

No Limitations on Religious Services

During the early stages of the pandemic, many individual cities and counties adopted orders regarding sizes of gatherings. Some of these orders included religious exemptions, others did not. This piecemeal approach to limiting the size of gatherings led to confusing and inconsistent results in church worship services across Texas. Eventually, Governor Greg Abbott superseded local orders with several state-wide orders regarding percentages of occupancy and facial coverings during gatherings.

In direct response to these orders from the governor and judges, the Texas legislature amended Article 1 of the Texas Constitution to include, “This state or a political subdivision of this state may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief.” The amendment was approved by the citizens of Texas during the state’s November 2 election. As a result, there are no limits on religious services in Texas.

Virtual Meetings and Voting

As a result of the pandemic, many churches began to hold business meetings through Zoom or some other virtual platform. Even after the resumption of in-person gatherings, many churches either meet electronically or with a “hybrid” approach where some members meet in person, and some meet electronically. The Texas Business Organization’s Code allows for nonprofit organizations (including churches) to have virtual meetings. However, many churches follow Robert’s Rules of Order (RRO) for parliamentary procedure for church business meetings.

Under RRO, (1) Church business can *only* be validly transacted properly called meeting and (2) A meeting is defined as a single official gathering of members *in one room or area*. Under RRO, the default position is that churches cannot have virtual meetings.

Churches that want to conduct business meetings virtually can either (1) choose not to follow RRO for business meetings or (2) create a specific amendment which re-defines “meeting” to include virtual gatherings.

Additionally, RRO does not allow proxy voting for nonprofits. Many churches have begun to allow proxy voting for those who cannot attend as a result of health concerns during the pandemic. Churches can also adopt a specific amendment to allow for proxy voting.