization, the district lay leaders, one young person between the ages of twelve (12) and eighteen (18), and one young person between eighteen (18) and thirty (30) years of age from each district.
 47. By virtue of their positions within the New York Conference, the following persons, if lay and if they have not been elected by a local charge or district, shall be members of conference: the conference secretary, the director of connectional ministries, the conference treasurer /director of administrative services, and the leaders of the program and administrative subcommittees of the Commission on Conference Sessions.
 48. To complete the number needed to equalize lay membership with clergy membership, each district conference shall elect members-at-large in equal numbers from their respective districts. The number each district may elect shall be determined by the conference secretary before September 1 of each year, based upon the statistics reported at the end of the previous reporting year. The conference secretary shall report to the district superintendents the necessary number to be elected. If the number to be thus elected is not evenly

divisible by 6, the next higher multiple of 6 shall be used. The number thus reported will be effective for the next elections. The at-large members shall be elected by the district conference, and they shall include any lay campus ministers and lay directors of Wesley foundations. If there are chaplains, campus ministers or directors of Wesley foundations who are clergy in any district, the district at-large members shall include balancing counterparts from either the campus ministry board of directors or a student from that ministry or foundation (*BD 2012 ¶602.1e*).

49. If not otherwise a voting member of the annual conference, the conference chancellor shall be seated in the annual conference and shall be given the privilege of the floor without vote.

H. DUTIES AND RIGHTS OF MEMBERS

50. No person may participate in conference proceedings, unless s/he is a member of the conference, except by majority consent of the members of annual conference.
51. Reserve lay members shall be given the privilege of the floor only if and when the reserve lay member has been duly seated as the official lay member for that session and the secretary has been notified of the fact and has given the proper certification.
52. All matters of ordination, character and conference relations of clergy shall be considered by the clergy members of the conference in full connection, and the elected lay members of the Board of Ordained Ministry.
53. Provisional clergy members and local pastors may not vote on constitutional amendments, matters of ordination, character, and conference relations of clergy. Associate and affiliate members may not vote on constitutional amendments. Clergy on honorable location and administrative location have no right to vote on any matters.
54. In debate, upon recognition by the presiding officer, each member shall identify him/herself to the conference by name and shall speak for no more than three minutes unless authorized by a majority vote of the conference. No member shall speak more than once until every member desiring to speak shall have spoken, and a member shall not speak more than twice on the same issue.
55. A committee making a report shall in all cases be entitled to three minutes to open the debate, to oppose a motion, to lay the report on the table and to close the debate on a motion to adopt.
56. When a motion is under consideration on the floor of the conference, it shall be the duty of the presiding officer to ascertain, when s/he recognizes a member of the conference on which side the member proposes to speak. The presiding officer shall not assign the floor to any member proposing to speak on the same side of the pending question as the speaker immediately preceding, if any other member desires to speak on the other side. Each member shall speak for no more than three (3) minutes unless authorized by vote of the conference. If sustained by a two-thirds vote, the conference may designate the number of persons that may speak on each side of each motion.

57. It shall be in order to “move the question” for any measure pending before the conference, except in cases where character or conference relations are involved. If sustained by a two-thirds vote, the question shall be moved. It shall be in order under this rule to move to recommit, to divide, or to lay on the table after the previous question has been ordered.

I. NOMINATION AND ELECTION TO CONFERENCE AGENCIES

58. The Conference Committee on Nominations shall consist of the district superintendents, the conference secretary, the director of connectional ministries, one youth and one young adult under the age of twenty-five (25) from each district, nominated by the district superintendent in consultation with the district youth and young adult organizations, and twenty-four (24) members elected for terms of four years in two equal classes. Each class shall be composed of one clergyperson and one layperson from each district, elected by each district conference in even numbered years. In addition, there shall be two clergy or lay persons representing minority groups as at-large members in each class, nominated by the Conference Committee on Nominations. No elected member of the Nominating Committee shall be eligible to succeed him/herself. When a vacancy occurs on the Conference Committee on Nominations, the district superintendent of the district in which the vacancy occurs, shall fill the vacancy until the next regular election.
59. All institutions requiring election or confirmation of their trustees, directors, or other officers by the annual conference, must submit the names of such persons to the chairperson of the Conference Committee on Nominations in time for inclusion in its report. Such nominations shall be included in the pre-conference materials posted on the conference web site.
60. The Committee on Nominations shall present to the conference for election the names of members to serve on conference agencies, except if the *Discipline* provides otherwise. No one, with the exception of those who are members of agencies by virtue of their office, shall be nominated for more than three committees or commissions, or to more than one board and two committees or commissions. Staff persons of the conference and district superintendents shall be assigned as members of agencies by their respective bodies.
61. The Committee on Nominations shall not nominate any person to serve more than two consecutive terms on any quadrennial or triennial board, commission, or committee; nor to serve more than six consecutive years on any board, commission, or committee elected biennially. After a lapse of one year a person shall again be eligible for re-nomination to the same board, commission or committee. Any person serving fifty percent or more of a term shall be considered as having served a full term. Nothing in this rule shall be construed as precluding nominations from the floor.
62. The chair of each board, commission and committee shall report annually to the chair of the Conference Committee on Nominations

