

Second Interim Report of Special Committee on the Rules of Order

Introduction:

Following the publication of the Committee's initial draft, which sought to incorporate learnings from the COVID-19 Convention and practices from previous years, we embarked on a broad feedback-gathering process. This remains a key goal of the committee: soliciting broad-based feedback before producing our final report. We also sought to start this process well before the meeting of the General Convention to allow for time and space for the House of Deputies to meet, gather, and solicit feedback. This effort was crucial for ensuring that our proposed changes resonated with and effectively addressed the needs and concerns of the House of Deputies.

Our final report will then be submitted as a final blue book report and sent through the normal legislative process and review, hearings, and recommendation by the Legislative Committee on the Rules of Order. As with any legislation, this will be subject to full review by the House's legislative process.

Feedback Process:

The committee conducted a listening session attended by over 300 individuals and received 68 submissions through our feedback links. This represented a significant portion of the House of Deputies, almost half, actively participating in the shaping of our rules. Every submission was reviewed and integrated into our deliberations, reflecting our commitment to a democratic and inclusive revision process. These remain draft proposals and are being published to guide discussion at the upcoming workshop.

Key Areas of Positive Feedback:

The Committee received written feedback that was positive in several areas:

- 1. New Written Comments System:** Implementing a new system for submitting written comments was widely appreciated. This addition was recognized for enhancing the inclusivity and accessibility of the legislative process.
- 2. Online Hearings and Committee Meetings:** The shift to online hearings and committee meetings received positive feedback from some people. Deputies highlighted the convenience and effectiveness of this format, which allowed for broader participation before the General Convention from those who could not afford to attend.
- 3. Global Participation:** The ability for individuals from anywhere in the world to participate, especially those unable to obtain visas for attending the General Convention,

was seen as a significant improvement. This change was commended for making the legislative process more globally inclusive.

4. Clarity in Legislative Review Process: The revised rules were acknowledged for making the legislative review process of the General Convention clearer and more structured. Providing consistent, linear stages for review was seen as a step towards a more organized and transparent process.

5. Broad-based Participation in Online Hearings: The large attendance at online hearings, with over 2,000 participants last time, was particularly noted as a positive outcome. This level of engagement was viewed as an indicator of the success of the online format in encouraging broad participation.

6. Pre-filing and consideration of amendments. We received feedback that the pre-filing system for amendments, including the publication of proposed amendments in advance of the session, was a positive direction and provided for a more transparent, open process and gave deputies a chance to understand what they would be voting on.

Key Areas of Concern:

Based on our feedback, the committee identified the following key areas of concern. These concerns are expressed in the following general areas.

1. Urgent Issues: One concern was the process for addressing urgent matters that might arise close to the convention after the resolution deadline, such as a Supreme Court decision or a global crisis. The proposed rules were seen as potentially too restrictive to allow for a timely response to such events.

2. Committee Resolution Submission: There were concerns regarding the ability of committees to submit resolutions as new issues emerge.

3. Online Committee Meetings: A significant amount of feedback was received in this area. We received many written comments expressing support for online committee meetings and several comments expressing concern about a primarily online committee process. The feasibility of coordinating committee meetings online across multiple time zones was another area of concern.

4. Retroactivity of Rules and the House of Bishops: Deputies were uncertain about how the new rules would be applied, especially regarding their retroactive effect.

Committee Response and Rule Revisions:

Based on the feedback, the Committee spent extensive time reviewing these items and revising the draft proposal to address these concerns. The Committee's goal is to balance both the need to organize our work and to address the need for broad-based input.

1. Resolution Deadline: The Committee recommends keeping the 90-day resolution deadline. To address urgent issues, however, we propose a petition process allowing twenty deputies to petition for a resolution to be considered after the deadline. This process ensures that urgent matters can be brought to the convention floor in a timely manner. Additionally, we clarified the process for the House to vote to consider post-deadline resolutions at the Convention and introduced a specific order of business to do so. This is a process that has never been in place.

2. Committee Resolution Submission: In addition to the petition process, we propose a rule allowing committees to submit resolutions after the deadline by a 2/3rds vote while maintaining a majority vote for resolutions before the deadline. This adjustment allows committees to respond to emerging issues without going through the petition process. It maintains a balance of encouraging early submission of resolutions with late, urgent issues.

