

What's the proper legal solution in this case?

When there is no governance in place, members of the church would bring this matter to court.

The court appoints neutral temporary trustees.

The court appoints:

1–3 neutral trustees (often retired professionals or clergy unaffiliated with the church)

Their job is not to lead the church spiritually.

Their job is to:

- call a lawful corporate meeting
- oversee a proper election
- ensure notice and voter qualification
- adopt basic bylaws
- transition authority to an elected board.

Once that's done, they leave.

But, if the one who controls church funds is gatekeeping the actual money from using it on court fees, the next best thing would be to vote in basic bylaws that govern a fair election.

As mentioned, courts have over and over again reinforced the requirement of bylaws before an election, while there has been no NY court precedent that a church may validly conduct an election under the control of the pulpit without bylaws.