the names of those who have not attended meetings during the preceding year. Those who absent themselves from such meetings without valid reason will not be eligible for re-nomination, including nominations from the floor. In the case of quadrennial and triennial agencies, such absences may be considered to constitute vacancies to be filled by Disciplinary or conference procedures at the discretion of the agency involved and the Committee on Nominations.

63. All boards, committees, and commissions shall elect their officers as part of their organizational process, at the first meeting of the body following the election of new members by the annual conference. This may be done at the site of annual conference, but should be done within thirty days after the conclusion of annual conference.
64. At least one year of active membership on a committee shall be prerequisite for a member to be elected as chair of that committee. The terms of presidents or chairpersons of those committees nominated by the Conference Committee on Nominations shall not be more than five consecutive years.
65. The conference may elect members-at-large to any committee or board up to 10% of the established membership thereof, upon request of the committee or recommendation of the Conference Committee on Nominations. District representatives disqualified by transfer from their district may be continued as at-large members until the end of their term.
66. The Committee on Nominations shall fill all vacancies in committees, boards and commissions under its responsibility, including those whose membership is elected for the quadrennium. Vacancies shall be deemed to exist when caused by death, removal from the conference or, in the case of district representatives, transfer from the district.
67. All nominations, unless otherwise provided by the *Discipline*, shall be made by the Committee on Nominations. In the case of corporate bodies, primary consideration shall be given to the recommendations of said bodies by the Committee on Nominations. Nothing herein shall be construed as precluding nominations from the floor.
68. The conference may create such special committees as desired but no special committee shall be appointed to do the work of a regular standing committee.

J. NOMINATION AND ELECTION OF CONFERENCE LAY LEADER

69. Nominations for conference lay leader shall be made from the conference floor by any member of the annual conference. Only lay persons may be nominated.
70. All lay and clergy members shall be entitled to vote for the conference lay leader within the bar of the conference only.
71. A majority of the ballots cast (i.e. 50% + 1) shall be required to elect. A tie vote between the top two persons shall be disregarded and another ballot cast.
72. Balloting may be written or electronic as determined by the conference secretary.

73. The conference lay leader shall be elected by the Conference at the first session of each quadrennium following General Conference, and shall serve no more than two quadrennial terms.

K. ELECTIONS OF GENERAL AND JURISDICTIONAL CONFERENCE DELEGATES

74. Clergy and lay delegates to the General and Jurisdictional Conferences shall be elected at the session of the annual conference held two annual conference sessions before the calendar year preceding the session of the General Conference (*BD 2012* ¶¶ 34 & 502.3).
75. Clergy and lay delegates elected to the preceding General and Jurisdictional Conferences shall be the delegates to special sessions of the respective conferences.
76. The number of clergy and lay delegates from the New York Conference to the General Conference shall be determined by the provisions of *BD 2012* ¶502.2.
77. The number of clergy and lay delegates from the New York Conference to the Northeastern Jurisdictional Conference shall be determined by the provisions of *BD 2012* ¶514 provided that the duly elected clergy and lay delegates to General Conference shall be delegates to Jurisdictional Conference, and additional clergy and lay delegates shall be elected to complete the total number to which the New York Conference is entitled.
78. The additional Jurisdictional Conference delegates, in order of their election shall be reserve delegates to the General Conference.
79. Clergy and lay reserve delegates to the Jurisdictional Conference shall be elected in accordance with the direction provided by the secretary of General Conference to the conference secretary.
80. Electronic balloting will be used for the election of clergy and lay delegates to General and Jurisdictional Conference.
81. Clergy and lay delegates to the General Conference shall be elected first by separate ballot, to be followed, after all the delegates to the General Conference have been elected, by balloting for the delegates to Jurisdictional Conference.
82. After all Jurisdictional Conference delegates have been elected, an additional ballot shall be cast, and the clergy and lay persons receiving the highest number of votes shall be elected as the reserve delegates to the Jurisdictional Conference in accordance with the number provided by the conference secretary.
83. Clergy delegates to General and Jurisdictional Conferences shall be elected by the clergy members in full connection with the annual conference.
84. All clergy in full connection shall be eligible for election on any ballot.
85. The following voting process will be used for electing clergy delegates:

