

Decision no.: Judicial Court 2023 – 1

Re: Clarification of Judicial Court Ruling 2022.2 and 2022-2.1

Facts: On December 9th 2022 the Judicial Court ruled on a request for reconsideration of the Courts declaratory decision of June 21st 2022 on the legality of ¶ 405.3c in the Northern Europe and Eurasia Book of Discipline, Supplement 2016.

The wording of the previous ruling was not quite clear, which makes further clarification necessary.

Jurisdiction: The jurisdiction of the Judicial Court defined in the Constitution ¶ 31 Article IV 6 is to determine legal questions arising on the rules, regulations, and such revised, adapted, or new sections of the central conference discipline enacted by the central conference.

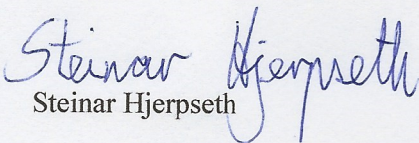
Analysis: The 2012 Northern Europe and Eurasia Central Conference replaced ¶ 405 in the Book of Discipline with an adapted paragraph ¶405 to regulate the nomination and election process for bishops.

The powers and duties of central conferences are described in ¶543 of the 2016 BoD, and ¶543.3 says, “When a central conference has been authorized to elect bishops, such elections shall be conducted under the same general procedure as prevails in the jurisdictional conferences.”

¶ 405.3c in the 2016 Northern Europe and Eurasia Book of Discipline Supplement says “Nomination shall be closed before the first ballot”, which limits the provisions of ¶ 405 in the 2016 Book of Discipline that allows for persons to be nominated by ballot by either receiving ten votes or 5 percent of the valid votes. ¶ 405.3c in the 2016 2016 Northern Europe and Eurasia Book of Discipline Supplement deviates from following the general procedures of election of bishops, as it deprives the central conference of its right to introduce new nominees in the balloting process.

Ruling: The Judicial Court rules that ¶ 405.3c in the 2016 Northern Europe and Eurasia Book of Discipline Supplement is in violation of the principle of conducting episcopal elections under the same general procedures as in the jurisdictional conferences and therefore the paragraph is null and void. Persons can be nominated for the episcopacy by ballot receiving ten votes or 5 percent of the valid votes cast as ¶ 405 in the 2016 Book of Discipline clearly says.

On behalf of the Judicial Court


Steinar Hjerpseth