3. Online Committee Meetings: Recognizing the challenges of online meetings, the revised rule maintains online hearings as the default but allows a committee to vote (2/3rds majority) to defer specific resolutions to in-person discussions at the convention. This approach ensures committees can structure their work appropriately and opt for in-person meetings for resolutions that require such a format.

4. Retroactivity. Notably, most of the Committee's proposals do not require retroactive application and instead take effect at the Convention itself. With respect to the remaining proposals that may have retroactive implications (e.g., the resolution deadline), the deadline and requirements would not take effect until the House votes on them. That means that any resolutions submitted up until that point would continue to be valid and part of the legislative process.

Next Steps

The Committee will engage in another workshop to discuss these proposed changes and engage in conversation with Deputies and others who are interested in this process and would like to provide feedback. After the workshop, the Committee will meet and propose a final set of Recommendations as formal resolutions to the House along with the Committee's Blue Book Report. Once the resolutions are submitted, they will be forwarded to the House of Deputies Rules of Order Committee to conduct legislative hearings on the individual resolutions. These resolutions will then be reported out as normal.

Conclusion:

These revisions aim to create a clear, consistent process that ensures both greater inclusivity and adaptability. The committee values the feedback received and believes these revisions will better serve the needs of the House of Deputies and The Episcopal Church. We look forward to continued engagement, feedback and collaboration as we finalize these rules for the upcoming convention.

Special Committee on the Rules of Order

Bryan W. Krislock, Esq., Chair
Michael Glass, Esq.
The Rev. Dr. Molly James
The Rev. Emily Mellott
Ms. Julia Ayala Harris, ex-officio

Proposed Resolutions

Proposed Resolution: Amending daily session schedule

Resolved, the House of Deputies amends Rule VI.C.1 of its Rules of Order as follows:

1. Business placed upon the Consent Calendar. A Consent Calendar will be maintained by the Secretary and voted upon ~~once a day~~ as the first legislative order of each session. ~~the day~~.

And be it further

Resolved, the House of Deputies amends Rule VI.A.1. of its Rules of Order as follows:

1. *Regular schedule*. The regular Order of Business of each session of the House will be as follows, unless modified by the House in the schedule adopted by the House.
 - i. Opening Prayer
 - ii. Report of the Certification of the Minutes
 - iii. Report from the Committee on Credentials
 - iv. Communications from the President
 - v. Messages from the House of Bishops
 - vi. Report of the Committee on the Dispatch of Business
 - vii. Report on Elections
 - viii. Consent Calendar

ix. Late Resolution Motions

x. Committee Reports and Legislation

Explanation:

During the 79th General Convention, it was determined that a more efficient approach would be to conduct consent calendar votes at each legislative session rather than limiting them to once a day in the morning. This strategic change allows for grouping related items on the calendar, facilitating a smoother and timelier process of passing resolutions. It's important to note that while this modification optimizes the legislative process, all other rules would remain unchanged. Deputies will still have a 24-hour window to review the consent calendar thoroughly before casting their votes or requesting the removal of specific items. This adjustment aims to enhance the Convention's effectiveness and decision-making while upholding transparency and thoughtful consideration of all matters on the agenda. This approach was used under the Special Rules of Order at the 80th General Convention.

Proposed Resolution amending the motion to suspend the rules of order:

Resolved, the House of Deputies amends Rule XIII.B.1.v of its Rules of Order as follows:

To Suspend the Rules:

- a. is used to suspend or modify the Rules of the House that interfere with a particular goal of the House;
- b. has the following characteristics:
 1. amendments are allowed;
 2. debate is allowed except if the motion relates to setting, extending, limiting, or adjusting the time for debate;
 3. a two-thirds vote is required.

Explanation: A motion to suspend the rules serves multiple purposes during the Convention. One use is to adjust the limits on debate, allowing for extensions or restrictions on discussions. When the motion is made for that purpose, debate should be limited to avoid taking an extended period of debate on how long the debate should take.

