



April 2, 2020

Provisional Opinion 2020-03
Office of the Stated Clerk
Dr. Jeffrey J. Jeremiah

Dear colleagues in ministry,

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.” **G.** 21-3D.1b “[The PJC] shall review all provisional opinions and shall recommend to the Assembly that they be sustained, not sustained, or amended, along with reasons.”

Teaching Elder James Holland has asked the Stated Clerk to issue a provisional opinion as to whether the Book of Order permits members of Sessions and Churches who join meetings by virtual means to be counted “present” for the purposes of quorum with both voice and vote at a Stated or Called Meeting of their respective bodies and whether Book of Order 7-5 requires one-tenth of the active members of churches over 100 to establish a quorum for congregational meetings.

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 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 congregations have amended their bylaws to permit virtual participation in meetings while others have not. 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 local congregations whose bylaws do not specifically provide for the use of such technology.

Provisional Opinion

The Stated Clerk holds that the Constitutional responsibility of the Session to oversee and supervise “the entire life of the local church” supersedes *Robert’s Rules of Order* when following parliamentary procedure presents congregations with a “Hobson’s Choice” between holding a virtual meeting or risking a lack of quorum and consequently foregoing a meeting altogether because of the significant health risks associated with attending a meeting of the local church. The Stated Clerk rules that irrespective of congregational bylaws, from April 2, 2020, until the convening of the 40th General Assembly (June 24, 2020) any session or congregation 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 Congregational and Session Meetings. Additionally, the Stated Clerk rules that Book of Order 7-5 requires one-tenth of active members in churches of 100 or more be present personally or virtually in order to establish a quorum.

Thank you, and I trust this will be helpful as you minister in this extraordinary time.

Jeff Jeremiah
EPC Stated Clerk

