



## **“Virtual” Presbytery Meetings**

Issued by Stated Clerk Jeff Jeremiah

*March 11, 2020*

### **Provisional Opinion**

The Stated Clerk holds that the Constitutional responsibility of the Presbytery to “organize itself as it deems best, within the bounds of this Constitution and lawful Acts of Assembly... [for the] edification of the people” supersedes Robert’s Rules of Order when following parliamentary procedure presents presbyteries with a “Hobson’s Choice” between holding a virtual meeting or risking a lack of quorum and consequently skipping a meeting altogether because of the significant health risks associated with physically travelling to attend a meeting of the presbytery.

The Stated Clerk rules that irrespective of presbytery bylaws, from March 11, 2020, until the convening of the 40th General Assembly, any presbytery with sufficient technology to ensure that every participant is able to hear and/or see, vote, and participate in a virtual meeting is permitted to use teleconferencing or videoconferencing technology to hold their Stated and/or Called Presbytery Meetings.

### **Background/Commentary**

Under *Book of Government* (hereinafter G.) 21-3D.1 “Questions concerning interpretation of the Book of Order shall be referred by the Stated Clerk. The Stated Clerk may issue a provisional opinion that is binding until acted upon by the next General Assembly. The PJC shall review all provisional opinions and shall recommend to the Assembly that they be sustained, not sustained, or amended, along with reasons.”

Bill Dudley, Stated Clerk of the Presbytery of the Southeast, has asked the Stated Clerk to issue a provisional opinion as to whether the Book of Order permits members of presbytery who join meetings by virtual means to be counted “present” for the purposes of quorum with both voice and vote at a Stated Meeting of the Presbytery. *Book of Government* is silent on this issue, but Act of Assembly 10-02 (adopted by the 30th General Assembly) affirmed a 2010 provisional opinion relying on *Robert’s Rules of Order* holding that “Bylaws of representative bodies [may] establish a quorum and conduct business in a meeting with both real and virtual participants.”

“It is a fundamental principle of parliamentary laws that the right to vote is limited to the members of an organization who are actually present at the time the vote is taken in a legal



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meeting, although it should be noted that a member need not be present when the question is put. Exceptions to this rule must be expressly stated in the bylaws.” (*Robert’s Rules of Order, 10th edition*), pp. 408-409, emphasis added.)

“The bylaws may authorize a board or committee (or even a relatively small assembly) to meet by videoconferencing or teleconference. If they do, then such a meeting must be conducted by a technology that allows all persons participating to hear each other at the same time (and, if a videoconference, to see each other as well). The opportunity for simultaneous communication is central to the deliberative character of the meeting and is what distinguishes it from attempts to do business by postal or electronic mail or by fax.” (Ibid., p. 482.)

Some presbyteries have amended their bylaws to permit virtual participation in meetings while others have not. The Presbytery of the Southeast has not yet included such a provision in its bylaws. However, in light of the current worldwide health issue of the COVID-19 coronavirus, the Stated Clerk is asked whether it is appropriate, under the current health crisis, to temporarily permit virtual meetings in presbyteries whose bylaws do not specifically provide for the use of such technology.

### **Conclusion**

The Permanent Judicial Commission reviewed this provisional opinion and recommended to the 40<sup>th</sup> General Assembly that it be sustained (*Book of Government* 21-3D.1.b.). The recommendation was approved on September 18, 2020, by vote of the Assembly.