Proposed Resolution on removal from the consent calendar

Resolved, the House of Deputies amends Rule VI.C.3 and VI.C.4 as follows:

3. Placing items on the Consent Calendar. Every Committee Reports on Resolutions or other matters will be placed on the Consent Calendar automatically unless:
 - i. ~~the committee votes to exclude it from the Consent Calendar;~~

- i. it is removed in accordance with these Rules;
- ii. the Rules of Order, the Joint Rules of Order, the Canons, or the Constitution require a different procedure or vote threshold other than a simple majority for considering the item resolution or matter;
- iii. the item has been set by a Special Order of Business; or
- iv. the item is one of the following:
 - a. an election;
 - ~~b. a Resolution of privilege or courtesy;~~
 - b. the confirmation of the election of the Presiding Bishop

~~v.~~

4. Who may remove items from the Consent Calendar. An item may be removed from the Consent Calendar any time before the final vote on the Calendar by:

- ~~i. the Legislative Committee proposing the action;~~
- ~~ii.~~ i. the Chair of the Committee on Dispatch of Business or a vote of the Committee on Dispatch;
- ~~iii. the proposer of the Resolution or Memorial;~~
- ~~iv.~~ ii. any twenty Deputies by petition presented to the Secretary before the legislative session begins;
- ~~v.~~ iii. the President of the House.

5. Recommendation by the Legislative Committee. After consultation with a representative from the Committee on Dispatch, a Legislative Committee may vote to recommend the Committee on Dispatch of Business to remove a resolution from the Consent Calendar. Upon receipt of the recommendation, the Committee on Dispatch will vote to accept or reject it at its next meeting.

Procedure to remove items from the Consent Calendar. An item may be removed by providing notice to the Secretary;

- ~~i.~~
- ~~ii. announcement on the floor of the House.~~

Explanation:

This proposal represents a continuation and compromise building upon the changes implemented during the previous General Convention. Notably, the House of Deputies has been unique in lacking a mechanism for intentional planning on its legislative calendar, setting it apart from other legislative bodies worldwide. This deficiency has been corrected in recent revisions to the Rules of Order, by giving the Committee on Dispatch the ability to reorder resolutions for the daily calendar to help process legislation efficiently and fairly. Additionally, certain resolutions represent a major change to our position on an issue, our structure, our worship, or our polity. These resolutions may be controversial or represent a need for intentional extended discernment by Deputies before a vote. If floor time is consumed with many resolutions, it adds pressure and makes our decision-making feel forced.

Deputies must consider a huge number of resolutions in a limited period. Even with a fully scheduled convention, the Deputies cannot consider all resolutions through the default floor rules for debate. Most resolutions are adopted with minimal debate and without modifications to committee recommendations. As a result, the critical lobbying and legislative work primarily occur within the committees, making it essential for deputies to focus their efforts there if they wish to amend the text or outcome.

To address these challenges, it is critical that our rules accurately reflect the realities of the legislative process. A key aspect is allocating sufficient floor time in the House to engage in in-depth discussions on issues crucial for the Church's discernment of its vision. The increasing volume of resolutions, combined with the absence of limitations, hinders deputies' ability to thoroughly debate major legislation, leading to frustration among all involved in the process. To remedy this, finding a balanced approach that considers the limited floor time available while ensuring adequate discussion on specific resolutions becomes necessary. The Committee on Dispatch, with its representatives in every legislative committee, is well-equipped to facilitate this balance.

Moreover, the proposal acknowledges the mechanism to remove legislation from the consent calendar if deputies deem it necessary. Raising the threshold ensures the Committee on Dispatch is the primary mechanism for allocating floor time. It also lowers it from the past convention and provides a release valve so that legislation with widespread support or controversy can be appropriately addressed and potentially removed from consideration, promoting a more thorough and thoughtful decision-making process.

Proposed Resolution on Resolution Submission Deadline

Resolved, the House of Deputies amends Rule VII.E of its Rules of Order and replaces it as follows:

E. Resolution or Memorial Submission Deadlines.

1. No resolution or memorial may be submitted after 90 days before the first legislative day, unless:

1. Twenty deputies submit a petition to the Secretary before the first legislative day to consider the resolution as a late resolution;

2. A legislative committee votes to submit as a late resolution by a two-thirds vote;

3. Submitted by a Diocese or Province;

4. The House votes by a simple majority to accept the resolution;

5. the President of the House of Deputies proposes it;

6. it is a Resolution of privilege or courtesy;

7. it is a message from the House of Bishops; or

8. it is a special order of business.

