

**Judiciary Board (Supreme Court) of the Church of God in Christ, Inc.**

**No JH1220-13**

**Elder James Hunt, Chairman of the General Assembly et al**

**On application for ruling on the legality of the election held November 11, 2013  
for a seat on the Judiciary Board**

December 20, 2013

PER CURIAM

This matter before the Court was referred by Chairman James W. Hunt. He asked the Court to *“formally render a ruling concerning the legality of the election and whether or not the names that were received from the Board of Bishops should only have been Jurisdictional Bishops”*.

Following the November 11, 2013 election, other petitioners filed and raised concerns about various aspects of the electoral process. Among the issues raised were allegations of irregularities in the voting process, and postured that the election was invalid and should be set aside.

In answering these issues, the Court considered the following:

1. The Constitution of the Church of God in Christ, Inc., and in specific terms, Article VIII
2. Any contravening issues or precedents
3. Any subsequent amendments or changes to Article VIII
4. Any mistakes made by the Nominating Committee, Screening Committee, Election Committee, Board of Bishops, and the General Assembly
5. What responsibility does the candidate bear, given his experience as former General Counsel of the Church of God in Christ, Inc.
6. The Article VIII issue notwithstanding, should the entire election be declared invalid

## Discussion

1. The Constitution of the Church; in Article VIII clearly states that there should be three (3) Jurisdictional Bishops representing the Episcopal area of the Church. It is important to note that Article VIII addresses this point in at least two sections; the preamble of Article VIII and in the body of Article VIII. The constitutional directive is unambiguous as it relates to the make-up of the Court and who is eligible to run for a seat on the National Judiciary Board.
2. The Court acknowledges that there was at one point in time, a member of the Judiciary Board who was an Auxiliary Bishop from the Board of Bishops, contrary to Article VIII of the Constitution; however it's extremely important to note that a violation of the Constitution does not amend or change the Constitution. The Church has changed the Constitution on other issues from time to time, but suffice it to say, it was done through the legislative process and over substantial time frames. Therefore, it can never be construed that a mistake or error can take the place of the legislative and constitutional process. And as for precedents, the Court can only recognize a change that is a departure from the Constitution when it comes as a matter of a judicial process.
3. Further, the Court finds no change or amendment to Article VIII that would allow an Auxiliary Bishop candidate to run for and to be seated on the **National Judiciary Board**. An Auxiliary Bishop vying for a slot to be occupied by and for the Episcopal area of the church, that has three (3) slots who are to be Jurisdictional Bishops, is NOT in conformity with Article VIII. However, an Auxiliary Bishop may serve on the National Judiciary Board if he is running for a slot to be occupied by a member of the General Assembly.
4. In reviewing this matter, the Court finds that there were errors made by each of the General Assembly Committees as it relates to Candidate Perry being allowed to run in the General Assembly November 2013 Election. The Board of Bishops **should not** have advanced the name of Bishop Enoch Perry as a candidate to fill the vacancy of former Justice Ted Thomas. However, the Nominating and Screening Committees should have confirmed that each candidate met **at least** the minimum constitutional qualification level before the candidates' names was placed on the ballot. Unfortunately, these safeguards failed.

The General Assembly has the primary duty of making sure that all candidates running for any position in the National Church are fully qualified in every aspect so that the rights of all concerned are properly protected and advanced.

5. The candidate himself has a responsibility to ensure that he or she is fully qualified to run for the office he or she is seeking. In this case, we have a former General Counsel to the Church of God

in Christ, Inc., who ran for the highest court in the Church and either did not know the requirements of Article VIII as it relates to who is eligible or did not bother to verify whether he was eligible or not. In any case, Candidate Perry does not meet the minimum requirements as found in Article VIII and thus he is ineligible to proceed to the National Judiciary Board. An individual running for election to the Judiciary Board must abide by the criteria in Article VIII. The question asked by the General Assembly as to whether the Board of Bishops should have only advanced the names of Jurisdictional Bishops as candidates for the November 2013 election; the Court finds that the name and candidacy of Auxiliary Bishop Enoch Perry **should not** have been advanced; as he was ineligible before and during the time of the election.

6. Now that the Election has take place, the General Assembly must replace Auxiliary Bishop Enoch Perry with a qualified candidate.

We have reviewed the record in accordance with the Church of God in Christ Constitution and Article VIII. Upon such review, the findings on issues 1 thru 5 – violation of the Constitution, Article VIII as regards to the election of Auxiliary Bishop Enoch Perry: **We find that he is duly disqualified from the election to the Judiciary Board.**

The findings on issue 6, whether the entire election should be declared invalid: **We find that errors were made in the electoral process, however, petitioners have failed to prove by a preponderance of the evidence, that any violations of the election procedures proffered by the election committee at the time of the alleged violations occurred so as to affect or have a strong likelihood of affecting the election outcome of other candidates.**

It is important to emphasize the distinction between constitutionality and wise policy. Our holding to the constitutionality in this ruling should not be misread as an endorsement of the electoral system under review in which alleged irregularities were pointed out.

The foregoing considerations taken together leads the Court to rule:

- A. Auxiliary Bishop Enoch Perry was ineligible and should not have been advanced by the Board of Bishops, and thus is disqualified from the election to the Judiciary Board.
- B. Notwithstanding the alleged electoral irregularities, the election held November 11 2013 was legal and the matter is remanded to the General Assembly for further proceedings consistent with this opinion.

It is so ordered.