- a) For electronic voting, a number will be assigned to each eligible clergy member of the New York Annual Conference who is a prospective delegate to General and Jurisdictional Conferences. A list of prospective delegates with their assigned number will be provided to all voting clergy members with the first ballot.
 - b) At the time of registration for annual conference, any eligible clergy members of the New York Annual Conference may withdraw their names from consideration as prospective delegates to General and Jurisdictional Conferences. This does not preclude them from then requesting reinstatement of their names at a later time.
 - c) The balloting process shall begin during the Executive Session (clergy session) using the previously assigned number.
 - d) After the first ballot, only members receiving five or more votes shall be listed on subsequent ballots.
 - e) Nothing herein shall preclude the right of clergy members to write in the names of eligible clergy members throughout the entire election process. If these members receive more than 5 votes, their names shall be added to subsequent ballots.
86. Lay delegates to General and Jurisdictional Conferences shall be elected by the lay members of annual conference without regard to age.
87. To be eligible for election, prospective delegates shall have been a member of The United Methodist Church for at least two years preceding their election, and shall have been active participants in The United Methodist Church for at least four years prior to their election. In addition, lay members must be members of a church within the annual conference electing them at the time that the General and Jurisdictional Conferences to which they have been elected delegate are held. (*BD 2012 ¶36 Article V*)
88. The following voting process will be used for electing lay delegates:
- a) An eligible lay person shall declare her/his candidacy to be a delegate by submitting a nomination statement upon which s/ he has affixed her/his signature. The nomination statement is to be on one side of an 8 ½" x 11" sheet of paper, and submitted to the conference secretary by April 1 of the year elections are to be held. Each nomination statement shall be accompanied by a biographical sketch not to exceed one side of an 8 ½" x 11" sheet of paper. A photograph may be included. In addition, each nomination of a person not a lay member of annual conference shall be accompanied by a certification from the nominee's administrative board chairperson or church council chairperson, verifying that the nominee meets the membership and activity requirements set out in Rule 87. The annual conference shall copy the biographical sketches and collate them into packets. The conference secretary shall ensure that there is a packet available at the laity session preceding the annual conference for each lay member of conference.

- b) The names of the lay persons placed in nomination according to the above procedure shall be read aloud in the laity session. At the option of the nominee, s/he may take the stage as her/his name is read. When the nominations are read, the reading shall be limited to the name of the nominee and the name of the church and district from which the nominee comes. Additional nominations may be made from the floor of the laity session at annual conference. Those who are nominated may provide copies of their biographies.
89. For electronic voting, numbers will be assigned to all lay nominees. A list of all nominees and their assigned numbers will be provided to all lay members with the first ballot. Nothing herein shall preclude the right of lay members to write in the names of eligible lay members throughout the entire election process. If these members receive more than five votes, their names shall be added to subsequent ballots.
90. Lay members shall be entitled to vote for lay delegates to General and Jurisdictional Conference. If a lay member is absent, the properly seated alternate lay member shall be entitled to vote.
91. Clergy and lay members shall be entitled to vote ONLY within the bar of the conference.
92. A ballot shall be considered invalid if it contains more or less names than places to be filled on that ballot. To be considered valid, a ballot shall contain markings for only the number of delegates to be elected.
93. A majority of the valid ballots cast (i.e. 50% + 1) shall be required to elect. A tie vote between two persons when but one place remains to be filled shall be disregarded and another ballot cast.
94. If a ballot contains the number of a person already elected, that number shall be disregarded. Other valid numbers on the ballot will be accepted.
95. The conference secretary shall administer the election process and shall appoint such tellers as are deemed necessary to expedite the election procedure.
96. Before each ballot the president shall announce the number of candidates that the ballot may elect.
97. The report of the results of all ballots shall be made only to and announced by the president.