Explanation. The above change is a significant step forward in optimizing the legislative process. By allowing Legislative Committees to begin their work before the General Convention and conduct hearings while making recommendations, this modification ensures that resolutions are promptly and thoroughly reviewed within the committees. This proactive approach grants committees adequate time to carefully assess each resolution, fostering a more thoughtful and well-informed decision-making process. It also facilitates more accurate and timely translation.

Another essential benefit of this change is the ability to publish the resolutions, promoting transparency and encouraging full participation across the wider church in the legislative process. By making resolutions accessible to all stakeholders, we facilitate greater engagement and input from various voices within the church, enriching the quality of the discussions and ultimately leading to more inclusive and representative outcomes once we arrive at Convention.

Committees still retain the ability to propose legislation, but the submission would occur before the 90-day period. The addition of Committees being able to submit resolutions after the deadline was a more recent innovation when the Deputies rewrote their rules.

Committees still retain the ability to adopt a substitute or a consolidated substitute—which should be a significant focus of their work. That means that if the committee wishes to rewrite one or multiple resolutions in their entirety, they can continue to do so after the deadline and it avoids adding more resolutions to the system.

Proposed Resolution on Changes to Debate Rules

Resolved, the House of Deputies amends Rule XII.D. of its Rules of Order as follows:

D. Time Limits

1. A total of 30 minutes is the maximum time allowed to debate on:
 - i. any matter; and
 - ii. all motions related to that matter.
2. ~~If a person rises to speak during the first six minutes of debate on a matter, no member may move the following unless no person seeks to debate on the matter:~~
 - ~~i. amend the motion or Resolution;~~
 - ~~ii. move a substitute;~~
 - ~~iii. end debate.~~

The following time limits will govern debate:

- i. During the first six minutes of the debate, no one may move to amend, substitute, or end the debate, unless no one wishes to speak on the matter.
 - ii. Following the first six minutes of debate, the House will automatically proceed to consider all amendments submitted on a matter in the order they were submitted. Debate on each amendment will be limited to four minutes.
3. During a debate on any motion or other matter, a member may:
 - i. speak up to two minutes; ~~and~~
 - ~~ii.~~ ask a question to the committee using their time for both the question and the response; and
 - iii. speak twice.

Explanation: The 80th General Convention tested this approach, receiving overwhelmingly positive feedback. This new method introduces a well-structured and equitable process for considering amendments. The system guarantees a fair and transparent evaluation of

proposed changes by reviewing amendments in the order they are submitted to the Secretary and Deputies.

One of the key benefits of this approach is that Deputies will have ample time to review all upcoming amendments, enabling them to gain a comprehensive understanding of what they will be voting on and adequately prepare for discussions. This increased clarity, and preparation fostered more informed and productive deliberations during the Convention.

Furthermore, the new process clarifies how questions are managed on the Convention floor. This ensures that all concerns and inquiries are addressed promptly and effectively, enhancing the overall efficiency and efficacy of the legislative proceedings.

Resolution on Presubmission of Amendments

Resolved, the House of Deputies amends Rule XIII.B.3.iii of its Rules of Order as follows:

iii. To Amend or Substitute:

a. is used to modify or change a Resolution or motion. This would include a technical change or a substantive change that would alter the meaning or the intent of a Resolution or motion. Amendments must be related to the item in the Resolution or motion that they are trying to change.

b. Secondary Amendments are:

1. proposed changes to an amendment. Secondary Amendments must relate to the specific subject of an amendment and may not be used to alter other parts of a Resolution or parts not affected by an amendment.

c. has the following characteristics:

1. Primary amendments must be filed with the Secretary before the start of the Session at which the matter will be considered and will be published by the Secretary;

2. The proposer may withdraw a prefilled amendment by providing notice on the Floor or to the Secretary before the House considers the amendment;

2. debate is allowed;

~~2.3.~~ only Secondary Amendments are allowed;

4. a majority vote is required.

Explanation:

This practice, tested and successfully implemented for resolutions under special rules of order during the 80th General Convention and under certain special rules of order in previous conventions, is proposed to be the new default rule. Adopting this approach addresses the challenges of translation and simultaneous interpretation, which can be both cumbersome and time-consuming, particularly when amendments are made on the spot. By requiring amendments to be submitted in writing, the process becomes more transparent, enabling effective translation and publication for all Deputies to review.

