



Presbytery of the Pacific Southwest
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Guidance on Virtual Congregational Meetings

From the Presbytery of the Pacific Southwest Stated Clerk
March 27, 2020

The Ministerial Committee asked me to provide an opinion on the legality of virtual congregational meetings called for the purpose of calling a teaching elder, in relation to the EPC Book of Order, the Presbytery of the Pacific Southwest Bylaws, and the bylaws of a local church in the Presbytery.

I have had the opportunity to review those resources, as well as Roberts Rules of Order, which serves as a guideline for meetings in the EPC. The following is my opinion:

The Stated Clerk of the Presbytery of the Pacific Southwest holds that it is the constitutional responsibility of the local church to organize itself in concert with the Book of Order of the Evangelical Presbyterian Church and submit to the government and discipline of the Church. (Book of Order G5-6 A). Where there is expressed flexibility in the Book of Order, the bylaws of the local church may provide additional detail, clarity or direction, as long as it does not violate the guidance of the Book of Order.

The EPC Book of Government states:

“Robert’s Rules of Order shall be the standard in parliamentary procedure unless stipulated otherwise in a church’s bylaws” (7-10).

It further states:

“Those persons who are active members of the congregation as determined by the Session and who are present at the meeting are eligible to vote” (7-7).

The 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.”

Roberts’s Rules of Order states:

*“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.”* (Roberts Rules of Order – 10th edition p. 482) (emphasis added)

*"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).*

Unless the bylaws of a local church make a specific provision for virtual meetings, the constitutional guidance on such a meeting is based on the guidance provided in the Book of Order and Roberts Rules of Order.

It is the opinion of the Stated Clerk that, under the unusual circumstances presented by the COVID-19 outbreak, a virtual congregational meeting is allowable under the specific requirement that all members desiring to participate must be able to speak and hear each other at the same time and to see each other (in the case of a video conference), and that votes must be cast immediately by those present in the context of the meeting, and that voting must be accomplished in a way to be countable.

Furthermore, it is the opinion of the Stated Clerk that any congregational vote by US mail does not meet the criteria for a constitutional meeting and vote, and would therefore be deemed unconstitutional.

I understand the urgency of moving congregational decisions along expeditiously. The difficulty arises in the lack of interaction and group discernment that results when the body cannot gather in person as a result of the current limitation on gathering. If there is a way to resource and train everyone in the congregation who is not adept at virtual meetings, it would be technically possible under the circumstances to accomplish the desired full participation. Nevertheless, it could likely create significant difficulties in both the short term and long term for the local church and for the candidate if members do not have an open opportunity for direct input to the gathered congregation. The erosion of confidence and trust in the decision would be a serious concern. As frustrating as it may seem, a delay of the congregational meeting until a time when it can be more effectively accomplished would be a preferable option.

Grace and peace in Jesus Christ,



Mark Eshoff
Stated Clerk

NOTE: Subsequent to the issuing of this opinion, EPC Stated Clerk Jeff Jeremiah issued a Provisional Opinion on the same subject. His Provisional Opinion is attached for reference.