L. ENDORSEMENT OF EPISCOPAL CANDIDATES

98. The annual conference may endorse one or more persons for Episcopal candidacy. Members may submit the names of persons to be considered using Conference Petition forms that shall be made available on the annual conference web site. Members are encouraged to submit their petitions prior to annual conference. Petition forms shall also be available in printed form from the conference secretary at the site of the annual conference. Each petition must be signed by ten (10) lay and ten (10) clergy members of the annual conference in order to be considered valid. Only elders in full connection are qualified to be elected to the episcopacy. Candidates do not have to be members of New York Annual Conference.

99. At the beginning of the process, one of the annual conference members of the Northeastern Jurisdictional Committee on the Episcopacy shall present to the annual conference the number of episcopal vacancies to be filled by the Jurisdictional Conference. The decision to endorse candidates for the episcopacy must be ordered by a two-third vote of those members present and voting.
100. Once a decision is made to proceed with endorsement, the presiding officer shall open the floor for motions regarding the number of candidates that may be endorsed. The decision regarding the actual number that will be endorsed shall be made by vote of the conference and shall be ordered by a majority vote of those members present and voting (i.e. 50% + 1). The presiding officer shall specify the latest time by which petitions must be received by the conference secretary in order to be considered for endorsement by the annual conference and the time for completing the process for endorsement of candidates.
101. The conference secretary shall prepare a written ballot with the names of all candidates for whom valid petitions have been received. A ballot shall be considered invalid if it contains more names than places to be filled on that ballot. A majority of the valid ballots cast (i.e. 50% + 1) shall be required for endorsement. Only the names of persons who have been elected shall be removed from subsequent ballots. The rules for the balloting process shall be in accordance with those followed for Election of General and Jurisdictional Delegates (Rules 91-97).

M. FINANCES

102. No officer, Board, Commission, Committee or Agency created by the conference shall involve itself or the conference in any debt or financial obligation, unless authorized to do so by the conference.
103. All propositions before the conference involving budget appropriations shall be referred to the Council on Finance and Administration. Those that involve program considerations shall be referred to the Connectional Ministries Vision Table. It is not in order for a legislative section or the conference plenary to vote on such a proposition before hearing a response from the Council or the Table, respectively.
104. The Council on Finance and Administration is authorized to defer action until the following year on those requests reaching the Council after its duly announced hearing date.

N. STATISTICS

105. The conference year statistics shall be for the calendar year, January 1 to December 31.

2. RULING OF LAW

SUBJECT TO FINAL EDITING
 JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
 DECISION 1218

IN RE: Review of a Bishop’s Decision of Law in the New York Annual Conference Regarding the Resolution “The Spiritual Crisis Caused by the Requirement to Discriminate” in Light of ¶¶161f, 304.3, 341.6 and 2702.1(b, e)

DIGEST

The Bishop’s decision of law holds that the petition “The Spiritual Crisis Caused by the Requirement to Discriminate” is an historical and aspirational statement, without prescriptive force, which does not legally negate, ignore, or violate provisions of the *Discipline*. The bishop’s decision is affirmed.

STATEMENT OF FACTS

On June 8, 2012, the New York Annual Conference adopted amended Item 3009, Petition 2012-305. The “resolved” paragraphs follow:

RESOLVED, that the New York Annual Conference reaffirm its historic commitment to the civil and ecclesiastical rights and privileges of all persons, including LGBT persons, and declare its passionate opposition to continued distinctions of church law that restrict the rights and privileges of LGBT people in the (sic) United Methodist Church; and

BE IT FURTHER RESOLVED, that the New York Annual Conference, acknowledging the grave pastoral crisis facing the church at all levels with regard to the pastoral care of LGBT people, acknowledge that clergy, lay persons and congregations encountering institutional discrimination that inhibits equal access to the means of grace for all persons may feel bound by conscience to offer the ministries and sacraments of the church to all persons on an equal basis. Those who so act according to conscience do so in a way that is consistent with the longstanding principled declarations of this annual conference; and

BE IT FURTHER RESOLVED, that the New York Annual Conference acknowledge that leaders of the conference, including cabinet members, bishops and members of boards and agencies of the annual conference, while bound by the *Book of Discipline*, are also bound to exercise their consciences and are bound by Jesus’s commandment to stand with the marginalized and the oppressed in our midst when called upon to enforce unjust laws, policies and procedures to the detriment of gay, lesbian, bisexual or transgender individuals wishing to participate fully in the life of the United Methodist Church and those who minister faithfully to them; and

BE IT FURTHER RESOLVED, that the conference recognize that individuals who take punitive actions against others for offering the sacraments and rituals of the church on an equal basis do so contrary to the historic expression of the New York Annual Conference at the risk of causing grave harm to LGBT persons, their loved ones, their sisters and brothers in Christ, faithful clergy and the annual conference itself.

