

OVERTURE 5 from Calvary Presbytery

(to CCB, OC)

“Amend *BCO* 20-4; 24-3; 24-4 Regarding Election of Pastor, Associate Pastor, and Officers”

Whereas, the *Book of Church Order (BCO)* provides that for the election of a pastor “a majority of all the voteysrs present shall be required to elect,” (*BCO* 20-4); and for the election of elders and deacons “[a] majority vote of those present is required for election,” (*BCO* 24-3), and “a majority of all the voters present shall be required to elect,” (*BCO* 24-4); and

Whereas, the Committee on Constitutional Business has opined that these sections of the *BCO* mean that the election of a pastor, elders, and deacons requires a majority of all members of the congregation who are eligible to vote and who are present at the meeting (see *M10GA*, 10-75, III, Item 10, p. 101); and

Whereas, requiring a majority of all those present who are eligible to vote, while used for some purposes, is not the usual method for conducting elections or votes on items of business (see *Roberts Rules of Order Newly Revised* [“*RONR*”] [11th ed.], p. 4, I, 3-18); and

Whereas, the General Assembly has affirmed that the usual manner of conducting votes does not require a majority of all those present who are eligible to vote.

Compare M25GA, 25-17, Item 2, p. 114: “On Item 2, a parliamentary inquiry was raised concerning the counting of abstentions in the determination of an issue when a majority vote is required. The Moderator ruled that, according to [*RONR*], 1990 Edition, Sect. 43, p. 385, when a majority vote is required, it means more than half of the votes cast by persons legally entitled to vote, excluding blanks and abstentions.”

with Rules of Assembly Operations XX: “The *Rules of Assembly Operations* may be amended or suspended only by a two-thirds vote of those voting, which must also be a majority of the total enrollment of commissioners.”; and

Whereas, *RONR* notes the problems inherent in determining a majority of members present:

Voting requirements based on the number of members present—a majority of those present, two thirds of those present, etc.—while possible, are generally undesirable. Since an abstention in such cases has the same effect as a negative vote, these bases deny members the right to maintain a neutral position by abstaining. For the same reason, members present who fail to vote through indifference rather than through deliberate neutrality may affect the result negatively. When such a vote is required, however, the chair must count those present

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immediately after the affirmative vote is taken, before any change can take place in attendance. (*RONR* [11th ed.], p. 403, XIII, 13-24) and

Whereas, the problems noted in *RONR* are exacerbated in congregational meetings, where large numbers of persons not eligible to vote are present and where some number of persons enter and leave the meeting during its course. In such cases, accurately determining the number of eligible voters present is difficult; and

Whereas, requiring a majority of all those present who are eligible to vote causes confusion when blank ballots are submitted or when ballots with multiple candidates have “yes” boxes checked for some candidates with both “yes” and “no” boxes left unmarked for others – did the person forget to check a box, mistakenly submit a blank ballot, intend to abstain, etc.?; and

Whereas, an example of this confusion occurred at an election of officers at one PCA church where elders were on one side of the ballot and deacons on the other (admittedly not the best ballot design). Many ballots were submitted with one side completed but not the other. A fair assumption would be that voters completed one side of the ballot but did not realize there was a second side to complete. But under current *BCO* language, the uncompleted side had to be counted as negative votes; and

Whereas, the legislative history of *BCO* 20-4, 24-3, and 24-4 provides no reference to any salutary effects of the present language;

Be it therefore resolved that *BCO* 20-4 is amended as follows (~~strike-through~~ for deletions, underlining for new wording):

20-4. Method of voting: The voters being convened, and prayer for divine guidance having been offered, the moderator shall put the question:

Are you ready to proceed to the election of a pastor?

If they declare themselves ready, the moderator shall call for nominations, or the election may proceed by ballot without nominations. In every case a majority of all the ~~voters present~~ votes cast (excluding blanks and abstentions) shall be required to elect.

Be it further resolved that *BCO* 24-3 is amended as follows:

24-3. All communing members in good and regular standing, but no others, are entitled to vote in the election of church officers in the churches to which they respectively belong. A majority ~~vote of those present~~ of votes cast (excluding blanks and abstentions) is required for election.

Be it further resolved that *BCO* 24-4 is amended as follows:

24-4. The voters being convened, the moderator shall explain the purpose of the meeting and then put the question:

Are you now ready to proceed to the election of additional ruling elders (or deacons) from the slate presented?

If they declare themselves ready, the election may proceed by private ballot without nomination. In every case a majority of all the ~~voters present~~ votes cast (excluding blanks and abstentions) shall be required to elect.

Adopted by Calvary Presbytery at its stated meeting, January 25, 2020
Attested by /s/ RE Melton L. Duncan, stated clerk