This significant improvement results in a more orderly and efficient utilization of floor time during the Convention. With amendments provided in writing, Deputies can better understand the proposed changes in advance, allowing for more focused and informed discussions. Deputies can also read the proposed amendments in advance to organize their thoughts on how they will need to vote. This streamlining of the amendment process ultimately enhances the effectiveness and productivity of the legislative proceedings, fostering a more impactful decision-making environment for the benefit of all involved.

Resolution to update the rules upon a different convention schedule

Resolved, the House of Deputies amends Rule XIII.B.2.iii of its Rules of Order as follows:

iii. To Recall from a Committee:

- a. is used to bring something out of a legislative committee and immediately to the floor of the House;
- b. has the following characteristics:
 1. may not be brought until the ~~fourth~~ second legislative day;
 2. debate is allowed;
 3. no amendments are allowed;
 4. a two-thirds vote is required.

Explanation: With the change to the standard number of days, and the fact that more work is occurring earlier in the convention and before convention, this motion is being modified to move up the time when a resolution may be recalled from a committee.

Resolution on Written Comments on a Resolution

Resolved, the House of Deputies amends Rule VIII.B of its Rules of Order by adding a section 5 and changing the heading title as follows:

B. Legislative Committee Hearings and Written Testimony

...

5. Written Testimony

i. The Secretary of the House will provide a mechanism and guidelines for anyone to submit written testimony on any Resolution, Memorial, or other matter referred to a Legislative Committee.

ii. Written testimony must be directed at a specific Resolution, Memorial, or other matter referred to a Legislative Committee.

iii. Written testimony will be published in the form that it is received.

iv. Written testimony must be submitted before the beginning of the scheduled hearing time for the Committee on the Resolution, Memorial, or other matter that the testimony is addressing.

Explanation:

This change has been discussed across several conventions, reflecting its importance and potential benefits. By including written testimony, we create a more accessible and participatory legislative process, enabling a broader range of individuals to actively engage and offer valuable feedback on resolutions.

The introduction of written testimony streamlines the process and allows individuals to contribute their insights even if they cannot attend the committee sessions. This inclusivity ensures that more diverse perspectives can be considered, enhancing the overall quality of the legislative decisions made.

Furthermore, this change also simplifies the submission of minor technical changes and grammatical corrections to the Committee, fostering accuracy and precision in the resolutions presented. Allowing such contributions creates a more polished and well-crafted legislative framework.

In the spirit of transparency and openness, comments and feedback received will be published, providing an additional layer of accountability and visibility to the legislative process. This practice reinforces the Convention's commitment to ensuring that all stakeholders have access to the information and insights shared during the deliberations.

Overall, this proposed change represents a significant step towards a more inclusive, efficient, and transparent legislative process, harnessing the power of written testimony to enrich the decision-making and strengthen the democratic foundations of the General Convention.

Resolution on Legislative Committee Report Deadline

Resolved, the House of Deputies amends Rule VIII.C of its Rules of Order by adding a section 3 as follows:

3. _____ Deadline.

_____ i. The Legislative Committee's initial report for resolutions must be filed seven days before the start of the First Legislative Session unless:

a. the House adopts a different deadline in its order of business;

b. Two-thirds of the Committee votes to defer the report until the second legislative day; or

c. It is a late resolution submitted within thirty days of the first legislative day.

_____ ii. If the House of Bishops modifies a Resolution or other matter, the Legislative Committee must file a new report within 24 hours of receiving the message from the House of Bishops.

Explanation. This amendment clarifies the submission deadlines for committee reports on resolutions, aligning it with the new process for earlier committee work. Previously, the absence of a deadline for committee reports led to delays in the publication and calendaring of resolutions. Consequently, deputies faced challenges in accessing timely information.

With the introduction of this change, a defined turnaround time is established, facilitating a more efficient and organized process. Committees must now adhere to specific submission deadlines for their reports, expediting the publication and calendaring of resolutions. This, in turn, empowers deputies with access to information promptly, enabling them to be better informed and prepared for discussions and decisions during the Convention.