A request for a bishop's decision of law was brought forth by a clergy member of the Annual Conference who presented a written and signed document which stated:

I request the Bishop issue a decision of law on the following question of law: Is Petition 2012-305 'The Spiritual Crisis Caused by the Requirement to Discriminate' unlawful, void and of no force or effect because it legally negates, ignores and/or violates provisions of the *2008 Book of Discipline* of the United Methodist Church including, but not limited to Paragraphs 161(F), 304.3, 341.6, and 2702.1 (b,e). See Judicial Council Decisions 886, 1105, 1111, 1115, 1120, 1178, 1185 and 1201. This pertains to lines 18, 19 and 30 on page 48 of the Preconference Reports and Petitions.

Bishop Jeremiah J. Park ruled as follows:

Petition 2012-305 does not violate VI 161f (Social Principles, human sexuality), 304.3 (qualifications for ordination), 341.6 (ceremonies that celebrate homosexual unions) nor the chargeable offenses delineated in 2702.1(b) and (e) of the 2008 Book of Discipline.

Judicial Council Decision 1120 has a very succinct and clear statement of the principles which govern the review of Annual Conference resolutions passed in opposition to the provisions of the (sic) United Methodist *Book of Discipline* which restrict the rights of lesbian, gay, bisexual and transgendered persons:

The *Discipline* is the law of the Church that regulates every phase of the life and work of the Church. Decision 96 made clear the principle that the *Discipline* is the only authoritative book of law of the Church. All entities of the Church are bound by its provisions. All actions of an annual conference must be faithful to and consistent with the *Discipline*. An annual conference may express disagreement with other bodies of The United Methodist Church, but is still subject to the Constitution, the *Discipline* and the decisions of the Judicial Council. In Decision 886 the Judicial Council announced the principle that annual conferences may not legally negate, ignore or violate provisions of the *Discipline* with which they disagree, even when the disagreements are based on conscientious objections to those provisions.

Judicial review of an annual conference resolution requires an intensive fact specific examination of the text of the annual conference resolution, and a clear understanding of the context of the annual conference debate. The context of the debate is normally supplied by a complete and comprehensive record of annual conference proceedings. The Judicial Council has reviewed numerous resolutions adopted by annual conferences concerning the issue of human sexuality. Judicial Council jurisprudence on this issue is not a model of clarity. Nevertheless, the current state appears to be that a resolution may express disagreement with the current language of the *Discipline* and may express its aspirational hopes, but an annual conference may not legally negate, ignore or violate provisions of the *Discipline*, even when the disagreements are based upon conscientious objection to those provisions. (Emphasis added.) (Judicial Council Decision 1120)

In petition 305, in the first Be It Resolved, the Conference declares "its passionate opposition" to the position in Church law that restricts the rights of LGBT people. This expresses disagreement with the current language of the *Discipline* only, but it does not negate, ignore or violate provisions of the *Discipline*. See Decision 1044.

In the second Be It Resolved, the Annual Conference acknowledges the pain of the Church's discrimination against LGBT people, and acknowledges the historical fact that the clergy have acted as a matter of conscience in accordance with declarations and resolutions of the annual conference. This in no way challenges the previous decisions of the Judicial Council that clergy actions which violate the *Discipline* are not excused because they are taken as acts of conscience. Neither have the many previous resolutions of the Annual Conference referred to in this Resolution, but not the subject of this Request for a Ruling of Law, negated, ignored or violated provisions of the *Discipline*. Rather, they have all been pronouncements of disagreement.

In the third Be It Resolved, the Resolution states the enormous conflicts placed on the clergy of the UMC who disagree with the current language of the *Discipline* which restricts the rights of LGBT people. It recites those conflicts, naming first the binding nature of the *Book of Discipline*, together with their personal consciences. However, in so naming the conflict, the Resolution contains no call to action to clergy to be disobedient.

