

**Analysis of General Conference Legislation
Decisions on Constitutionality Based Upon Judicial Council Review of Petitions
Prior to and at the 2019 General Conference Session**

The first number in each section is the legislative petition number from the General Conference *Daily Christian Advocate*; ¶ numbers refer to the specific section of *The UMC Book of Discipline*.

90015 – passed as amended

- More time for Central Conference implementation. Legislation approved at General Conference (GC) 2019 will not take effect in central conferences until 12 months after the 2020 General Conference.

90016 - ¶1504 passed with amendment – **constitutional**

- A local church that withdraws from The UMC shall contribute a withdrawal liability in an amount equal to its pro rata share of any aggregate unfunded pension obligations to the Annual Conference (AC) determined by Wespath Benefits and Investments, the denomination's pension agency.

90017 - ¶1504 passed – **constitutional**

- Wespath shall amend the Clergy Retirement Security Program (CRSP) such that active clergy participants who terminate their AC relationship under ¶360 will be terminated vested participants, and provided an equivalent account balance benefit.

90032 - ¶304.3 – passed as amended– **constitutional**

- The definition of self-avowed practicing homosexual now includes people living in a same-sex marriage, domestic partnership or civil union, or is a person who publicly states she or he is a practicing homosexual.

90033 - ¶408.3c – **unconstitutional**

- Episcopal authority: Council of Bishops can put any bishop in the retired relation with or without their consent if recommended by the Council Relations Committee.

90034 - ¶410.5 – **unconstitutional**

- Episcopal authority: Council of Bishops (COB) may place any bishop in involuntary leave status if recommended by the Council Relations Committee. This leave shall be approved annually by the COB. During the leave, the bishop is released from all episcopal responsibilities and another bishop chosen by the College of Bishops shall preside. Salary will be continue for a maximum of 6 months

90035 - ¶422 – **unconstitutional**, all addressing Episcopal authority

- ¶422.2 add the COB holds members accountable for their work
- ¶422.5 COB shall establish a Council Relations Committee of at least 3 persons to hear requests for involuntary leave of absence, involuntary retirement as referred by the Council or any 7 active bishops
- ¶422.5a Council Relationship Committee shall conduct an administrative hearing following provisions of fair process. The Council shall refer to the Council Relationship Committee any bishop who is unwilling to certify that s/he is willing to uphold, enforce and maintain the BOD relative to self-avowed homosexuals. If a bishop is not certified, they shall be recommended for involuntary leave or involuntary retirement.
- ¶422.5b Fair process hearing
- ¶422.6 Establishment of an Administrative Review Committee from the Council of Bishops to ensure that the BOD procedures are followed.

90036 - ¶415.6 – **constitutional**

- Episcopal responsibility: Bishops are prohibited from consecrating bishops who are self-avowed homosexuals, even if they have been duly elected. Bishops are prohibited from commissioning and ordaining individuals (elder or deacon track) approved by Board of Ordained Ministry (BOOM) if they are a self-avowed practicing homosexual.

- 90037 - ¶635.1a – **unconstitutional** before being amended (constitutionality uncertain after amendment)
- Add that prior to being nominated to BOOM by the bishop, individuals must certify that s/he will uphold, enforce, and maintain the BOD related to self-avowed homosexuals. The bishop must also certify that they only nominated those who certified to uphold BOD.
- 90038 - ¶635.2h – **unconstitutional**
- BOOM must ascertain whether an individual is a practicing homosexual, including social media. The BOOM shall certify that such a full examination has occurred and its results. If someone is, they shall not be recommended.
- 90039 - ¶806.9 – **unconstitutional**
- Every AC must certify that the bishop has nominated only members of BOOM who will follow the BOD related to ordination and marriage of practicing homosexuals. Failure to do so shall result in General Council of Finance and Administration (GCFA) withholding all funds and withdrawing the AC use of The Cross and Flame.
- 90040 - ¶613.19 – **unconstitutional**
- Every AC shall certify that the bishop has nominated members to the BOOM who will uphold, enforce and maintain the BOD related to ordination and marriage of practicing homosexuals. Failure to do so shall result in GCFA withholding all funds and withdrawing the AC use of the cross and the flame.
- 90042 - ¶2711.3 – **constitutional**
- Minimum penalty if someone is convicted of conducting same-gender union ceremonies or weddings is 1 year suspension without pay for first offense and termination for second.
- 90043 - ¶304.5 – **constitutional**
- District Committee on Ministry (DCOM) and BOOM shall not approve for candidacy, licensing, commissioning, or ordination anyone who does not meet the qualifications after full examination and the bishop shall rule unqualified candidate so recommended out of order.
- 90044 - ¶362.1e, 413.3d – **constitutional**
- Complaint process: Bishops can only dismiss complaint if it has no basis in law and the reason for dismissal is shared with complainant.
- 90045 - ¶362.1, 413.3c, 2701.5, 2706.5c3 – **constitutional** except for **2nd sentence**
- Just resolution: Just resolutions must state all identified harms and how they will be addressed to the complainant.
- 90046 - ¶362.1c, 413.3c, 2701.5, 2706.5c3 – **constitutional**
- Just resolution: The complainant shall be a party to the resolution process and agree to the resolution.
- 90047 - ¶2715.10 – **constitutional**
- Church appeal: The Church shall have the right of appeal from trial court based on egregious errors of church law or administration that would reasonably have affected the findings of the trial court and has right to a new trial.
- 90066- new ¶ 2553 – originally declared **unconstitutional** because it does not give AC a vote in prior review but new declaratory decision requested with amendment made at General Conference
- Disaffiliation of a local church over issues related to human sexuality must be done by 12/31/2023. If District Superintendent (DS) decides they have a viable future, church conference must 2/3 majority vote to disaffiliate. If they do not have a viable future, the DS shall recommend closure under ¶2549 and all property shall remain with The UMC