Finally, in the fourth and last Be It Resolved, the Resolution again makes a mere statement of fact that punitive actions against these historic expressions risk causing harm to many persons.

In sum, while representing the extreme pain and hurt that many members of the Annual Conference felt in the aftermath of the actions of the 2012 General Conference on these issues, the Resolution does not violate ¶¶ 161(F), 304.3, 341.6 and 2702.1, it never advocates disobedience, and the provisions of the *Discipline* which it opposes are not negated, ignored or violated.

JURISDICTION

The Judicial Council has jurisdiction under ¶ 2609 of the 2008 *Discipline*.

ANALYSIS AND RATIONALE

Bishop Jeremiah J. Park's ruling is based on a review of Decision 1120 that offers a clear and careful articulation of the statements of the governing principles used to review annual conference resolutions in reference to issues of human sexuality. We acknowledge that differences in opinion exist on this very difficult issue. The guidelines expressed in Decision 1120 provide an evaluative way to deal with such resolutions.

The overarching principle is stated in the first paragraph of Decision 1120:

The *Discipline* is the law of the Church that regulates every phase of the life and work of the Church. Decision 96 made clear the principle that the *Discipline* is the only authoritative book of law of the Church. All entities of the Church are bound by its provisions. All actions of an annual conference must be faithful to and consistent with the *Discipline*. An annual conference may express disagreement with other bodies of The United Methodist Church, but is still subject to the Constitution, the *Discipline* and the decisions of the Judicial Council. In Decision 886 the Judicial Council announced the principle that annual conferences may not legally negate, ignore or violate provisions of the *Discipline* with which they disagree, even when the disagreements are based on conscientious objections to those provisions.

The second paragraph states:

Judicial review of an annual conference resolution requires an intensive fact specific examination of the text of the annual conference resolution, and a clear understanding of the context of the annual conference debate. The context of the debate is normally supplied by a complete and comprehensive record of annual conference proceedings.

In this instant case we have only a notarized copy of the portion of the annual conference minutes that deal with the presentation of the resolution, Item 3009 Petition 2012-305, placed before the New York Annual Conference on June 8, 2012. The minutes included the amendments to the original petition and the final approval of the amended document along with a written and signed request for a bishop's decision of law regarding the action taken. We do not have the minutes of the full session in which this action was taken. Thus, the Judicial Council does not have the larger context for this action.

The request as recorded in the minutes was very specific about the particular lines on which the petition wished the Bishop to rule: specifically lines 18 and 19 and line 30 on page 48 of the petition as presented in the Pre-Conference material. These lines seem to be without context. They read as follows: "...ecclesiastical rights and privileges of all persons, including LGBT person, and declare it(sic) passionate opposition to continued distinctions of Church law that restrict the rights and privileges of LGBT people in The United Methodist. . . ." (part of the first RESOLVED paragraph) and "... midst when called to enforce unjust laws, policies and procedures to the detriment of gay, lesbian bisexual or ..."(part of the third RESOLVED paragraph). These specific phrases themselves lack the context necessary to determine if they call for action that may negate, ignore or violate the *Discipline*. Lines 18-19 seem to express aspirational disagreement with the *Discipline* that is permissible (JD 913, 1021, 1028, 1044). Line 30 does not have meaning as quoted. Thus, in and of itself, this phrase does not negate, ignore or violate the *Discipline*. If the third resolution is taken as a whole, there is distinct acknowledgement that clergy cannot blithely, ignore, negate or violate the *Discipline* without consequence.

Bishop Park, in this decision of law, chose to speak not just to the specific lines cited by the petitioner, but broadened his decision to include all parts of the four resolutions passed by the Annual Conference. The Judicial Council considered this broadened ruling. His ruling makes clear that clergy cannot ignore, negate or violate the *Discipline* without consequence. The statements in this resolution are historical and aspirational in nature and are non-binding even though the statements indicate that they disagree "passionately" with the *Discipline*. The statements do not advocate for any specific action (emphasis added) of disobedience on the part of clergy.

The Judicial Council has previously acknowledged that non-binding resolutions do not require clergy to take particular action or engage in action that violates the *Discipline*. They have no "prescriptive force." See Decision 1021. This is also the case in this resolution. No one is required to engage in any particular action or inaction in violation of the *Discipline*. This resolution is descriptive and not prescriptive in nature and is non-binding. It does not ignore, negate or violate provisions of the *Discipline*.

DECISION

The Bishop's decision of law holds that the petition "The Spiritual Crisis Caused by the Requirement to Discriminate" is an historical and aspirational statement, without prescriptive force, which does not legally negate, ignore, or violate provisions of the *Discipline*. The bishop's decision is affirmed.

Beth Capen was absent. Sandra Lutz, first lay alternate, participated in this decision.

October 27, 2012

DISSENTING OPINION

I respectfully dissent from the majority decision.

The issue of human sexuality has long been an issue within The United Methodist Church. However, attempts to have the language in the *Discipline* relating to human sexuality changed have for the past years been rejected by the General Conference. The current *Discipline* prohibits same-sex unions or marriages, disallows the candidacy, ordination, or appointment of self-avowed practicing homosexuals. Changes in Church law can only be made by the General Conference.

The *Discipline* is the law of the Church that regulates every phase of the life and work of the Church. Decision 96 made clear the principle that the *Discipline* is the only authoritative book of law of the Church. All **actions** of an annual conference must be faithful to and consistent with the *Discipline*. An annual conference may express disagreement with other bodies of The United Methodist Church, but it is still subject to the Constitution, the *Discipline*, and the decisions of the Judicial Council. See Decision 1120.

In a long line of Decisions the Judicial Council has upheld and reaffirmed the principle that annual conferences may not legally negate, ignore, or violate provisions of the *Discipline* with which they disagree, even when the disagreements are based on conscientious objections to those provisions.

Judicial review of an annual conference resolution requires an **intensive fact specific examination of the text of the annual conference resolution**, and a clear understanding of the context of the annual conference debate. The context of the debate is normally supplied by a complete and comprehensive record of annual conference proceedings. In the instant case, the records submitted include the amendments to the original petition and the final approval of the amended petition, stating all the amendments to the original petition.

The Judicial Council has reviewed numerous resolutions adopted by annual conferences concerning the issues of human sexuality. The current controlling principle is that an annual conference resolution may express disagreement with the current language of the *Discipline* and may express aspirational hopes, but an annual conference may not legally negate, ignore or violate provisions of the *Discipline*, even when disagreements are based upon conscientious objection to those provisions. See Decision 1120.

In Decision 1120, the Judicial Council's analysis of the subject resolution covered the entire resolution and not only the specific lines referenced in the request for the decision of law, and the bishop's decision of law was reversed.

Applying the principles enunciated in various decisions in conjunction with a review of the resolution, the New York Annual Conference resolution is impermissible

because it doesn't merely express disagreement with the current language of the *Discipline* and it doesn't merely express aspirational hopes, but it expresses support for prohibited conduct and endorses prohibited actions.

The resolution goes beyond a permissible statement of mere disagreement. The effect of the New York resolution is to negate and ignore the church's clearly stated position as reflected in current disciplinary language.

The resolution while expressing disagreement with the *Discipline*, speaks about "institutional discrimination", and states that those who violate the *Discipline* "do so in a way that is consistent with the long standing principled declarations of this annual conference." This is a statement of endorsement and support for violation of the church's clearly stated position as reflected in the *Discipline*, as these "institutional discrimination" can only be referring to the current *Discipline* provisions prohibiting same-sex unions or marriages and, disallowing the candidacy, ordination, or appointment of self-avowed practicing homosexuals.

The resolution in acknowledging that leaders of its annual conference are "bound to exercise their consciences and are bound by Jesus's commandment" is supporting and endorsing leaders of the annual conference to follow their own consciences and ignore and violate the *Discipline*. If annual conferences were free to violate provisions of the *Discipline* because they disagree with them, this would have the effect of negating or ignoring the *Discipline*. Such acts would leave the Church without any enforceable law, which would lead to chaos in the Church. See Decision 886.

The resolution is also expressly discouraging members of the denomination from enforcing provisions of the *Discipline* by stating that it is against the "long standing principle declarations" and "historic expressions" of the New York Annual Conference. This in essence is placing the "long standing principle declarations" and "historic expressions" of the New York Annual Conference above the *Discipline*. This undermines the authority of the *Discipline*.

For the foregoing reasons, I respectfully dissent.

N. Oswald Tweh

October 27, 2012

